

As Passed by the House

135th General Assembly

Regular Session

2023-2024

Am. Sub. H. B. No. 230

Representatives Abrams, Swearingen

Cosponsors: Representatives Carruthers, Miller, K., Bird, Brennan, Click, Cutrona, Dell'Aquila, Demetriou, Dobos, Edwards, Ghanbari, Gross, Hall, Hillyer, Holmes, John, Johnson, Jones, Kick, Lampton, LaRe, Lear, Lorenz, Mathews, Miller, J., Miller, M., Oelslager, Patton, Pavliga, Peterson, Plummer, Ray, Richardson, Robb Blasdel, Roemer, Santucci, Schmidt, Stein, Thomas, C., Williams, Willis, Young, T.

A BILL

To amend sections 1547.11, 1547.111, 2317.02, 1
2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 2
2941.1422, 3313.60, 3314.03, 3314.03f, 3326.11, 3
3328.24, 3701.143, 3705.08, 4506.17, 4511.19, 4
4511.191, and 4511.192 and to enact sections 5
5.56, 2905.321, 2941.1427, 3313.6030, 3313.6031, 6
and 3345.371 of the Revised Code to increase 7
penalties for drug trafficking above certain 8
amounts, to prohibit organized trafficking of 9
persons, to authorize collecting oral fluid as 10
evidence in suspected OVI cases, to require 11
schools and institutions of higher education to 12
incorporate instruction and policies on fentanyl 13
awareness and abuse prevention, to designate the 14
month of August as "Fentanyl Poisoning Awareness 15
Month," and to amend the version of section 16
3314.03 of the Revised Code that is scheduled to 17
take effect January 1, 2025, to continue the 18
changes on and after that effective date. 19

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

Section 1. That sections 1547.11, 1547.111, 2317.02, 20
2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 2941.1422, 21
3313.60, 3314.03, 3326.11, 3328.24, 3701.143, 3705.08, 4506.17, 22
4511.19, 4511.191, and 4511.192 be amended and sections 5.56, 23
2905.321, 2941.1427, 3313.6030, 3313.6031, and 3345.371 of the 24
Revised Code be enacted to read as follows: 25

Sec. 5.56. The month of August is designated as "Fentanyl 26
Poisoning Awareness Month" to increase awareness of the dangers 27
of fentanyl and potential overdoses. 28

Sec. 1547.11. (A) No person shall operate or be in 29
physical control of any vessel underway or shall manipulate any 30
water skis, aquaplane, or similar device on the waters in this 31
state if, at the time of the operation, control, or 32
manipulation, any of the following applies: 33

(1) The person is under the influence of alcohol, a drug 34
of abuse, or a combination of them. 35

(2) The person has a concentration of eight-hundredths of 36
one per cent or more by weight of alcohol per unit volume in the 37
person's whole blood. 38

(3) The person has a concentration of ninety-six- 39
thousandths of one per cent or more by weight per unit volume of 40
alcohol in the person's blood serum or plasma. 41

(4) The person has a concentration of eleven-hundredths of 42
one gram or more by weight of alcohol per one hundred 43
milliliters of the person's urine. 44

(5) The person has a concentration of eight-hundredths of 45

one gram or more by weight of alcohol per two hundred ten liters 46
of the person's breath. 47

(6) Except as provided in division (H) of this section, 48
the person has a concentration of any of the following 49
controlled substances or metabolites of a controlled substance 50
in the person's whole blood, blood serum or plasma, or urine 51
that equals or exceeds any of the following: 52

(a) The person has a concentration of amphetamine in the 53
person's urine of at least five hundred nanograms of amphetamine 54
per milliliter of the person's urine or has a concentration of 55
amphetamine in the person's whole blood or blood serum or plasma 56
of at least one hundred nanograms of amphetamine per milliliter 57
of the person's whole blood or blood serum or plasma. 58

(b) The person has a concentration of cocaine in the 59
person's urine of at least one hundred fifty nanograms of 60
cocaine per milliliter of the person's urine or has a 61
concentration of cocaine in the person's whole blood or blood 62
serum or plasma of at least fifty nanograms of cocaine per 63
milliliter of the person's whole blood or blood serum or plasma. 64

(c) The person has a concentration of cocaine metabolite 65
in the person's urine of at least one hundred fifty nanograms of 66
cocaine metabolite per milliliter of the person's urine or has a 67
concentration of cocaine metabolite in the person's whole blood 68
or blood serum or plasma of at least fifty nanograms of cocaine 69
metabolite per milliliter of the person's whole blood or blood 70
serum or plasma. 71

(d) The person has a concentration of heroin in the 72
person's urine of at least two thousand nanograms of heroin per 73
milliliter of the person's urine or has a concentration of 74

heroin in the person's whole blood or blood serum or plasma of 75
at least fifty nanograms of heroin per milliliter of the 76
person's whole blood or blood serum or plasma. 77

(e) The person has a concentration of heroin metabolite 78
(6-monoacetyl morphine) in the person's urine of at least ten 79
nanograms of heroin metabolite (6-monoacetyl morphine) per 80
milliliter of the person's urine or has a concentration of 81
heroin metabolite (6-monoacetyl morphine) in the person's whole 82
blood or blood serum or plasma of at least ten nanograms of 83
heroin metabolite (6-monoacetyl morphine) per milliliter of the 84
person's whole blood or blood serum or plasma. 85

(f) The person has a concentration of L.S.D. in the 86
person's urine of at least twenty-five nanograms of L.S.D. per 87
milliliter of the person's urine or has a concentration of 88
L.S.D. in the person's whole blood or blood serum or plasma of 89
at least ten nanograms of L.S.D. per milliliter of the person's 90
whole blood or blood serum or plasma. 91

(g) The person has a concentration of marihuana in the 92
person's urine of at least ten nanograms of marihuana per 93
milliliter of the person's urine or has a concentration of 94
marihuana in the person's whole blood or blood serum or plasma 95
of at least two nanograms of marihuana per milliliter of the 96
person's whole blood or blood serum or plasma. 97

(h) The state board of pharmacy has adopted a rule 98
pursuant to section 4729.041 of the Revised Code that specifies 99
the amount of salvia divinorum and the amount of salvinorin A 100
that constitute concentrations of salvia divinorum and 101
salvinorin A in a person's urine, in a person's whole blood, or 102
in a person's blood serum or plasma at or above which the person 103
is impaired for purposes of operating or being in physical 104

control of any vessel underway or manipulating any water skis, 105
aquaplane, or similar device on the waters of this state, the 106
rule is in effect, and the person has a concentration of salvia 107
divinorum or salvinorin A of at least that amount so specified 108
by rule in the person's urine, in the person's whole blood, or 109
in the person's blood serum or plasma. 110

(i) Either of the following applies: 111

(i) The person is under the influence of alcohol, a drug 112
of abuse, or a combination of them, and, as measured by gas 113
chromatography mass spectrometry, the person has a concentration 114
of marihuana metabolite in the person's urine of at least 115
fifteen nanograms of marihuana metabolite per milliliter of the 116
person's urine or has a concentration of marihuana metabolite in 117
the person's whole blood or blood serum or plasma of at least 118
five nanograms of marihuana metabolite per milliliter of the 119
person's whole blood or blood serum or plasma. 120

(ii) As measured by gas chromatography mass spectrometry, 121
the person has a concentration of marihuana metabolite in the 122
person's urine of at least thirty-five nanograms of marihuana 123
metabolite per milliliter of the person's urine or has a 124
concentration of marihuana metabolite in the person's whole 125
blood or blood serum or plasma of at least fifty nanograms of 126
marihuana metabolite per milliliter of the person's whole blood 127
or blood serum or plasma. 128

(j) The person has a concentration of methamphetamine in 129
the person's urine of at least five hundred nanograms of 130
methamphetamine per milliliter of the person's urine or has a 131
concentration of methamphetamine in the person's whole blood or 132
blood serum or plasma of at least one hundred nanograms of 133
methamphetamine per milliliter of the person's whole blood or 134

blood serum or plasma. 135

(k) The person has a concentration of phencyclidine in the 136
person's urine of at least twenty-five nanograms of 137
phencyclidine per milliliter of the person's urine or has a 138
concentration of phencyclidine in the person's whole blood or 139
blood serum or plasma of at least ten nanograms of phencyclidine 140
per milliliter of the person's whole blood or blood serum or 141
plasma. 142

(B) No person under twenty-one years of age shall operate 143
or be in physical control of any vessel underway or shall 144
manipulate any water skis, aquaplane, or similar device on the 145
waters in this state if, at the time of the operation, control, 146
or manipulation, any of the following applies: 147

(1) The person has a concentration of at least two- 148
hundredths of one per cent, but less than eight-hundredths of 149
one per cent by weight per unit volume of alcohol in the 150
person's whole blood. 151

(2) The person has a concentration of at least three- 152
hundredths of one per cent but less than ninety-six-thousandths 153
of one per cent by weight per unit volume of alcohol in the 154
person's blood serum or plasma. 155

(3) The person has a concentration of at least twenty- 156
eight one-thousandths of one gram, but less than eleven- 157
hundredths of one gram by weight of alcohol per one hundred 158
milliliters of the person's urine. 159

(4) The person has a concentration of at least two- 160
hundredths of one gram, but less than eight-hundredths of one 161
gram by weight of alcohol per two hundred ten liters of the 162
person's breath. 163

(C) In any proceeding arising out of one incident, a 164
person may be charged with a violation of division (A) (1) and a 165
violation of division (B) (1), (2), (3), or (4) of this section, 166
but the person shall not be convicted of more than one violation 167
of those divisions. 168

(D) (1) (a) In any criminal prosecution or juvenile court 169
proceeding for a violation of division (A) or (B) of this 170
section or for an equivalent offense that is watercraft-related, 171
the result of any test of any blood, oral fluid, or urine 172
withdrawn and analyzed at any health care provider, as defined 173
in section 2317.02 of the Revised Code, may be admitted with 174
expert testimony to be considered with any other relevant and 175
competent evidence in determining the guilt or innocence of the 176
defendant. 177

(b) In any criminal prosecution or juvenile court 178
proceeding for a violation of division (A) or (B) of this 179
section or for an equivalent offense that is watercraft-related, 180
the court may admit evidence on the presence and concentration 181
of alcohol, drugs of abuse, controlled substances, metabolites 182
of a controlled substance, or a combination of them in the 183
defendant's or child's whole blood, blood serum or plasma, 184
urine, oral fluid, or breath at the time of the alleged 185
violation as shown by chemical analysis of the substance 186
withdrawn, or specimen taken within three hours of the time of 187
the alleged violation. The three-hour time limit specified in 188
this division regarding the admission of evidence does not 189
extend or affect the two-hour time limit specified in division 190
(C) of section 1547.111 of the Revised Code as the maximum 191
period of time during which a person may consent to a chemical 192
test or tests as described in that section. The court may admit 193
evidence on the presence and concentration of alcohol, drugs of 194

abuse, or a combination of them as described in this division 195
when a person submits to a blood, breath, urine, oral fluid, or 196
other bodily substance test at the request of a law enforcement 197
officer under section 1547.111 of the Revised Code or a blood or 198
urine sample is obtained pursuant to a search warrant. Only a 199
physician, a registered nurse, an emergency medical technician- 200
intermediate, an emergency medical technician-paramedic, or a 201
qualified technician, chemist, or phlebotomist shall withdraw 202
blood for the purpose of determining the alcohol, drug, 203
controlled substance, metabolite of a controlled substance, or 204
combination content of the whole blood, blood serum, or blood 205
plasma. This limitation does not apply to the taking of breath, 206
oral fluid, or urine specimens. A person authorized to withdraw 207
blood under this division may refuse to withdraw blood under 208
this division if, in that person's opinion, the physical welfare 209
of the defendant or child would be endangered by withdrawing 210
blood. 211

The whole blood, blood serum or plasma, urine, oral fluid, 212
or breath withdrawn under division (D) (1) (b) of this section 213
shall be analyzed in accordance with methods approved by the 214
director of health by an individual possessing a valid permit 215
issued by the director pursuant to section 3701.143 of the 216
Revised Code. 217

(2) In a criminal prosecution or juvenile court proceeding 218
for a violation of division (A) of this section or for an 219
equivalent offense that is watercraft-related, if there was at 220
the time the bodily substance was taken a concentration of less 221
than the applicable concentration of alcohol specified for a 222
violation of division (A) (2), (3), (4), or (5) of this section 223
or less than the applicable concentration of a listed controlled 224
substance or a listed metabolite of a controlled substance 225

specified for a violation of division (A) (6) of this section, 226
that fact may be considered with other competent evidence in 227
determining the guilt or innocence of the defendant or in making 228
an adjudication for the child. This division does not limit or 229
affect a criminal prosecution or juvenile court proceeding for a 230
violation of division (B) of this section or for a violation of 231
a prohibition that is substantially equivalent to that division. 232

(3) Upon the request of the person who was tested, the 233
results of the chemical test shall be made available to the 234
person or the person's attorney immediately upon completion of 235
the test analysis. 236

If the chemical test was administered pursuant to division 237
(D) (1) (b) of this section, the person tested may have a 238
physician, a registered nurse, or a qualified technician, 239
chemist, or phlebotomist of the person's own choosing administer 240
a chemical test or tests in addition to any administered at the 241
direction of a law enforcement officer, and shall be so advised. 242
The failure or inability to obtain an additional test by a 243
person shall not preclude the admission of evidence relating to 244
the test or tests taken at the direction of a law enforcement 245
officer. 246

(E) (1) In any criminal prosecution or juvenile court 247
proceeding for a violation of division (A) or (B) of this 248
section, of a municipal ordinance relating to operating or being 249
in physical control of any vessel underway or to manipulating 250
any water skis, aquaplane, or similar device on the waters of 251
this state while under the influence of alcohol, a drug of 252
abuse, or a combination of them, or of a municipal ordinance 253
relating to operating or being in physical control of any vessel 254
underway or to manipulating any water skis, aquaplane, or 255

similar device on the waters of this state with a prohibited 256
concentration of alcohol, a controlled substance, or a 257
metabolite of a controlled substance in the whole blood, blood 258
serum or plasma, breath, oral fluid, or urine, if a law 259
enforcement officer has administered a field sobriety test to 260
the operator or person found to be in physical control of the 261
vessel underway involved in the violation or the person 262
manipulating the water skis, aquaplane, or similar device 263
involved in the violation and if it is shown by clear and 264
convincing evidence that the officer administered the test in 265
substantial compliance with the testing standards for reliable, 266
credible, and generally accepted field sobriety tests for 267
vehicles that were in effect at the time the tests were 268
administered, including, but not limited to, any testing 269
standards then in effect that have been set by the national 270
highway traffic safety administration, that by their nature are 271
not clearly inapplicable regarding the operation or physical 272
control of vessels underway or the manipulation of water skis, 273
aquaplanes, or similar devices, all of the following apply: 274

(a) The officer may testify concerning the results of the 275
field sobriety test so administered. 276

(b) The prosecution may introduce the results of the field 277
sobriety test so administered as evidence in any proceedings in 278
the criminal prosecution or juvenile court proceeding. 279

(c) If testimony is presented or evidence is introduced 280
under division (E)(1)(a) or (b) of this section and if the 281
testimony or evidence is admissible under the Rules of Evidence, 282
the court shall admit the testimony or evidence, and the trier 283
of fact shall give it whatever weight the trier of fact 284
considers to be appropriate. 285

(2) Division (E)(1) of this section does not limit or 286
preclude a court, in its determination of whether the arrest of 287
a person was supported by probable cause or its determination of 288
any other matter in a criminal prosecution or juvenile court 289
proceeding of a type described in that division, from 290
considering evidence or testimony that is not otherwise 291
disallowed by division (E)(1) of this section. 292

(F)(1) Subject to division (F)(3) of this section, in any 293
criminal prosecution or juvenile court proceeding for a 294
violation of division (A) or (B) of this section or for an 295
equivalent offense that is substantially equivalent to either of 296
those divisions, the court shall admit as prima-facie evidence a 297
laboratory report from any laboratory personnel issued a permit 298
by the department of health authorizing an analysis as described 299
in this division that contains an analysis of the whole blood, 300
blood serum or plasma, breath, urine, or other bodily substance 301
tested and that contains all of the information specified in 302
this division. The laboratory report shall contain all of the 303
following: 304

(a) The signature, under oath, of any person who performed 305
the analysis; 306

(b) Any findings as to the identity and quantity of 307
alcohol, a drug of abuse, a controlled substance, a metabolite 308
of a controlled substance, or a combination of them that was 309
found; 310

(c) A copy of a notarized statement by the laboratory 311
director or a designee of the director that contains the name of 312
each certified analyst or test performer involved with the 313
report, the analyst's or test performer's employment 314
relationship with the laboratory that issued the report, and a 315

notation that performing an analysis of the type involved is 316
part of the analyst's or test performer's regular duties; 317

(d) An outline of the analyst's or test performer's 318
education, training, and experience in performing the type of 319
analysis involved and a certification that the laboratory 320
satisfies appropriate quality control standards in general and, 321
in this particular analysis, under rules of the department of 322
health. 323

(2) Notwithstanding any other provision of law regarding 324
the admission of evidence, a report of the type described in 325
division (F)(1) of this section is not admissible against the 326
defendant or child to whom it pertains in any proceeding, other 327
than a preliminary hearing or a grand jury proceeding, unless 328
the prosecutor has served a copy of the report on the 329
defendant's or child's attorney or, if the defendant or child 330
has no attorney, on the defendant or child. 331

(3) A report of the type described in division (F)(1) of 332
this section shall not be prima-facie evidence of the contents, 333
identity, or amount of any substance if, within seven days after 334
the defendant or child to whom the report pertains or the 335
defendant's or child's attorney receives a copy of the report, 336
the defendant or child or the defendant's or child's attorney 337
demands the testimony of the person who signed the report. The 338
judge in the case may extend the seven-day time limit in the 339
interest of justice. 340

(G) Except as otherwise provided in this division, any 341
physician, registered nurse, emergency medical technician- 342
intermediate, emergency medical technician-paramedic, or 343
qualified technician, chemist, or phlebotomist who withdraws 344
blood from a person pursuant to this section or section 1547.111 345

of the Revised Code, and a hospital, first-aid station, or 346
clinic at which blood is withdrawn from a person pursuant to 347
this section or section 1547.111 of the Revised Code, is immune 348
from criminal and civil liability based upon a claim of assault 349
and battery or any other claim that is not a claim of 350
malpractice, for any act performed in withdrawing blood from the 351
person. The immunity provided in this division also extends to 352
an emergency medical service organization that employs an 353
emergency medical technician-intermediate or an emergency 354
medical technician-paramedic who withdraws blood under this 355
section. The immunity provided in this division is not available 356
to a person who withdraws blood if the person engages in willful 357
or wanton misconduct. 358

(H) Division (A) (6) of this section does not apply to a 359
person who operates or is in physical control of a vessel 360
underway or manipulates any water skis, aquaplane, or similar 361
device while the person has a concentration of a listed 362
controlled substance or a listed metabolite of a controlled 363
substance in the person's whole blood, blood serum or plasma, or 364
urine that equals or exceeds the amount specified in that 365
division, if both of the following apply: 366

(1) The person obtained the controlled substance pursuant 367
to a prescription issued by a licensed health professional 368
authorized to prescribe drugs. 369

(2) The person injected, ingested, or inhaled the 370
controlled substance in accordance with the health 371
professional's directions. 372

(I) As used in this section and section 1547.111 of the 373
Revised Code: 374

(1) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.	375 376
(2) "National highway traffic safety administration" has the same meaning as in section 4511.19 of the Revised Code.	377 378
(3) "Operate" means that a vessel is being used on the waters in this state when the vessel is not securely affixed to a dock or to shore or to any permanent structure to which the vessel has the right to affix or that a vessel is not anchored in a designated anchorage area or boat camping area that is established by the United States coast guard, this state, or a political subdivision and in which the vessel has the right to anchor.	379 380 381 382 383 384 385 386
(4) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.	387 388
(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.	389 390
(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following:	391 392
(a) A violation of division (A) of this section;	393
(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the	394 395 396 397 398 399 400 401 402 403

whole blood, blood serum or plasma, breath, or urine; 404

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section; 405
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(d) A violation of a former law of this state that was substantially equivalent to division (A) of this section. 409
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(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 411
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Sec. 1547.111. (A) (1) (a) Any person who operates or is in physical control of a vessel or manipulates any water skis, aquaplane, or similar device upon any waters in this state shall be deemed to have given consent to a chemical test or tests to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, oral fluid, or urine if arrested for operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. 414
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(b) The test or tests under division (A) (1) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance. The law enforcement agency by which the officer is employed shall 425
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designate which test or tests shall be administered. 433

(2) Any person who is dead or unconscious or who otherwise 434
is in a condition rendering the person incapable of refusal 435
shall be deemed to have consented as provided in division (A) (1) 436
of this section, and the test or tests may be administered, 437
subject to sections 313.12 to 313.16 of the Revised Code. 438

(B) (1) If a law enforcement officer arrests a person for 439
operating or being in physical control of a vessel or 440
manipulating any water skis, aquaplane, or similar device in 441
violation of section 1547.11 of the Revised Code or a 442
substantially equivalent municipal ordinance and if the person 443
previously has been convicted of or pleaded guilty to two or 444
more violations of division (A) of section 1547.11 of the 445
Revised Code or other equivalent offenses, the law enforcement 446
officer shall request the person to submit, and the person shall 447
submit, to a chemical test or tests of the person's whole blood, 448
blood serum or plasma, breath, oral fluid, or urine for the 449
purpose of determining the alcohol, drug of abuse, controlled 450
substance, metabolite of a controlled substance, or combination 451
content of the person's whole blood, blood serum or plasma, 452
breath, oral fluid, or urine. A law enforcement officer who 453
makes a request pursuant to this division that a person submit 454
to a chemical test or tests is not required to advise the person 455
of the consequences of refusing to submit to the test or tests 456
and is not required to give the person the form described in 457
division (C) of this section, but the officer shall advise the 458
person at the time of the arrest that if the person refuses to 459
take a chemical test the officer may employ whatever reasonable 460
means are necessary to ensure that the person submits to a 461
chemical test of the person's whole blood or blood serum or 462
plasma. The officer shall also advise the person at the time of 463

the arrest that the person may have an independent chemical test 464
taken at the person's own expense. The advice shall be in 465
written form prescribed by the chief of the division of parks 466
and watercraft and shall be read to the person. The form shall 467
contain a statement that the form was shown to the person under 468
arrest and read to the person by the arresting officer. The 469
reading of the form shall be witnessed by one or more persons, 470
and the witnesses shall certify to this fact by signing the 471
form. Divisions (A) (1) (b) and (A) (2) of this section apply to 472
the administration of a chemical test or tests pursuant to this 473
division. 474

(2) If a person refuses to submit to a chemical test upon 475
a request made pursuant to division (B) (1) of this section, the 476
law enforcement officer who made the request may employ whatever 477
reasonable means are necessary to ensure that the person submits 478
to a chemical test of the person's whole blood or blood serum or 479
plasma. A law enforcement officer who acts pursuant to this 480
division to ensure that a person submits to a chemical test of 481
the person's whole blood or blood serum or plasma is immune from 482
criminal and civil liability based upon a claim for assault and 483
battery or any other claim for the acts, unless the officer so 484
acted with malicious purpose, in bad faith, or in a wanton or 485
reckless manner. 486

(C) Except as provided in division (B) of this section, 487
any person under arrest for violating section 1547.11 of the 488
Revised Code or a substantially equivalent municipal ordinance 489
shall be advised of the consequences of refusing to submit to a 490
chemical test or tests designated as provided in division (A) of 491
this section. The advice shall be in a written form prescribed 492
by the chief of the division of parks and watercraft and shall 493
be read to the person. The form shall contain a statement that 494

the form was shown to the person under arrest and read to the 495
person by the arresting officer. The reading of the form shall 496
be witnessed by one or more persons, and the witnesses shall 497
certify to this fact by signing the form. The person must submit 498
to the chemical test or tests, subsequent to the request of the 499
arresting officer, within two hours of the time of the alleged 500
violation, and if the person does not submit to the test or 501
tests within that two-hour time limit, the failure to submit 502
automatically constitutes a refusal to submit to the test or 503
tests. 504

(D) Except as provided in division (B) of this section, if 505
a law enforcement officer asks a person under arrest for 506
violating section 1547.11 of the Revised Code or a substantially 507
equivalent municipal ordinance to submit to a chemical test or 508
tests as provided in division (A) of this section, if the 509
arresting officer advises the person of the consequences of the 510
person's refusal as provided in division (C) of this section, 511
and if the person refuses to submit, no chemical test shall be 512
given. Upon receipt of a sworn statement of the officer that the 513
arresting law enforcement officer had reasonable grounds to 514
believe the arrested person violated section 1547.11 of the 515
Revised Code or a substantially equivalent municipal ordinance 516
and that the person refused to submit to the chemical test upon 517
the request of the officer, and upon receipt of the form as 518
provided in division (C) of this section certifying that the 519
arrested person was advised of the consequences of the refusal, 520
the chief of the division of parks and watercraft shall inform 521
the person by written notice that the person is prohibited from 522
operating or being in physical control of a vessel, from 523
manipulating any water skis, aquaplane, or similar device, and 524
from registering any watercraft in accordance with section 525

1547.54 of the Revised Code, for one year following the date of 526
the alleged violation. The suspension of these operation, 527
physical control, manipulation, and registration privileges 528
shall continue for the entire one-year period, subject to review 529
as provided in this section. 530

If the person under arrest is the owner of the vessel 531
involved in the alleged violation, the law enforcement officer 532
who arrested the person shall seize the watercraft registration 533
certificate and tags from the vessel involved in the violation 534
and forward them to the chief. The chief shall retain the 535
impounded registration certificate and tags and shall impound 536
all other registration certificates and tags issued to the 537
person in accordance with sections 1547.54 and 1547.57 of the 538
Revised Code, for a period of one year following the date of the 539
alleged violation, subject to review as provided in this 540
section. 541

If the arrested person fails to surrender the registration 542
certificate because it is not on the person of the arrested 543
person or in the watercraft, the law enforcement officer who 544
made the arrest shall order the person to surrender it within 545
twenty-four hours to the law enforcement officer or the law 546
enforcement agency that employs the law enforcement officer. If 547
the person fails to do so, the law enforcement officer shall 548
notify the chief of that fact in the statement the officer 549
submits to the chief under this division. 550

(E) Upon suspending a person's operation, physical 551
control, manipulation, and registration privileges in accordance 552
with division (D) of this section, the chief shall notify the 553
person in writing, at the person's last known address, and 554
inform the person that the person may petition for a hearing in 555

accordance with division (F) of this section. If a person whose operation, physical control, manipulation, and registration privileges have been suspended petitions for a hearing or appeals any adverse decision, the suspension shall begin at the termination of any hearing or appeal unless the hearing or appeal results in a decision favorable to the person.

(F) Any person who has been notified by the chief that the person is prohibited from operating or being in physical control of a vessel or manipulating any water skis, aquaplane, or similar device and from registering any watercraft in accordance with section 1547.54 of the Revised Code, or who has had the registration certificate and tags of the person's watercraft impounded pursuant to division (D) of this section, within twenty days of the notification or impoundment, may file a petition in the municipal court or the county court, or if the person is a minor in juvenile court, with jurisdiction over the place at which the arrest occurred, agreeing to pay the cost of the proceedings and alleging error in the action taken by the chief under division (D) of this section or alleging one or more of the matters within the scope of the hearing as provided in this section, or both. The petitioner shall notify the chief of the filing of the petition and send the chief a copy of the petition.

The scope of the hearing is limited to the issues of whether the law enforcement officer had reasonable grounds to believe the petitioner was operating or in physical control of a vessel or manipulating any water skis, aquaplane, or similar device in violation of section 1547.11 of the Revised Code or a substantially equivalent municipal ordinance, whether the petitioner was placed under arrest, whether the petitioner refused to submit to the chemical test upon request of the

officer, and whether the petitioner was advised of the 587
consequences of the petitioner's refusal. 588

(G) (1) The chief shall furnish the court a copy of the 589
affidavit as provided in division (C) of this section and any 590
other relevant information requested by the court. 591

(2) In hearing the matter and in determining whether the 592
person has shown error in the decision taken by the chief as 593
provided in division (D) of this section, the court shall decide 594
the issue upon the relevant, competent, and material evidence 595
submitted by the chief or the person whose operation, physical 596
control, manipulation, and registration privileges have been 597
suspended. 598

In the proceedings, the chief shall be represented by the 599
prosecuting attorney of the county in which the petition is 600
filed if the petition is filed in a county court or juvenile 601
court, except that if the arrest occurred within a city or 602
village within the jurisdiction of the county court in which the 603
petition is filed, the city director of law or village solicitor 604
of that city or village shall represent the chief. If the 605
petition is filed in the municipal court, the chief shall be 606
represented as provided in section 1901.34 of the Revised Code. 607

(3) If the court finds from the evidence submitted that 608
the person has failed to show error in the action taken by the 609
chief under division (D) of this section or in one or more of 610
the matters within the scope of the hearing as provided in 611
division (F) of this section, or both, the court shall assess 612
the cost of the proceeding against the person and shall uphold 613
the suspension of the operation, physical control, use, and 614
registration privileges provided in division (D) of this 615
section. If the court finds that the person has shown error in 616

the action taken by the chief under division (D) of this section 617
or in one or more of the matters within the scope of the hearing 618
as provided in division (F) of this section, or both, the cost 619
of the proceedings shall be paid out of the county treasury of 620
the county in which the proceedings were held, the chief shall 621
reinstate the operation, physical control, manipulation, and 622
registration privileges of the person without charge, and the 623
chief shall return the registration certificate and tags, if 624
impounded, without charge. 625

(4) The court shall give information in writing of any 626
action taken under this section to the chief. 627

(H) At the end of any period of suspension or impoundment 628
imposed under this section, and upon request of the person whose 629
operation, physical control, use, and registration privileges 630
were suspended or whose registration certificate and tags were 631
impounded, the chief shall reinstate the person's operation, 632
physical control, manipulation, and registration privileges by 633
written notice and return the certificate and tags. 634

(I) No person who has received written notice from the 635
chief that the person is prohibited from operating or being in 636
physical control of a vessel, from manipulating any water skis, 637
aquaplane, or similar device, and from registering a watercraft, 638
or who has had the registration certificate and tags of the 639
person's watercraft impounded, in accordance with division (D) 640
of this section, shall operate or be in physical control of a 641
vessel or manipulate any water skis, aquaplane, or similar 642
device for a period of one year following the date of the 643
person's alleged violation of section 1547.11 of the Revised 644
Code or the substantially equivalent municipal ordinance. 645

Sec. 2317.02. The following persons shall not testify in 646

certain respects: 647

(A) (1) An attorney, concerning a communication made to the 648
attorney by a client in that relation or concerning the 649
attorney's advice to a client, except that the attorney may 650
testify by express consent of the client or, if the client is 651
deceased, by the express consent of the surviving spouse or the 652
executor or administrator of the estate of the deceased client. 653
However, if the client voluntarily reveals the substance of 654
attorney-client communications in a nonprivileged context or is 655
deemed by section 2151.421 of the Revised Code to have waived 656
any testimonial privilege under this division, the attorney may 657
be compelled to testify on the same subject. 658

The testimonial privilege established under this division 659
does not apply concerning either of the following: 660

(a) A communication between a client in a capital case, as 661
defined in section 2901.02 of the Revised Code, and the client's 662
attorney if the communication is relevant to a subsequent 663
ineffective assistance of counsel claim by the client alleging 664
that the attorney did not effectively represent the client in 665
the case; 666

(b) A communication between a client who has since died 667
and the deceased client's attorney if the communication is 668
relevant to a dispute between parties who claim through that 669
deceased client, regardless of whether the claims are by testate 670
or intestate succession or by inter vivos transaction, and the 671
dispute addresses the competency of the deceased client when the 672
deceased client executed a document that is the basis of the 673
dispute or whether the deceased client was a victim of fraud, 674
undue influence, or duress when the deceased client executed a 675
document that is the basis of the dispute. 676

(2) An attorney, concerning a communication made to the attorney by a client in that relationship or the attorney's advice to a client, except that if the client is an insurance company, the attorney may be compelled to testify, subject to an in camera inspection by a court, about communications made by the client to the attorney or by the attorney to the client that are related to the attorney's aiding or furthering an ongoing or future commission of bad faith by the client, if the party seeking disclosure of the communications has made a prima-facie showing of bad faith, fraud, or criminal misconduct by the client.

(B) (1) A physician, advanced practice registered nurse, or dentist concerning a communication made to the physician, advanced practice registered nurse, or dentist by a patient in that relation or the advice of a physician, advanced practice registered nurse, or dentist given to a patient, except as otherwise provided in this division, division (B) (2), and division (B) (3) of this section, and except that, if the patient is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the physician or advanced practice registered nurse may be compelled to testify on the same subject.

The testimonial privilege established under this division does not apply, and a physician, advanced practice registered nurse, or dentist may testify or may be compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal representative of the patient gives express consent;	707 708
(ii) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent;	709 710 711
(iii) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative.	712 713 714 715 716 717 718
(b) In any civil action concerning court-ordered treatment or services received by a patient, if the court-ordered treatment or services were ordered as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.	719 720 721 722 723 724 725
(c) In any criminal action concerning any test or the results of any test that determines the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the patient's whole blood, blood serum or plasma, breath, urine, <u>oral fluid</u> , or other bodily substance at any time relevant to the criminal offense in question.	726 727 728 729 730 731 732
(d) In any criminal action against a physician, advanced practice registered nurse, or dentist. In such an action, the testimonial privilege established under this division does not	733 734 735

prohibit the admission into evidence, in accordance with the 736
Rules of Evidence, of a patient's medical or dental records or 737
other communications between a patient and the physician, 738
advanced practice registered nurse, or dentist that are related 739
to the action and obtained by subpoena, search warrant, or other 740
lawful means. A court that permits or compels a physician, 741
advanced practice registered nurse, or dentist to testify in 742
such an action or permits the introduction into evidence of 743
patient records or other communications in such an action shall 744
require that appropriate measures be taken to ensure that the 745
confidentiality of any patient named or otherwise identified in 746
the records is maintained. Measures to ensure confidentiality 747
that may be taken by the court include sealing its records or 748
deleting specific information from its records. 749

(e) (i) If the communication was between a patient who has 750
since died and the deceased patient's physician, advanced 751
practice registered nurse, or dentist, the communication is 752
relevant to a dispute between parties who claim through that 753
deceased patient, regardless of whether the claims are by 754
testate or intestate succession or by inter vivos transaction, 755
and the dispute addresses the competency of the deceased patient 756
when the deceased patient executed a document that is the basis 757
of the dispute or whether the deceased patient was a victim of 758
fraud, undue influence, or duress when the deceased patient 759
executed a document that is the basis of the dispute. 760

(ii) If neither the spouse of a patient nor the executor 761
or administrator of that patient's estate gives consent under 762
division (B) (1) (a) (ii) of this section, testimony or the 763
disclosure of the patient's medical records by a physician, 764
advanced practice registered nurse, dentist, or other health 765
care provider under division (B) (1) (e) (i) of this section is a 766

permitted use or disclosure of protected health information, as 767
defined in 45 C.F.R. 160.103, and an authorization or 768
opportunity to be heard shall not be required. 769

(iii) Division (B) (1) (e) (i) of this section does not 770
require a mental health professional to disclose psychotherapy 771
notes, as defined in 45 C.F.R. 164.501. 772

(iv) An interested person who objects to testimony or 773
disclosure under division (B) (1) (e) (i) of this section may seek 774
a protective order pursuant to Civil Rule 26. 775

(v) A person to whom protected health information is 776
disclosed under division (B) (1) (e) (i) of this section shall not 777
use or disclose the protected health information for any purpose 778
other than the litigation or proceeding for which the 779
information was requested and shall return the protected health 780
information to the covered entity or destroy the protected 781
health information, including all copies made, at the conclusion 782
of the litigation or proceeding. 783

(2) (a) If any law enforcement officer submits a written 784
statement to a health care provider that states that an official 785
criminal investigation has begun regarding a specified person or 786
that a criminal action or proceeding has been commenced against 787
a specified person, that requests the provider to supply to the 788
officer copies of any records the provider possesses that 789
pertain to any test or the results of any test administered to 790
the specified person to determine the presence or concentration 791
of alcohol, a drug of abuse, a combination of them, a controlled 792
substance, or a metabolite of a controlled substance in the 793
person's whole blood, blood serum or plasma, breath, oral fluid, 794
or urine at any time relevant to the criminal offense in 795
question, and that conforms to section 2317.022 of the Revised 796

Code, the provider, except to the extent specifically prohibited 797
by any law of this state or of the United States, shall supply 798
to the officer a copy of any of the requested records the 799
provider possesses. If the health care provider does not possess 800
any of the requested records, the provider shall give the 801
officer a written statement that indicates that the provider 802
does not possess any of the requested records. 803

(b) If a health care provider possesses any records of the 804
type described in division (B) (2) (a) of this section regarding 805
the person in question at any time relevant to the criminal 806
offense in question, in lieu of personally testifying as to the 807
results of the test in question, the custodian of the records 808
may submit a certified copy of the records, and, upon its 809
submission, the certified copy is qualified as authentic 810
evidence and may be admitted as evidence in accordance with the 811
Rules of Evidence. Division (A) of section 2317.422 of the 812
Revised Code does not apply to any certified copy of records 813
submitted in accordance with this division. Nothing in this 814
division shall be construed to limit the right of any party to 815
call as a witness the person who administered the test to which 816
the records pertain, the person under whose supervision the test 817
was administered, the custodian of the records, the person who 818
made the records, or the person under whose supervision the 819
records were made. 820

(3) (a) If the testimonial privilege described in division 821
(B) (1) of this section does not apply as provided in division 822
(B) (1) (a) (iii) of this section, a physician, advanced practice 823
registered nurse, or dentist may be compelled to testify or to 824
submit to discovery under the Rules of Civil Procedure only as 825
to a communication made to the physician, advanced practice 826
registered nurse, or dentist by the patient in question in that 827

relation, or the advice of the physician, advanced practice 828
registered nurse, or dentist given to the patient in question, 829
that related causally or historically to physical or mental 830
injuries that are relevant to issues in the medical claim, 831
dental claim, chiropractic claim, or optometric claim, action 832
for wrongful death, other civil action, or claim under Chapter 833
4123. of the Revised Code. 834

(b) If the testimonial privilege described in division (B) 835
(1) of this section does not apply to a physician, advanced 836
practice registered nurse, or dentist as provided in division 837
(B)(1)(c) of this section, the physician, advanced practice 838
registered nurse, or dentist, in lieu of personally testifying 839
as to the results of the test in question, may submit a 840
certified copy of those results, and, upon its submission, the 841
certified copy is qualified as authentic evidence and may be 842
admitted as evidence in accordance with the Rules of Evidence. 843
Division (A) of section 2317.422 of the Revised Code does not 844
apply to any certified copy of results submitted in accordance 845
with this division. Nothing in this division shall be construed 846
to limit the right of any party to call as a witness the person 847
who administered the test in question, the person under whose 848
supervision the test was administered, the custodian of the 849
results of the test, the person who compiled the results, or the 850
person under whose supervision the results were compiled. 851

(4) The testimonial privilege described in division (B)(1) 852
of this section is not waived when a communication is made by a 853
physician or advanced practice registered nurse to a pharmacist 854
or when there is communication between a patient and a 855
pharmacist in furtherance of the physician-patient or advanced 856
practice registered nurse-patient relation. 857

(5) (a) As used in divisions (B) (1) to (4) of this section, 858
"communication" means acquiring, recording, or transmitting any 859
information, in any manner, concerning any facts, opinions, or 860
statements necessary to enable a physician, advanced practice 861
registered nurse, or dentist to diagnose, treat, prescribe, or 862
act for a patient. A "communication" may include, but is not 863
limited to, any medical or dental, office, or hospital 864
communication such as a record, chart, letter, memorandum, 865
laboratory test and results, x-ray, photograph, financial 866
statement, diagnosis, or prognosis. 867

(b) As used in division (B) (2) of this section, "health 868
care provider" means a hospital, ambulatory care facility, long- 869
term care facility, pharmacy, emergency facility, or health care 870
practitioner. 871

(c) As used in division (B) (5) (b) of this section: 872

(i) "Ambulatory care facility" means a facility that 873
provides medical, diagnostic, or surgical treatment to patients 874
who do not require hospitalization, including a dialysis center, 875
ambulatory surgical facility, cardiac catheterization facility, 876
diagnostic imaging center, extracorporeal shock wave lithotripsy 877
center, home health agency, inpatient hospice, birthing center, 878
radiation therapy center, emergency facility, and an urgent care 879
center. "Ambulatory health care facility" does not include the 880
private office of a physician, advanced practice registered 881
nurse, or dentist, whether the office is for an individual or 882
group practice. 883

(ii) "Emergency facility" means a hospital emergency 884
department or any other facility that provides emergency medical 885
services. 886

(iii) "Health care practitioner" has the same meaning as 887
in section 4769.01 of the Revised Code. 888

(iv) "Hospital" has the same meaning as in section 3727.01 889
of the Revised Code. 890

(v) "Long-term care facility" means a nursing home, 891
residential care facility, or home for the aging, as those terms 892
are defined in section 3721.01 of the Revised Code; a 893
residential facility licensed under section 5119.34 of the 894
Revised Code that provides accommodations, supervision, and 895
personal care services for three to sixteen unrelated adults; a 896
nursing facility, as defined in section 5165.01 of the Revised 897
Code; a skilled nursing facility, as defined in section 5165.01 898
of the Revised Code; and an intermediate care facility for 899
individuals with intellectual disabilities, as defined in 900
section 5124.01 of the Revised Code. 901

(vi) "Pharmacy" has the same meaning as in section 4729.01 902
of the Revised Code. 903

(d) As used in divisions (B)(1) and (2) of this section, 904
"drug of abuse" has the same meaning as in section 4506.01 of 905
the Revised Code. 906

(6) Divisions (B)(1), (2), (3), (4), and (5) of this 907
section apply to doctors of medicine, doctors of osteopathic 908
medicine, doctors of podiatry, advanced practice registered 909
nurses, and dentists. 910

(7) Nothing in divisions (B)(1) to (6) of this section 911
affects, or shall be construed as affecting, the immunity from 912
civil liability conferred by section 307.628 of the Revised Code 913
or the immunity from civil liability conferred by section 914
2305.33 of the Revised Code upon physicians or advanced practice 915

registered nurses who report an employee's use of a drug of 916
abuse, or a condition of an employee other than one involving 917
the use of a drug of abuse, to the employer of the employee in 918
accordance with division (B) of that section. As used in 919
division (B)(7) of this section, "employee," "employer," and 920
"physician" have the same meanings as in section 2305.33 of the 921
Revised Code and "advanced practice registered nurse" has the 922
same meaning as in section 4723.01 of the Revised Code. 923

(C)(1) A cleric, when the cleric remains accountable to 924
the authority of that cleric's church, denomination, or sect, 925
concerning a confession made, or any information confidentially 926
communicated, to the cleric for a religious counseling purpose 927
in the cleric's professional character. The cleric may testify 928
by express consent of the person making the communication, 929
except when the disclosure of the information is in violation of 930
a sacred trust and except that, if the person voluntarily 931
testifies or is deemed by division (A)(4)(c) of section 2151.421 932
of the Revised Code to have waived any testimonial privilege 933
under this division, the cleric may be compelled to testify on 934
the same subject except when disclosure of the information is in 935
violation of a sacred trust. 936

(2) As used in division (C) of this section: 937

(a) "Cleric" means a member of the clergy, rabbi, priest, 938
Christian Science practitioner, or regularly ordained, 939
accredited, or licensed minister of an established and legally 940
cognizable church, denomination, or sect. 941

(b) "Sacred trust" means a confession or confidential 942
communication made to a cleric in the cleric's ecclesiastical 943
capacity in the course of discipline enjoined by the church to 944
which the cleric belongs, including, but not limited to, the 945

Catholic Church, if both of the following apply:	946
(i) The confession or confidential communication was made directly to the cleric.	947 948
(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.	949 950 951 952
(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist;	953 954 955 956 957 958
(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify;	959 960 961
(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing.	962 963 964 965 966 967
(G) (1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under Chapter 4757. of the Revised Code as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, marriage and family therapist or independent marriage and family	968 969 970 971 972 973 974

therapist, or registered under Chapter 4757. of the Revised Code 975
as a social work assistant concerning a confidential 976
communication received from a client in that relation or the 977
person's advice to a client unless any of the following applies: 978

(a) The communication or advice indicates clear and 979
present danger to the client or other persons. For the purposes 980
of this division, cases in which there are indications of 981
present or past child abuse or neglect of the client constitute 982
a clear and present danger. 983

(b) The client gives express consent to the testimony. 984

(c) If the client is deceased, the surviving spouse or the 985
executor or administrator of the estate of the deceased client 986
gives express consent. 987

(d) The client voluntarily testifies, in which case the 988
school guidance counselor or person licensed or registered under 989
Chapter 4757. of the Revised Code may be compelled to testify on 990
the same subject. 991

(e) The court in camera determines that the information 992
communicated by the client is not germane to the counselor- 993
client, marriage and family therapist-client, or social worker- 994
client relationship. 995

(f) A court, in an action brought against a school, its 996
administration, or any of its personnel by the client, rules 997
after an in-camera inspection that the testimony of the school 998
guidance counselor is relevant to that action. 999

(g) The testimony is sought in a civil action and concerns 1000
court-ordered treatment or services received by a patient as 1001
part of a case plan journalized under section 2151.412 of the 1002
Revised Code or the court-ordered treatment or services are 1003

necessary or relevant to dependency, neglect, or abuse or 1004
temporary or permanent custody proceedings under Chapter 2151. 1005
of the Revised Code. 1006

(2) Nothing in division (G)(1) of this section shall 1007
relieve a school guidance counselor or a person licensed or 1008
registered under Chapter 4757. of the Revised Code from the 1009
requirement to report information concerning child abuse or 1010
neglect under section 2151.421 of the Revised Code. 1011

(H) A mediator acting under a mediation order issued under 1012
division (A) of section 3109.052 of the Revised Code or 1013
otherwise issued in any proceeding for divorce, dissolution, 1014
legal separation, annulment, or the allocation of parental 1015
rights and responsibilities for the care of children, in any 1016
action or proceeding, other than a criminal, delinquency, child 1017
abuse, child neglect, or dependent child action or proceeding, 1018
that is brought by or against either parent who takes part in 1019
mediation in accordance with the order and that pertains to the 1020
mediation process, to any information discussed or presented in 1021
the mediation process, to the allocation of parental rights and 1022
responsibilities for the care of the parents' children, or to 1023
the awarding of parenting time rights in relation to their 1024
children; 1025

(I) A communications assistant, acting within the scope of 1026
the communication assistant's authority, when providing 1027
telecommunications relay service pursuant to section 4931.06 of 1028
the Revised Code or Title II of the "Communications Act of 1029
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1030
communication made through a telecommunications relay service. 1031
Nothing in this section shall limit the obligation of a 1032
communications assistant to divulge information or testify when 1033

mandated by federal law or regulation or pursuant to subpoena in 1034
a criminal proceeding. 1035

Nothing in this section shall limit any immunity or 1036
privilege granted under federal law or regulation. 1037

(J) (1) A chiropractor in a civil proceeding concerning a 1038
communication made to the chiropractor by a patient in that 1039
relation or the chiropractor's advice to a patient, except as 1040
otherwise provided in this division. The testimonial privilege 1041
established under this division does not apply, and a 1042
chiropractor may testify or may be compelled to testify, in any 1043
civil action, in accordance with the discovery provisions of the 1044
Rules of Civil Procedure in connection with a civil action, or 1045
in connection with a claim under Chapter 4123. of the Revised 1046
Code, under any of the following circumstances: 1047

(a) If the patient or the guardian or other legal 1048
representative of the patient gives express consent. 1049

(b) If the patient is deceased, the spouse of the patient 1050
or the executor or administrator of the patient's estate gives 1051
express consent. 1052

(c) If a medical claim, dental claim, chiropractic claim, 1053
or optometric claim, as defined in section 2305.113 of the 1054
Revised Code, an action for wrongful death, any other type of 1055
civil action, or a claim under Chapter 4123. of the Revised Code 1056
is filed by the patient, the personal representative of the 1057
estate of the patient if deceased, or the patient's guardian or 1058
other legal representative. 1059

(2) If the testimonial privilege described in division (J) 1060
(1) of this section does not apply as provided in division (J) 1061
(1)(c) of this section, a chiropractor may be compelled to 1062

testify or to submit to discovery under the Rules of Civil 1063
Procedure only as to a communication made to the chiropractor by 1064
the patient in question in that relation, or the chiropractor's 1065
advice to the patient in question, that related causally or 1066
historically to physical or mental injuries that are relevant to 1067
issues in the medical claim, dental claim, chiropractic claim, 1068
or optometric claim, action for wrongful death, other civil 1069
action, or claim under Chapter 4123. of the Revised Code. 1070

(3) The testimonial privilege established under this 1071
division does not apply, and a chiropractor may testify or be 1072
compelled to testify, in any criminal action or administrative 1073
proceeding. 1074

(4) As used in this division, "communication" means 1075
acquiring, recording, or transmitting any information, in any 1076
manner, concerning any facts, opinions, or statements necessary 1077
to enable a chiropractor to diagnose, treat, or act for a 1078
patient. A communication may include, but is not limited to, any 1079
chiropractic, office, or hospital communication such as a 1080
record, chart, letter, memorandum, laboratory test and results, 1081
x-ray, photograph, financial statement, diagnosis, or prognosis. 1082

(K) (1) Except as provided under division (K) (2) of this 1083
section, a critical incident stress management team member 1084
concerning a communication received from an individual who 1085
receives crisis response services from the team member, or the 1086
team member's advice to the individual, during a debriefing 1087
session. 1088

(2) The testimonial privilege established under division 1089
(K) (1) of this section does not apply if any of the following 1090
are true: 1091

(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger.

(b) The individual who received crisis response services gives express consent to the testimony.

(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent.

(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject.

(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member.

(f) The communication or advice pertains or is related to any criminal act.

(3) As used in division (K) of this section:

(a) "Crisis response services" means consultation, risk assessment, referral, and on-site crisis intervention services provided by a critical incident stress management team to individuals affected by crisis or disaster.

(b) "Critical incident stress management team member" or "team member" means an individual specially trained to provide

crisis response services as a member of an organized community 1120
or local crisis response team that holds membership in the Ohio 1121
critical incident stress management network. 1122

(c) "Debriefing session" means a session at which crisis 1123
response services are rendered by a critical incident stress 1124
management team member during or after a crisis or disaster. 1125

(L) (1) Subject to division (L) (2) of this section and 1126
except as provided in division (L) (3) of this section, an 1127
employee assistance professional, concerning a communication 1128
made to the employee assistance professional by a client in the 1129
employee assistance professional's official capacity as an 1130
employee assistance professional. 1131

(2) Division (L) (1) of this section applies to an employee 1132
assistance professional who meets either or both of the 1133
following requirements: 1134

(a) Is certified by the employee assistance certification 1135
commission to engage in the employee assistance profession; 1136

(b) Has education, training, and experience in all of the 1137
following: 1138

(i) Providing workplace-based services designed to address 1139
employer and employee productivity issues; 1140

(ii) Providing assistance to employees and employees' 1141
dependents in identifying and finding the means to resolve 1142
personal problems that affect the employees or the employees' 1143
performance; 1144

(iii) Identifying and resolving productivity problems 1145
associated with an employee's concerns about any of the 1146
following matters: health, marriage, family, finances, substance 1147

abuse or other addiction, workplace, law, and emotional issues;	1148
(iv) Selecting and evaluating available community	1149
resources;	1150
(v) Making appropriate referrals;	1151
(vi) Local and national employee assistance agreements;	1152
(vii) Client confidentiality.	1153
(3) Division (L) (1) of this section does not apply to any	1154
of the following:	1155
(a) A criminal action or proceeding involving an offense	1156
under sections 2903.01 to 2903.06 of the Revised Code if the	1157
employee assistance professional's disclosure or testimony	1158
relates directly to the facts or immediate circumstances of the	1159
offense;	1160
(b) A communication made by a client to an employee	1161
assistance professional that reveals the contemplation or	1162
commission of a crime or serious, harmful act;	1163
(c) A communication that is made by a client who is an	1164
unemancipated minor or an adult adjudicated to be incompetent	1165
and indicates that the client was the victim of a crime or	1166
abuse;	1167
(d) A civil proceeding to determine an individual's mental	1168
competency or a criminal action in which a plea of not guilty by	1169
reason of insanity is entered;	1170
(e) A civil or criminal malpractice action brought against	1171
the employee assistance professional;	1172
(f) When the employee assistance professional has the	1173
express consent of the client or, if the client is deceased or	1174

disabled, the client's legal representative; 1175

(g) When the testimonial privilege otherwise provided by 1176
division (L)(1) of this section is abrogated under law. 1177

Sec. 2317.022. (A) As used in this section: 1178

(1) "Health care provider" has the same meaning as in 1179
section 2317.02 of the Revised Code. 1180

(2) "Drug of abuse" has the same meaning as in section 1181
4506.01 of the Revised Code. 1182

(B) If an official criminal investigation has begun 1183
regarding a person or if a criminal action or proceeding is 1184
commenced against a person, any law enforcement officer who 1185
wishes to obtain from any health care provider a copy of any 1186
records the provider possesses that pertain to any test or the 1187
result of any test administered to the person to determine the 1188
presence or concentration of alcohol, a drug of abuse, or 1189
alcohol and a drug of abuse in the person's blood, breath, oral 1190
fluid, or urine at any time relevant to the criminal offense in 1191
question shall submit to the health care facility a written 1192
statement in the following form: 1193

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1194

To: _____ (insert name of the health care 1195
provider in question). 1196

I hereby state that an official criminal investigation has 1197
begun regarding, or a criminal action or proceeding has been 1198
commenced against, _____ (insert the name of the 1199
person in question), and that I believe that one or more tests 1200
has been administered to that person by this health care 1201
provider to determine the presence or concentration of alcohol, 1202

a drug of abuse, a combination of them, a controlled substance, 1203
or a metabolite of a controlled substance in that person's whole 1204
blood, blood serum or plasma, breath, oral fluid, or urine at a 1205
time relevant to the criminal offense in question. Therefore, I 1206
hereby request that, pursuant to division (B)(2) of section 1207
2317.02 of the Revised Code, this health care provider supply me 1208
with copies of any records the provider possesses that pertain 1209
to any test or the results of any test administered to the 1210
person specified above to determine the presence or 1211
concentration of alcohol, a drug of abuse, a combination of 1212
them, a controlled substance, or a metabolite of a controlled 1213
substance in that person's whole blood, blood serum or plasma, 1214
breath, oral fluid, or urine at any time relevant to the 1215
criminal offense in question. 1216

_____ 1217

(Name of officer) 1218

_____ 1219

(Officer's title) 1220

_____ 1221

(Officer's employing agency) 1222

_____ 1223

(Officer's telephone number) 1224

_____ 1225

_____ 1226

_____ 1227

(Agency's address) 1228

_____ 1229

(Date written statement submitted)" 1230

(C) A health care provider that receives a written 1231
statement of the type described in division (B) of this section 1232
shall comply with division (B) (2) of section 2317.02 of the 1233
Revised Code relative to the written statement. 1234

Sec. 2905.321. (A) (1) No person shall knowingly organize, 1235
manage, direct, supervise, coordinate, facilitate, lead, assist, 1236
participate in, or finance an organization for trafficking in 1237
persons or an operation that furthers the criminal objectives of 1238
an organization or operation for trafficking in persons. 1239

(2) No person shall knowingly furnish advice or direction 1240
in the conduct, financing, or management of an organization or 1241
operation for trafficking in persons's affairs with the intent 1242
to promote or further the criminal objectives of an organization 1243
or operation for trafficking in persons. 1244

(B) No person shall knowingly direct or instruct others to 1245
engage in violence or intimidation to promote or further the 1246
criminal objectives of an organization or operation for 1247
trafficking in persons. 1248

(C) No person shall intentionally promote or further the 1249
criminal objectives of an organization or operation for 1250
trafficking in persons by inducing or committing any act or 1251
omission by a public servant in violation of the public 1252
servant's official duty. 1253

(D) No person shall knowingly assist an organization or 1254
operation for trafficking in persons by transporting a person, 1255
or procuring the transportation for a person with the intent to 1256
do either of the following: 1257

<u>(1) Conceal the person from a peace officer;</u>	1258
<u>(2) Assist the person in fleeing from a peace officer who is attempting to lawfully arrest or detain the person.</u>	1259 1260
<u>(E) Whoever violates this section is guilty of participating in an organization or operation for trafficking in persons, a felony of the first degree.</u>	1261 1262 1263
<u>(F) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections.</u>	1264 1265 1266 1267 1268 1269 1270
Sec. 2925.01. As used in this chapter:	1271
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	1272 1273 1274 1275 1276 1277 1278
(B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.	1279 1280 1281
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	1282 1283 1284 1285

(D) "Bulk amount" of a controlled substance means any of the following:	1286 1287
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D) (2) or (5) or (6) of this section, whichever of the following is applicable:	1288 1289 1290 1291 1292 1293
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	1294 1295 1296 1297
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	1298 1299 1300
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	1301 1302 1303 1304 1305
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	1306 1307 1308 1309 1310
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	1311 1312 1313
(f) An amount equal to or exceeding one hundred twenty	1314

grams or thirty times the maximum daily dose in the usual dose 1315
range specified in a standard pharmaceutical reference manual of 1316
a compound, mixture, preparation, or substance that is or 1317
contains any amount of a schedule II stimulant that is in a 1318
final dosage form manufactured by a person authorized by the 1319
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1320
U.S.C.A. 301, as amended, and the federal drug abuse control 1321
laws, as defined in section 3719.01 of the Revised Code, that is 1322
or contains any amount of a schedule II depressant substance or 1323
a schedule II hallucinogenic substance; 1324

(g) An amount equal to or exceeding three grams of a 1325
compound, mixture, preparation, or substance that is or contains 1326
any amount of a schedule II stimulant, or any of its salts or 1327
isomers, that is not in a final dosage form manufactured by a 1328
person authorized by the Federal Food, Drug, and Cosmetic Act 1329
and the federal drug abuse control laws. 1330

(2) An amount equal to or exceeding one hundred twenty 1331
grams or thirty times the maximum daily dose in the usual dose 1332
range specified in a standard pharmaceutical reference manual of 1333
a compound, mixture, preparation, or substance that is or 1334
contains any amount of a schedule III or IV substance other than 1335
an anabolic steroid or a schedule III opiate or opium 1336
derivative; 1337

(3) An amount equal to or exceeding twenty grams or five 1338
times the maximum daily dose in the usual dose range specified 1339
in a standard pharmaceutical reference manual of a compound, 1340
mixture, preparation, or substance that is or contains any 1341
amount of a schedule III opiate or opium derivative; 1342

(4) An amount equal to or exceeding two hundred fifty 1343
milliliters or two hundred fifty grams of a compound, mixture, 1344

preparation, or substance that is or contains any amount of a 1345
schedule V substance; 1346

(5) An amount equal to or exceeding two hundred solid 1347
dosage units, sixteen grams, or sixteen milliliters of a 1348
compound, mixture, preparation, or substance that is or contains 1349
any amount of a schedule III anabolic steroid. 1350

~~(6) For any compound, mixture, preparation, or substance 1351
that is a combination of a fentanyl-related compound and any 1352
other compound, mixture, preparation, or substance included in 1353
schedule III, schedule IV, or schedule V, if the defendant is 1354
charged with a violation of section 2925.11 of the Revised Code 1355
and the sentencing provisions set forth in divisions (C) (10) (b) 1356
and (C) (11) of that section will not apply regarding the 1357
defendant and the violation, the bulk amount of the controlled 1358
substance for purposes of the violation is the amount specified 1359
in division (D) (1), (2), (3), (4), or (5) of this section for 1360
the other schedule III, IV, or V controlled substance that is 1361
combined with the fentanyl-related compound. 1362~~

(E) "Unit dose" means an amount or unit of a compound, 1363
mixture, or preparation containing a controlled substance that 1364
is separately identifiable and in a form that indicates that it 1365
is the amount or unit by which the controlled substance is 1366
separately administered to or taken by an individual. 1367

(F) "Cultivate" includes planting, watering, fertilizing, 1368
or tilling. 1369

(G) "Drug abuse offense" means any of the following: 1370

(1) A violation of division (A) of section 2913.02 that 1371
constitutes theft of drugs, or a violation of section 2925.02, 1372
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1373

2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1374
or 2925.37 of the Revised Code; 1375

(2) A violation of an existing or former law of this or 1376
any other state or of the United States that is substantially 1377
equivalent to any section listed in division (G)(1) of this 1378
section; 1379

(3) An offense under an existing or former law of this or 1380
any other state, or of the United States, of which planting, 1381
cultivating, harvesting, processing, making, manufacturing, 1382
producing, shipping, transporting, delivering, acquiring, 1383
possessing, storing, distributing, dispensing, selling, inducing 1384
another to use, administering to another, using, or otherwise 1385
dealing with a controlled substance is an element; 1386

(4) A conspiracy to commit, attempt to commit, or 1387
complicity in committing or attempting to commit any offense 1388
under division (G)(1), (2), or (3) of this section. 1389

(H) "Felony drug abuse offense" means any drug abuse 1390
offense that would constitute a felony under the laws of this 1391
state, any other state, or the United States. 1392

(I) "Harmful intoxicant" does not include beer or 1393
intoxicating liquor but means any of the following: 1394

(1) Any compound, mixture, preparation, or substance the 1395
gas, fumes, or vapor of which when inhaled can induce 1396
intoxication, excitement, giddiness, irrational behavior, 1397
depression, stupefaction, paralysis, unconsciousness, 1398
asphyxiation, or other harmful physiological effects, and 1399
includes, but is not limited to, any of the following: 1400

(a) Any volatile organic solvent, plastic cement, model 1401
cement, fingernail polish remover, lacquer thinner, cleaning 1402

fluid, gasoline, or other preparation containing a volatile	1403
organic solvent;	1404
(b) Any aerosol propellant;	1405
(c) Any fluorocarbon refrigerant;	1406
(d) Any anesthetic gas.	1407
(2) Gamma Butyrolactone;	1408
(3) 1,4 Butanediol.	1409
(J) "Manufacture" means to plant, cultivate, harvest,	1410
process, make, prepare, or otherwise engage in any part of the	1411
production of a drug, by propagation, extraction, chemical	1412
synthesis, or compounding, or any combination of the same, and	1413
includes packaging, repackaging, labeling, and other activities	1414
incident to production.	1415
(K) "Possess" or "possession" means having control over a	1416
thing or substance, but may not be inferred solely from mere	1417
access to the thing or substance through ownership or occupation	1418
of the premises upon which the thing or substance is found.	1419
(L) "Sample drug" means a drug or pharmaceutical	1420
preparation that would be hazardous to health or safety if used	1421
without the supervision of a licensed health professional	1422
authorized to prescribe drugs, or a drug of abuse, and that, at	1423
one time, had been placed in a container plainly marked as a	1424
sample by a manufacturer.	1425
(M) "Standard pharmaceutical reference manual" means the	1426
current edition, with cumulative changes if any, of references	1427
that are approved by the state board of pharmacy.	1428
(N) "Juvenile" means a person under eighteen years of age.	1429

- (O) "Counterfeit controlled substance" means any of the following: 1430
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- (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, trade name, or identifying mark; 1432
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- (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it; 1436
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- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 1440
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- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 1443
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- (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 1448
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- (Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 1455
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3301.07 of the Revised Code, whether or not any instruction, 1459
extracurricular activities, or training provided by the school 1460
is being conducted at the time a criminal offense is committed. 1461

(R) "School premises" means either of the following: 1462

(1) The parcel of real property on which any school is 1463
situated, whether or not any instruction, extracurricular 1464
activities, or training provided by the school is being 1465
conducted on the premises at the time a criminal offense is 1466
committed; 1467

(2) Any other parcel of real property that is owned or 1468
leased by a board of education of a school, the governing 1469
authority of a community school established under Chapter 3314. 1470
of the Revised Code, or the governing body of a nonpublic school 1471
for which the state board of education prescribes minimum 1472
standards under section 3301.07 of the Revised Code and on which 1473
some of the instruction, extracurricular activities, or training 1474
of the school is conducted, whether or not any instruction, 1475
extracurricular activities, or training provided by the school 1476
is being conducted on the parcel of real property at the time a 1477
criminal offense is committed. 1478

(S) "School building" means any building in which any of 1479
the instruction, extracurricular activities, or training 1480
provided by a school is conducted, whether or not any 1481
instruction, extracurricular activities, or training provided by 1482
the school is being conducted in the school building at the time 1483
a criminal offense is committed. 1484

(T) "Disciplinary counsel" means the disciplinary counsel 1485
appointed by the board of commissioners on grievances and 1486
discipline of the supreme court under the Rules for the 1487

Government of the Bar of Ohio.	1488
(U) "Certified grievance committee" means a duly	1489
constituted and organized committee of the Ohio state bar	1490
association or of one or more local bar associations of the	1491
state of Ohio that complies with the criteria set forth in Rule	1492
V, section 6 of the Rules for the Government of the Bar of Ohio.	1493
(V) "Professional license" means any license, permit,	1494
certificate, registration, qualification, admission, temporary	1495
license, temporary permit, temporary certificate, or temporary	1496
registration that is described in divisions (W) (1) to (37) of	1497
this section and that qualifies a person as a professionally	1498
licensed person.	1499
(W) "Professionally licensed person" means any of the	1500
following:	1501
(1) A person who has received a certificate or temporary	1502
certificate as a certified public accountant or who has	1503
registered as a public accountant under Chapter 4701. of the	1504
Revised Code and who holds an Ohio permit issued under that	1505
chapter;	1506
(2) A person who holds a certificate of qualification to	1507
practice architecture issued or renewed and registered under	1508
Chapter 4703. of the Revised Code;	1509
(3) A person who is registered as a landscape architect	1510
under Chapter 4703. of the Revised Code or who holds a permit as	1511
a landscape architect issued under that chapter;	1512
(4) A person licensed under Chapter 4707. of the Revised	1513
Code;	1514
(5) A person who has been issued a certificate of	1515

registration as a registered barber under Chapter 4709. of the 1516
Revised Code; 1517

(6) A person licensed and regulated to engage in the 1518
business of a debt pooling company by a legislative authority, 1519
under authority of Chapter 4710. of the Revised Code; 1520

(7) A person who has been issued a cosmetologist's 1521
license, hair designer's license, manicurist's license, 1522
esthetician's license, natural hair stylist's license, advanced 1523
cosmetologist's license, advanced hair designer's license, 1524
advanced manicurist's license, advanced esthetician's license, 1525
advanced natural hair stylist's license, cosmetology 1526
instructor's license, hair design instructor's license, 1527
manicurist instructor's license, esthetics instructor's license, 1528
natural hair style instructor's license, independent 1529
contractor's license, or tanning facility permit under Chapter 1530
4713. of the Revised Code; 1531

(8) A person who has been issued a license to practice 1532
dentistry, a general anesthesia permit, a conscious sedation 1533
permit, a limited resident's license, a limited teaching 1534
license, a dental hygienist's license, or a dental hygienist's 1535
teacher's certificate under Chapter 4715. of the Revised Code; 1536

(9) A person who has been issued an embalmer's license, a 1537
funeral director's license, a funeral home license, or a 1538
crematory license, or who has been registered for an embalmer's 1539
or funeral director's apprenticeship under Chapter 4717. of the 1540
Revised Code; 1541

(10) A person who has been licensed as a registered nurse 1542
or practical nurse, or who has been issued a certificate for the 1543
practice of nurse-midwifery under Chapter 4723. of the Revised 1544

Code;	1545
(11) A person who has been licensed to practice optometry	1546
or to engage in optical dispensing under Chapter 4725. of the	1547
Revised Code;	1548
(12) A person licensed to act as a pawnbroker under	1549
Chapter 4727. of the Revised Code;	1550
(13) A person licensed to act as a precious metals dealer	1551
under Chapter 4728. of the Revised Code;	1552
(14) A person licensed under Chapter 4729. of the Revised	1553
Code as a pharmacist or pharmacy intern or registered under that	1554
chapter as a registered pharmacy technician, certified pharmacy	1555
technician, or pharmacy technician trainee;	1556
(15) A person licensed under Chapter 4729. of the Revised	1557
Code as a manufacturer of dangerous drugs, outsourcing facility,	1558
third-party logistics provider, repackager of dangerous drugs,	1559
wholesale distributor of dangerous drugs, or terminal	1560
distributor of dangerous drugs;	1561
(16) A person who is authorized to practice as a physician	1562
assistant under Chapter 4730. of the Revised Code;	1563
(17) A person who has been issued a license to practice	1564
medicine and surgery, osteopathic medicine and surgery, or	1565
podiatric medicine and surgery under Chapter 4731. of the	1566
Revised Code or has been issued a certificate to practice a	1567
limited branch of medicine under that chapter;	1568
(18) A person licensed as a psychologist, independent	1569
school psychologist, or school psychologist under Chapter 4732.	1570
of the Revised Code;	1571
(19) A person registered to practice the profession of	1572

engineering or surveying under Chapter 4733. of the Revised Code;	1573 1574
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	1575 1576
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	1577 1578
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	1579 1580
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1581 1582
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1583 1584
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1585 1586
(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;	1587 1588 1589 1590
(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;	1591 1592 1593
(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;	1594 1595 1596
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1597 1598
(30) A person licensed to practice as a speech-language	1599

pathologist or audiologist under Chapter 4753. of the Revised Code;	1600 1601
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1602 1603 1604
(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;	1605 1606 1607 1608 1609 1610
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1611 1612
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1613 1614 1615
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1616 1617
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	1618 1619
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	1620 1621 1622
(X) "Cocaine" means any of the following:	1623
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1624 1625
(2) Coca leaves or a salt, compound, derivative, or	1626

preparation of coca leaves, including ecgonine, a salt, isomer, 1627
or derivative of ecgonine, or a salt of an isomer or derivative 1628
of ecgonine; 1629

(3) A salt, compound, derivative, or preparation of a 1630
substance identified in division (X)(1) or (2) of this section 1631
that is chemically equivalent to or identical with any of those 1632
substances, except that the substances shall not include 1633
decocainized coca leaves or extraction of coca leaves if the 1634
extractions do not contain cocaine or ecgonine. 1635

(Y) "L.S.D." means lysergic acid diethylamide. 1636

(Z) "Hashish" means a resin or a preparation of a resin to 1637
which both of the following apply: 1638

(1) It is contained in or derived from any part of the 1639
plant of the genus cannabis, whether in solid form or in a 1640
liquid concentrate, liquid extract, or liquid distillate form. 1641

(2) It has a delta-9 tetrahydrocannabinol concentration of 1642
more than three-tenths per cent. 1643

"Hashish" does not include a hemp byproduct in the 1644
possession of a licensed hemp processor under Chapter 928. of 1645
the Revised Code, provided that the hemp byproduct is being 1646
produced, stored, and disposed of in accordance with rules 1647
adopted under section 928.03 of the Revised Code. 1648

(AA) "Marihuana" has the same meaning as in section 1649
3719.01 of the Revised Code, except that it does not include 1650
hashish. 1651

(BB) An offense is "committed in the vicinity of a 1652
juvenile" if the offender commits the offense within one hundred 1653
feet of a juvenile or within the view of a juvenile, regardless 1654

of whether the offender knows the age of the juvenile, whether 1655
the offender knows the offense is being committed within one 1656
hundred feet of or within view of the juvenile, or whether the 1657
juvenile actually views the commission of the offense. 1658

(CC) "Presumption for a prison term" or "presumption that 1659
a prison term shall be imposed" means a presumption, as 1660
described in division (D) of section 2929.13 of the Revised 1661
Code, that a prison term is a necessary sanction for a felony in 1662
order to comply with the purposes and principles of sentencing 1663
under section 2929.11 of the Revised Code. 1664

(DD) "Major drug offender" has the same meaning as in 1665
section 2929.01 of the Revised Code. 1666

(EE) "Minor drug possession offense" means either of the 1667
following: 1668

(1) A violation of section 2925.11 of the Revised Code as 1669
it existed prior to July 1, 1996; 1670

(2) A violation of section 2925.11 of the Revised Code as 1671
it exists on and after July 1, 1996, that is a misdemeanor or a 1672
felony of the fifth degree. 1673

(FF) "Mandatory prison term" has the same meaning as in 1674
section 2929.01 of the Revised Code. 1675

(GG) "Adulterate" means to cause a drug to be adulterated 1676
as described in section 3715.63 of the Revised Code. 1677

(HH) "Public premises" means any hotel, restaurant, 1678
tavern, store, arena, hall, or other place of public 1679
accommodation, business, amusement, or resort. 1680

(II) "Methamphetamine" means methamphetamine, any salt, 1681
isomer, or salt of an isomer of methamphetamine, or any 1682

compound, mixture, preparation, or substance containing	1683
methamphetamine or any salt, isomer, or salt of an isomer of	1684
methamphetamine.	1685
(JJ) "Deception" has the same meaning as in section	1686
2913.01 of the Revised Code.	1687
(KK) "Fentanyl-related compound" means any of the	1688
following:	1689
(1) Fentanyl;	1690
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	1691
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	1692
phenylethyl)-4-(N-propanilido) piperidine);	1693
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1694
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1695
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1696
piperidinyl] -N-phenylpropanamide);	1697
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1698
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1699
phenylpropanamide);	1700
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1701
piperidyl]-N- phenylpropanamide);	1702
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1703
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1704
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1705
phenethyl)-4- piperidinyl]propanamide;	1706
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1707
piperidinyl]- propanamide;	1708
(10) Alfentanil;	1709

(11) Carfentanil;	1710
(12) Remifentanil;	1711
(13) Sufentanil;	1712
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	1713 1714
(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:	1715 1716 1717 1718 1719 1720 1721
(a) A chemical scaffold consisting of both of the following:	1722 1723
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	1724 1725
(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.	1726 1727 1728
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	1729 1730 1731
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	1732 1733
(d) The compound has not been approved for medical use by the United States food and drug administration.	1734 1735
(LL) "First degree felony mandatory prison term" means one	1736

of the definite prison terms prescribed in division (A) (1) (b) of 1737
section 2929.14 of the Revised Code for a felony of the first 1738
degree, except that if the violation for which sentence is being 1739
imposed is committed on or after March 22, 2019, it means one of 1740
the minimum prison terms prescribed in division (A) (1) (a) of 1741
that section for a felony of the first degree. 1742

(MM) "Second degree felony mandatory prison term" means 1743
one of the definite prison terms prescribed in division (A) (2) 1744
(b) of section 2929.14 of the Revised Code for a felony of the 1745
second degree, except that if the violation for which sentence 1746
is being imposed is committed on or after March 22, 2019, it 1747
means one of the minimum prison terms prescribed in division (A) 1748
(2) (a) of that section for a felony of the second degree. 1749

(NN) "Maximum first degree felony mandatory prison term" 1750
means the maximum definite prison term prescribed in division 1751
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1752
the first degree, except that if the violation for which 1753
sentence is being imposed is committed on or after March 22, 1754
2019, it means the longest minimum prison term prescribed in 1755
division (A) (1) (a) of that section for a felony of the first 1756
degree. 1757

(OO) "Maximum second degree felony mandatory prison term" 1758
means the maximum definite prison term prescribed in division 1759
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1760
the second degree, except that if the violation for which 1761
sentence is being imposed is committed on or after March 22, 1762
2019, it means the longest minimum prison term prescribed in 1763
division (A) (2) (a) of that section for a felony of the second 1764
degree. 1765

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1766

as in section 928.01 of the Revised Code. 1767

(QQ) An offense is "committed in the vicinity of a 1768
substance addiction services provider or a recovering addict" if 1769
either of the following apply: 1770

(1) The offender commits the offense on the premises of a 1771
substance addiction services provider's facility, including a 1772
facility licensed prior to June 29, 2019, under section 5119.391 1773
of the Revised Code to provide methadone treatment or an opioid 1774
treatment program licensed on or after that date under section 1775
5119.37 of the Revised Code, or within five hundred feet of the 1776
premises of a substance addiction services provider's facility 1777
and the offender knows or should know that the offense is being 1778
committed within the vicinity of the substance addiction 1779
services provider's facility. 1780

(2) The offender sells, offers to sell, delivers, or 1781
distributes the controlled substance or controlled substance 1782
analog to a person who is receiving treatment at the time of the 1783
commission of the offense, or received treatment within thirty 1784
days prior to the commission of the offense, from a substance 1785
addiction services provider and the offender knows that the 1786
person is receiving or received that treatment. 1787

(RR) "Substance addiction services provider" means an 1788
agency, association, corporation or other legal entity, 1789
individual, or program that provides one or more of the 1790
following at a facility: 1791

(1) Either alcohol addiction services, or drug addiction 1792
services, or both such services that are certified by the 1793
director of mental health and addiction services under section 1794
5119.36 of the Revised Code; 1795

(2) Recovery supports that are related to either alcohol 1796
addiction services, or drug addiction services, or both such 1797
services and paid for with federal, state, or local funds 1798
administered by the department of mental health and addiction 1799
services or a board of alcohol, drug addiction, and mental 1800
health services. 1801

(SS) "Premises of a substance addiction services 1802
provider's facility" means the parcel of real property on which 1803
any substance addiction service provider's facility is situated. 1804

(TT) "Alcohol and drug addiction services" has the same 1805
meaning as in section 5119.01 of the Revised Code. 1806

Sec. 2925.03. (A) No person shall knowingly do any of the 1807
following: 1808

(1) Sell or offer to sell a controlled substance or a 1809
controlled substance analog; 1810

(2) Prepare for shipment, ship, transport, deliver, 1811
prepare for distribution, or distribute a controlled substance 1812
or a controlled substance analog, when the offender knows or has 1813
reasonable cause to believe that the controlled substance or a 1814
controlled substance analog is intended for sale or resale by 1815
the offender or another person. 1816

(B) This section does not apply to any of the following: 1817

(1) Manufacturers, licensed health professionals 1818
authorized to prescribe drugs, pharmacists, owners of 1819
pharmacies, and other persons whose conduct is in accordance 1820
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1821
4741. of the Revised Code; 1822

(2) If the offense involves an anabolic steroid, any 1823

person who is conducting or participating in a research project 1824
involving the use of an anabolic steroid if the project has been 1825
approved by the United States food and drug administration; 1826

(3) Any person who sells, offers for sale, prescribes, 1827
dispenses, or administers for livestock or other nonhuman 1828
species an anabolic steroid that is expressly intended for 1829
administration through implants to livestock or other nonhuman 1830
species and approved for that purpose under the "Federal Food, 1831
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1832
as amended, and is sold, offered for sale, prescribed, 1833
dispensed, or administered for that purpose in accordance with 1834
that act. 1835

(C) Whoever violates division (A) of this section is 1836
guilty of one of the following: 1837

(1) If the drug involved in the violation is any compound, 1838
mixture, preparation, or substance included in schedule I or 1839
schedule II, with the exception of marihuana, cocaine, L.S.D., 1840
heroin, any fentanyl-related compound, hashish, methamphetamine, 1841
and any controlled substance analog, whoever violates division 1842
(A) of this section is guilty of aggravated trafficking in 1843
drugs. The penalty for the offense shall be determined as 1844
follows: 1845

(a) Except as otherwise provided in division (C) (1) (b), 1846
(c), (d), (e), or (f) of this section, aggravated trafficking in 1847
drugs is a felony of the fourth degree, and division (C) of 1848
section 2929.13 of the Revised Code applies in determining 1849
whether to impose a prison term on the offender. 1850

(b) Except as otherwise provided in division (C) (1) (c), 1851
(d), (e), or (f) of this section, if the offense was committed 1852

in the vicinity of a school, in the vicinity of a juvenile, or 1853
in the vicinity of a substance addiction services provider or a 1854
recovering addict, aggravated trafficking in drugs is a felony 1855
of the third degree, and division (C) of section 2929.13 of the 1856
Revised Code applies in determining whether to impose a prison 1857
term on the offender. 1858

(c) Except as otherwise provided in this division, if the 1859
amount of the drug involved equals or exceeds the bulk amount 1860
but is less than five times the bulk amount, aggravated 1861
trafficking in drugs is a felony of the third degree, and, 1862
except as otherwise provided in this division, there is a 1863
presumption for a prison term for the offense. If aggravated 1864
trafficking in drugs is a felony of the third degree under this 1865
division and if the offender two or more times previously has 1866
been convicted of or pleaded guilty to a felony drug abuse 1867
offense, the court shall impose as a mandatory prison term one 1868
of the prison terms prescribed for a felony of the third degree. 1869
If the amount of the drug involved is within that range and if 1870
the offense was committed in the vicinity of a school, in the 1871
vicinity of a juvenile, or in the vicinity of a substance 1872
addiction services provider or a recovering addict, aggravated 1873
trafficking in drugs is a felony of the second degree, and the 1874
court shall impose as a mandatory prison term a second degree 1875
felony mandatory prison term. 1876

(d) Except as otherwise provided in this division, if the 1877
amount of the drug involved equals or exceeds five times the 1878
bulk amount but is less than fifty times the bulk amount, 1879
aggravated trafficking in drugs is a felony of the second 1880
degree, and the court shall impose as a mandatory prison term a 1881
second degree felony mandatory prison term. If the amount of the 1882
drug involved is within that range and if the offense was 1883

committed in the vicinity of a school, in the vicinity of a 1884
juvenile, or in the vicinity of a substance addiction services 1885
provider or a recovering addict, aggravated trafficking in drugs 1886
is a felony of the first degree, and the court shall impose as a 1887
mandatory prison term a first degree felony mandatory prison 1888
term. 1889

(e) If the amount of the drug involved equals or exceeds 1890
fifty times the bulk amount but is less than one hundred times 1891
the bulk amount and regardless of whether the offense was 1892
committed in the vicinity of a school, in the vicinity of a 1893
juvenile, or in the vicinity of a substance addiction services 1894
provider or a recovering addict, aggravated trafficking in drugs 1895
is a felony of the first degree, and the court shall impose as a 1896
mandatory prison term a first degree felony mandatory prison 1897
term. 1898

(f) If the amount of the drug involved equals or exceeds 1899
one hundred times the bulk amount and regardless of whether the 1900
offense was committed in the vicinity of a school, in the 1901
vicinity of a juvenile, or in the vicinity of a substance 1902
addiction services provider or a recovering addict, aggravated 1903
trafficking in drugs is a felony of the first degree, the 1904
offender is a major drug offender, and the court shall impose as 1905
a mandatory prison term a maximum first degree felony mandatory 1906
prison term. 1907

(2) If the drug involved in the violation is any compound, 1908
mixture, preparation, or substance included in schedule III, IV, 1909
or V, whoever violates division (A) of this section is guilty of 1910
trafficking in drugs. The penalty for the offense shall be 1911
determined as follows: 1912

(a) Except as otherwise provided in division (C) (2) (b), 1913

(c), (d), or (e) of this section, trafficking in drugs is a 1914
felony of the fifth degree, and division (B) of section 2929.13 1915
of the Revised Code applies in determining whether to impose a 1916
prison term on the offender. 1917

(b) Except as otherwise provided in division (C) (2) (c), 1918
(d), or (e) of this section, if the offense was committed in the 1919
vicinity of a school or in the vicinity of a juvenile, 1920
trafficking in drugs is a felony of the fourth degree, and 1921
division (C) of section 2929.13 of the Revised Code applies in 1922
determining whether to impose a prison term on the offender. 1923

(c) Except as otherwise provided in this division, if the 1924
amount of the drug involved equals or exceeds the bulk amount 1925
but is less than five times the bulk amount, trafficking in 1926
drugs is a felony of the fourth degree, and division (B) of 1927
section 2929.13 of the Revised Code applies in determining 1928
whether to impose a prison term for the offense. If the amount 1929
of the drug involved is within that range and if the offense was 1930
committed in the vicinity of a school or in the vicinity of a 1931
juvenile, trafficking in drugs is a felony of the third degree, 1932
and there is a presumption for a prison term for the offense. 1933

(d) Except as otherwise provided in this division, if the 1934
amount of the drug involved equals or exceeds five times the 1935
bulk amount but is less than fifty times the bulk amount, 1936
trafficking in drugs is a felony of the third degree, and there 1937
is a presumption for a prison term for the offense. If the 1938
amount of the drug involved is within that range and if the 1939
offense was committed in the vicinity of a school or in the 1940
vicinity of a juvenile, trafficking in drugs is a felony of the 1941
second degree, and there is a presumption for a prison term for 1942
the offense. 1943

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

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is

a felony of the fourth degree, and division (B) of section 1974
2929.13 of the Revised Code applies in determining whether to 1975
impose a prison term on the offender. If the amount of the drug 1976
involved is within that range and if the offense was committed 1977
in the vicinity of a school or in the vicinity of a juvenile, 1978
trafficking in marihuana is a felony of the third degree, and 1979
division (C) of section 2929.13 of the Revised Code applies in 1980
determining whether to impose a prison term on the offender. 1981

(d) Except as otherwise provided in this division, if the 1982
amount of the drug involved equals or exceeds one thousand grams 1983
but is less than five thousand grams, trafficking in marihuana 1984
is a felony of the third degree, and division (C) of section 1985
2929.13 of the Revised Code applies in determining whether to 1986
impose a prison term on the offender. If the amount of the drug 1987
involved is within that range and if the offense was committed 1988
in the vicinity of a school or in the vicinity of a juvenile, 1989
trafficking in marihuana is a felony of the second degree, and 1990
there is a presumption that a prison term shall be imposed for 1991
the offense. 1992

(e) Except as otherwise provided in this division, if the 1993
amount of the drug involved equals or exceeds five thousand 1994
grams but is less than twenty thousand grams, trafficking in 1995
marihuana is a felony of the third degree, and there is a 1996
presumption that a prison term shall be imposed for the offense. 1997
If the amount of the drug involved is within that range and if 1998
the offense was committed in the vicinity of a school or in the 1999
vicinity of a juvenile, trafficking in marihuana is a felony of 2000
the second degree, and there is a presumption that a prison term 2001
shall be imposed for the offense. 2002

(f) Except as otherwise provided in this division, if the 2003

amount of the drug involved equals or exceeds twenty thousand 2004
grams but is less than forty thousand grams, trafficking in 2005
marihuana is a felony of the second degree, and the court shall 2006
impose as a mandatory prison term a second degree felony 2007
mandatory prison term of five, six, seven, or eight years. If 2008
the amount of the drug involved is within that range and if the 2009
offense was committed in the vicinity of a school or in the 2010
vicinity of a juvenile, trafficking in marihuana is a felony of 2011
the first degree, and the court shall impose as a mandatory 2012
prison term a maximum first degree felony mandatory prison term. 2013

(g) Except as otherwise provided in this division, if the 2014
amount of the drug involved equals or exceeds forty thousand 2015
grams, trafficking in marihuana is a felony of the second 2016
degree, and the court shall impose as a mandatory prison term a 2017
maximum second degree felony mandatory prison term. If the 2018
amount of the drug involved equals or exceeds forty thousand 2019
grams and if the offense was committed in the vicinity of a 2020
school or in the vicinity of a juvenile, trafficking in 2021
marihuana is a felony of the first degree, and the court shall 2022
impose as a mandatory prison term a maximum first degree felony 2023
mandatory prison term. 2024

(h) Except as otherwise provided in this division, if the 2025
offense involves a gift of twenty grams or less of marihuana, 2026
trafficking in marihuana is a minor misdemeanor upon a first 2027
offense and a misdemeanor of the third degree upon a subsequent 2028
offense. If the offense involves a gift of twenty grams or less 2029
of marihuana and if the offense was committed in the vicinity of 2030
a school or in the vicinity of a juvenile, trafficking in 2031
marihuana is a misdemeanor of the third degree. 2032

(4) If the drug involved in the violation is cocaine or a 2033

compound, mixture, preparation, or substance containing cocaine, 2034
whoever violates division (A) of this section is guilty of 2035
trafficking in cocaine. The penalty for the offense shall be 2036
determined as follows: 2037

(a) Except as otherwise provided in division (C) (4) (b), 2038
(c), (d), (e), or (f), ~~or~~ (g) of this section, trafficking in 2039
cocaine is a felony of the fifth degree, and division (B) of 2040
section 2929.13 of the Revised Code applies in determining 2041
whether to impose a prison term on the offender. 2042

(b) Except as otherwise provided in division (C) (4) (c), 2043
(d), (e), or (f), ~~or~~ (g) of this section, if the offense was 2044
committed in the vicinity of a school, in the vicinity of a 2045
juvenile, or in the vicinity of a substance addiction services 2046
provider or a recovering addict, trafficking in cocaine is a 2047
felony of the fourth degree, and division (C) of section 2929.13 2048
of the Revised Code applies in determining whether to impose a 2049
prison term on the offender. 2050

(c) Except as otherwise provided in this division, if the 2051
amount of the drug involved equals or exceeds five grams but is 2052
less than ten grams of cocaine, trafficking in cocaine is a 2053
felony of the fourth degree, and division (B) of section 2929.13 2054
of the Revised Code applies in determining whether to impose a 2055
prison term for the offense. If the amount of the drug involved 2056
is within that range and if the offense was committed in the 2057
vicinity of a school, in the vicinity of a juvenile, or in the 2058
vicinity of a substance addiction services provider or a 2059
recovering addict, trafficking in cocaine is a felony of the 2060
third degree, and there is a presumption for a prison term for 2061
the offense. 2062

(d) Except as otherwise provided in this division, if the 2063

amount of the drug involved equals or exceeds ten grams but is 2064
less than twenty grams of cocaine, trafficking in cocaine is a 2065
felony of the ~~third~~second degree, and, except as otherwise 2066
provided in this division, there is a presumption for a prison 2067
term for the offense. If trafficking in cocaine is a felony of 2068
the ~~third~~second degree under this division and if the offender 2069
two or more times previously has been convicted of or pleaded 2070
guilty to a felony drug abuse offense, the court shall impose as 2071
a mandatory prison term one of the prison terms prescribed for a 2072
felony of the ~~third~~second degree. If the amount of the drug 2073
involved is within that range and if the offense was committed 2074
in the vicinity of a school, in the vicinity of a juvenile, or 2075
in the vicinity of a substance addiction services provider or a 2076
recovering addict, trafficking in cocaine is a felony of the 2077
~~second~~first degree, and the court shall impose as a mandatory 2078
prison term a ~~second~~first degree felony mandatory prison term. 2079

(e) ~~Except as otherwise provided in this division, if~~ If 2080
the amount of the drug involved equals or exceeds twenty grams 2081
but is less than ~~twenty-seven~~ one hundred grams of cocaine and 2082
regardless of whether the offense was committed in the vicinity 2083
of a school, in the vicinity of a juvenile, or in the vicinity 2084
of a substance addiction services provider or a recovering 2085
addict, trafficking in cocaine is a felony of the ~~second~~first 2086
degree, and the court shall impose as a mandatory prison term a 2087
~~second~~first degree felony mandatory prison term. ~~If the amount~~ 2088
~~of the drug involved is within that range and if the offense was~~ 2089
~~committed in the vicinity of a school, in the vicinity of a~~ 2090
~~juvenile, or in the vicinity of a substance addiction services~~ 2091
~~provider or a recovering addict, trafficking in cocaine is a~~ 2092
~~felony of the first degree, and the court shall impose as a~~ 2093
~~mandatory prison term a first degree felony mandatory prison~~ 2094

~~term.~~ 2095

~~(f) If the amount of the drug involved equals or exceeds
twenty seven grams but is less than one hundred grams of cocaine
and regardless of whether the offense was committed in the
vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in cocaine is a felony of the
first degree, and the court shall impose as a mandatory prison
term a first degree felony mandatory prison term.~~ 2096
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~~(g)~~ If the amount of the drug involved equals or exceeds 2104
one hundred grams of cocaine and regardless of whether the 2105
offense was committed in the vicinity of a school, in the 2106
vicinity of a juvenile, or in the vicinity of a substance 2107
addiction services provider or a recovering addict, trafficking 2108
in cocaine is a felony of the first degree, the offender is a 2109
major drug offender, and the court shall impose as a mandatory 2110
prison term a maximum first degree felony mandatory prison term. 2111

(5) If the drug involved in the violation is L.S.D. or a 2112
compound, mixture, preparation, or substance containing L.S.D., 2113
whoever violates division (A) of this section is guilty of 2114
trafficking in L.S.D. The penalty for the offense shall be 2115
determined as follows: 2116

(a) Except as otherwise provided in division (C) (5) (b), 2117
(c), (d), (e), (f), or (g) of this section, trafficking in 2118
L.S.D. is a felony of the fifth degree, and division (B) of 2119
section 2929.13 of the Revised Code applies in determining 2120
whether to impose a prison term on the offender. 2121

(b) Except as otherwise provided in division (C) (5) (c), 2122
(d), (e), (f), or (g) of this section, if the offense was 2123

committed in the vicinity of a school, in the vicinity of a 2124
juvenile, or in the vicinity of a substance addiction services 2125
provider or a recovering addict, trafficking in L.S.D. is a 2126
felony of the fourth degree, and division (C) of section 2929.13 2127
of the Revised Code applies in determining whether to impose a 2128
prison term on the offender. 2129

(c) Except as otherwise provided in this division, if the 2130
amount of the drug involved equals or exceeds ten unit doses but 2131
is less than fifty unit doses of L.S.D. in a solid form or 2132
equals or exceeds one gram but is less than five grams of L.S.D. 2133
in a liquid concentrate, liquid extract, or liquid distillate 2134
form, trafficking in L.S.D. is a felony of the fourth degree, 2135
and division (B) of section 2929.13 of the Revised Code applies 2136
in determining whether to impose a prison term for the offense. 2137
If the amount of the drug involved is within that range and if 2138
the offense was committed in the vicinity of a school, in the 2139
vicinity of a juvenile, or in the vicinity of a substance 2140
addiction services provider or a recovering addict, trafficking 2141
in L.S.D. is a felony of the third degree, and there is a 2142
presumption for a prison term for the offense. 2143

(d) Except as otherwise provided in this division, if the 2144
amount of the drug involved equals or exceeds fifty unit doses 2145
but is less than two hundred fifty unit doses of L.S.D. in a 2146
solid form or equals or exceeds five grams but is less than 2147
twenty-five grams of L.S.D. in a liquid concentrate, liquid 2148
extract, or liquid distillate form, trafficking in L.S.D. is a 2149
felony of the third degree, and, except as otherwise provided in 2150
this division, there is a presumption for a prison term for the 2151
offense. If trafficking in L.S.D. is a felony of the third 2152
degree under this division and if the offender two or more times 2153
previously has been convicted of or pleaded guilty to a felony 2154

drug abuse offense, the court shall impose as a mandatory prison 2155
term one of the prison terms prescribed for a felony of the 2156
third degree. If the amount of the drug involved is within that 2157
range and if the offense was committed in the vicinity of a 2158
school, in the vicinity of a juvenile, or in the vicinity of a 2159
substance addiction services provider or a recovering addict, 2160
trafficking in L.S.D. is a felony of the second degree, and the 2161
court shall impose as a mandatory prison term a second degree 2162
felony mandatory prison term. 2163

(e) Except as otherwise provided in this division, if the 2164
amount of the drug involved equals or exceeds two hundred fifty 2165
unit doses but is less than one thousand unit doses of L.S.D. in 2166
a solid form or equals or exceeds twenty-five grams but is less 2167
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2168
extract, or liquid distillate form, trafficking in L.S.D. is a 2169
felony of the second degree, and the court shall impose as a 2170
mandatory prison term a second degree felony mandatory prison 2171
term. If the amount of the drug involved is within that range 2172
and if the offense was committed in the vicinity of a school, in 2173
the vicinity of a juvenile, or in the vicinity of a substance 2174
addiction services provider or a recovering addict, trafficking 2175
in L.S.D. is a felony of the first degree, and the court shall 2176
impose as a mandatory prison term a first degree felony 2177
mandatory prison term. 2178

(f) If the amount of the drug involved equals or exceeds 2179
one thousand unit doses but is less than five thousand unit 2180
doses of L.S.D. in a solid form or equals or exceeds one hundred 2181
grams but is less than five hundred grams of L.S.D. in a liquid 2182
concentrate, liquid extract, or liquid distillate form and 2183
regardless of whether the offense was committed in the vicinity 2184
of a school, in the vicinity of a juvenile, or in the vicinity 2185

of a substance addiction services provider or a recovering 2186
addict, trafficking in L.S.D. is a felony of the first degree, 2187
and the court shall impose as a mandatory prison term a first 2188
degree felony mandatory prison term. 2189

(g) If the amount of the drug involved equals or exceeds 2190
five thousand unit doses of L.S.D. in a solid form or equals or 2191
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2192
liquid extract, or liquid distillate form and regardless of 2193
whether the offense was committed in the vicinity of a school, 2194
in the vicinity of a juvenile, or in the vicinity of a substance 2195
addiction services provider or a recovering addict, trafficking 2196
in L.S.D. is a felony of the first degree, the offender is a 2197
major drug offender, and the court shall impose as a mandatory 2198
prison term a maximum first degree felony mandatory prison term. 2199

(6) If the drug involved in the violation is heroin or a 2200
compound, mixture, preparation, or substance containing heroin, 2201
whoever violates division (A) of this section is guilty of 2202
trafficking in heroin. The penalty for the offense shall be 2203
determined as follows: 2204

(a) Except as otherwise provided in division (C) (6) (b), 2205
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 2206
heroin is a felony of the fifth degree, and division (B) of 2207
section 2929.13 of the Revised Code applies in determining 2208
whether to impose a prison term on the offender. 2209

(b) Except as otherwise provided in division (C) (6) (c), 2210
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 2211
committed in the vicinity of a school, in the vicinity of a 2212
juvenile, or in the vicinity of a substance addiction services 2213
provider or a recovering addict, trafficking in heroin is a 2214
felony of the fourth degree, and division (C) of section 2929.13 2215

of the Revised Code applies in determining whether to impose a 2216
prison term on the offender. 2217

(c) Except as otherwise provided in this division, if the 2218
amount of the drug involved equals or exceeds ten unit doses but 2219
is less than fifty unit doses or equals or exceeds one gram but 2220
is less than five grams, trafficking in heroin is a felony of 2221
the ~~fourth~~ second degree, ~~and division (B) of section 2929.13 of~~ 2222
~~the Revised Code applies in determining whether to impose a~~ 2223
~~prison term for the offense.~~ If the amount of the drug involved 2224
is within that range and if the offense was committed in the 2225
vicinity of a school, in the vicinity of a juvenile, or in the 2226
vicinity of a substance addiction services provider or a 2227
recovering addict, trafficking in heroin is a felony of the 2228
~~third~~ first degree, and there is a presumption for a prison term 2229
for the offense. 2230

(d) ~~Except as otherwise provided in this division, if~~ If 2231
the amount of the drug involved equals or exceeds fifty unit 2232
doses but is less than one hundred unit doses or equals or 2233
exceeds five grams but is less than ten grams and regardless of 2234
whether the offense was committed in the vicinity of a school, 2235
in the vicinity of a juvenile, or in the vicinity of a substance 2236
addiction services provider or a recovering addict, trafficking 2237
in heroin is a felony of the ~~third~~ first degree, and there is a 2238
presumption for a prison term for the offense. ~~If the amount of~~ 2239
~~the drug involved is within that range and if the offense was~~ 2240
~~committed in the vicinity of a school, in the vicinity of a~~ 2241
~~juvenile, or in the vicinity of a substance addiction services~~ 2242
~~provider or a recovering addict, trafficking in heroin is a~~ 2243
~~felony of the second degree, and there is a presumption for a~~ 2244
~~prison term for the offense.~~ 2245

(e) ~~Except as otherwise provided in this division, if~~ 2246
the amount of the drug involved equals or exceeds one hundred 2247
unit doses but is less than ~~five hundred one thousand~~ one thousand unit doses 2248
or equals or exceeds ten grams but is less than ~~fifty one~~ 2249
hundred grams and regardless of whether the offense was 2250
committed in the vicinity of a school, in the vicinity of a 2251
juvenile, or in the vicinity of a substance addiction services 2252
provider or a recovering addict, trafficking in heroin is a 2253
felony of the ~~second~~ first degree, and the court shall impose as 2254
a mandatory prison term a ~~second~~ first degree felony mandatory 2255
prison term. ~~If the amount of the drug involved is within that~~ 2256
~~range and if the offense was committed in the vicinity of a~~ 2257
~~school, in the vicinity of a juvenile, or in the vicinity of a~~ 2258
~~substance addiction services provider or a recovering addict,~~ 2259
~~trafficking in heroin is a felony of the first degree, and the~~ 2260
~~court shall impose as a mandatory prison term a first degree~~ 2261
~~felony mandatory prison term.~~ 2262

(f) ~~If the amount of the drug involved equals or exceeds~~ 2263
~~five hundred unit doses but is less than one thousand unit doses~~ 2264
~~or equals or exceeds fifty grams but is less than one hundred~~ 2265
~~grams and regardless of whether the offense was committed in the~~ 2266
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 2267
~~vicinity of a substance addiction services provider or a~~ 2268
~~recovering addict, trafficking in heroin is a felony of the~~ 2269
~~first degree, and the court shall impose as a mandatory prison~~ 2270
~~term a first degree felony mandatory prison term.~~ 2271

~~(g)~~ If the amount of the drug involved equals or exceeds 2272
one thousand unit doses or equals or exceeds one hundred grams 2273
and regardless of whether the offense was committed in the 2274
vicinity of a school, in the vicinity of a juvenile, or in the 2275
vicinity of a substance addiction services provider or a 2276

recovering addict, trafficking in heroin is a felony of the 2277
first degree, the offender is a major drug offender, and the 2278
court shall impose as a mandatory prison term a maximum first 2279
degree felony mandatory prison term. 2280

(7) If the drug involved in the violation is hashish or a 2281
compound, mixture, preparation, or substance containing hashish, 2282
whoever violates division (A) of this section is guilty of 2283
trafficking in hashish. The penalty for the offense shall be 2284
determined as follows: 2285

(a) Except as otherwise provided in division (C) (7) (b), 2286
(c), (d), (e), (f), or (g) of this section, trafficking in 2287
hashish is a felony of the fifth degree, and division (B) of 2288
section 2929.13 of the Revised Code applies in determining 2289
whether to impose a prison term on the offender. 2290

(b) Except as otherwise provided in division (C) (7) (c), 2291
(d), (e), (f), or (g) of this section, if the offense was 2292
committed in the vicinity of a school, in the vicinity of a 2293
juvenile, or in the vicinity of a substance addiction services 2294
provider or a recovering addict, trafficking in hashish is a 2295
felony of the fourth degree, and division (B) of section 2929.13 2296
of the Revised Code applies in determining whether to impose a 2297
prison term on the offender. 2298

(c) Except as otherwise provided in this division, if the 2299
amount of the drug involved equals or exceeds ten grams but is 2300
less than fifty grams of hashish in a solid form or equals or 2301
exceeds two grams but is less than ten grams of hashish in a 2302
liquid concentrate, liquid extract, or liquid distillate form, 2303
trafficking in hashish is a felony of the fourth degree, and 2304
division (B) of section 2929.13 of the Revised Code applies in 2305
determining whether to impose a prison term on the offender. If 2306

the amount of the drug involved is within that range and if the 2307
offense was committed in the vicinity of a school, in the 2308
vicinity of a juvenile, or in the vicinity of a substance 2309
addiction services provider or a recovering addict, trafficking 2310
in hashish is a felony of the third degree, and division (C) of 2311
section 2929.13 of the Revised Code applies in determining 2312
whether to impose a prison term on the offender. 2313

(d) Except as otherwise provided in this division, if the 2314
amount of the drug involved equals or exceeds fifty grams but is 2315
less than two hundred fifty grams of hashish in a solid form or 2316
equals or exceeds ten grams but is less than fifty grams of 2317
hashish in a liquid concentrate, liquid extract, or liquid 2318
distillate form, trafficking in hashish is a felony of the third 2319
degree, and division (C) of section 2929.13 of the Revised Code 2320
applies in determining whether to impose a prison term on the 2321
offender. If the amount of the drug involved is within that 2322
range and if the offense was committed in the vicinity of a 2323
school, in the vicinity of a juvenile, or in the vicinity of a 2324
substance addiction services provider or a recovering addict, 2325
trafficking in hashish is a felony of the second degree, and 2326
there is a presumption that a prison term shall be imposed for 2327
the offense. 2328

(e) Except as otherwise provided in this division, if the 2329
amount of the drug involved equals or exceeds two hundred fifty 2330
grams but is less than one thousand grams of hashish in a solid 2331
form or equals or exceeds fifty grams but is less than two 2332
hundred grams of hashish in a liquid concentrate, liquid 2333
extract, or liquid distillate form, trafficking in hashish is a 2334
felony of the third degree, and there is a presumption that a 2335
prison term shall be imposed for the offense. If the amount of 2336
the drug involved is within that range and if the offense was 2337

committed in the vicinity of a school, in the vicinity of a 2338
juvenile, or in the vicinity of a substance addiction services 2339
provider or a recovering addict, trafficking in hashish is a 2340
felony of the second degree, and there is a presumption that a 2341
prison term shall be imposed for the offense. 2342

(f) Except as otherwise provided in this division, if the 2343
amount of the drug involved equals or exceeds one thousand grams 2344
but is less than two thousand grams of hashish in a solid form 2345
or equals or exceeds two hundred grams but is less than four 2346
hundred grams of hashish in a liquid concentrate, liquid 2347
extract, or liquid distillate form, trafficking in hashish is a 2348
felony of the second degree, and the court shall impose as a 2349
mandatory prison term a second degree felony mandatory prison 2350
term of five, six, seven, or eight years. If the amount of the 2351
drug involved is within that range and if the offense was 2352
committed in the vicinity of a school, in the vicinity of a 2353
juvenile, or in the vicinity of a substance addiction services 2354
provider or a recovering addict, trafficking in hashish is a 2355
felony of the first degree, and the court shall impose as a 2356
mandatory prison term a maximum first degree felony mandatory 2357
prison term. 2358

(g) Except as otherwise provided in this division, if the 2359
amount of the drug involved equals or exceeds two thousand grams 2360
of hashish in a solid form or equals or exceeds four hundred 2361
grams of hashish in a liquid concentrate, liquid extract, or 2362
liquid distillate form, trafficking in hashish is a felony of 2363
the second degree, and the court shall impose as a mandatory 2364
prison term a maximum second degree felony mandatory prison 2365
term. If the amount of the drug involved equals or exceeds two 2366
thousand grams of hashish in a solid form or equals or exceeds 2367
four hundred grams of hashish in a liquid concentrate, liquid 2368

extract, or liquid distillate form and if the offense was 2369
committed in the vicinity of a school, in the vicinity of a 2370
juvenile, or in the vicinity of a substance addiction services 2371
provider or a recovering addict, trafficking in hashish is a 2372
felony of the first degree, and the court shall impose as a 2373
mandatory prison term a maximum first degree felony mandatory 2374
prison term. 2375

(8) If the drug involved in the violation is a controlled 2376
substance analog or compound, mixture, preparation, or substance 2377
that contains a controlled substance analog, whoever violates 2378
division (A) of this section is guilty of trafficking in a 2379
controlled substance analog. The penalty for the offense shall 2380
be determined as follows: 2381

(a) Except as otherwise provided in division (C) (8) (b), 2382
(c), (d), (e), (f), or (g) of this section, trafficking in a 2383
controlled substance analog is a felony of the fifth degree, and 2384
division (C) of section 2929.13 of the Revised Code applies in 2385
determining whether to impose a prison term on the offender. 2386

(b) Except as otherwise provided in division (C) (8) (c), 2387
(d), (e), (f), or (g) of this section, if the offense was 2388
committed in the vicinity of a school, in the vicinity of a 2389
juvenile, or in the vicinity of a substance addiction services 2390
provider or a recovering addict, trafficking in a controlled 2391
substance analog is a felony of the fourth degree, and division 2392
(C) of section 2929.13 of the Revised Code applies in 2393
determining whether to impose a prison term on the offender. 2394

(c) Except as otherwise provided in this division, if the 2395
amount of the drug involved equals or exceeds ten grams but is 2396
less than twenty grams, trafficking in a controlled substance 2397
analog is a felony of the fourth degree, and division (B) of 2398

section 2929.13 of the Revised Code applies in determining 2399
whether to impose a prison term for the offense. If the amount 2400
of the drug involved is within that range and if the offense was 2401
committed in the vicinity of a school, in the vicinity of a 2402
juvenile, or in the vicinity of a substance addiction services 2403
provider or a recovering addict, trafficking in a controlled 2404
substance analog is a felony of the third degree, and there is a 2405
presumption for a prison term for the offense. 2406

(d) Except as otherwise provided in this division, if the 2407
amount of the drug involved equals or exceeds twenty grams but 2408
is less than thirty grams, trafficking in a controlled substance 2409
analog is a felony of the third degree, and there is a 2410
presumption for a prison term for the offense. If the amount of 2411
the drug involved is within that range and if the offense was 2412
committed in the vicinity of a school, in the vicinity of a 2413
juvenile, or in the vicinity of a substance addiction services 2414
provider or a recovering addict, trafficking in a controlled 2415
substance analog is a felony of the second degree, and there is 2416
a presumption for a prison term for the offense. 2417

(e) Except as otherwise provided in this division, if the 2418
amount of the drug involved equals or exceeds thirty grams but 2419
is less than forty grams, trafficking in a controlled substance 2420
analog is a felony of the second degree, and the court shall 2421
impose as a mandatory prison term a second degree felony 2422
mandatory prison term. If the amount of the drug involved is 2423
within that range and if the offense was committed in the 2424
vicinity of a school, in the vicinity of a juvenile, or in the 2425
vicinity of a substance addiction services provider or a 2426
recovering addict, trafficking in a controlled substance analog 2427
is a felony of the first degree, and the court shall impose as a 2428
mandatory prison term a first degree felony mandatory prison 2429

term. 2430

(f) If the amount of the drug involved equals or exceeds 2431
forty grams but is less than fifty grams and regardless of 2432
whether the offense was committed in the vicinity of a school, 2433
in the vicinity of a juvenile, or in the vicinity of a substance 2434
addiction services provider or a recovering addict, trafficking 2435
in a controlled substance analog is a felony of the first 2436
degree, and the court shall impose as a mandatory prison term a 2437
first degree felony mandatory prison term. 2438

(g) If the amount of the drug involved equals or exceeds 2439
fifty grams and regardless of whether the offense was committed 2440
in the vicinity of a school, in the vicinity of a juvenile, or 2441
in the vicinity of a substance addiction services provider or a 2442
recovering addict, trafficking in a controlled substance analog 2443
is a felony of the first degree, the offender is a major drug 2444
offender, and the court shall impose as a mandatory prison term 2445
a maximum first degree felony mandatory prison term. 2446

(9) If the drug involved in the violation is a fentanyl- 2447
related compound or a compound, mixture, preparation, or 2448
substance containing a fentanyl-related compound and division 2449
(C) (10) (a) of this section does not apply to the drug involved, 2450
whoever violates division (A) of this section is guilty of 2451
trafficking in a fentanyl-related compound. The penalty for the 2452
offense shall be determined as follows: 2453

(a) Except as otherwise provided in division (C) (9) (b), 2454
(c), (d), (e), (f), or (g), ~~or (h)~~ of this section, trafficking 2455
in a fentanyl-related compound is a felony of the fifth-third 2456
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 2457
~~applies in determining whether to impose a prison term on the~~ 2458
~~offender.~~ 2459

(b) Except as otherwise provided in division (C) (9) (c), 2460
(d), (e), (f), or (g), ~~or (h)~~ of this section, if the offense 2461
was committed in the vicinity of a school, in the vicinity of a 2462
juvenile, or in the vicinity of a substance addiction services 2463
provider or a recovering addict, trafficking in a fentanyl- 2464
related compound is a felony of the ~~fourth~~ first degree, and 2465
division (C) of section 2929.13 of the Revised Code applies in 2466
determining whether to impose a prison term on the offender. 2467

(c) ~~Except as otherwise provided in this division, if~~ If 2468
the amount of the drug involved equals or exceeds ten unit doses 2469
but is less than fifty unit doses or equals or exceeds one gram 2470
but is less than five grams and regardless of whether the 2471
offense was committed in the vicinity of a school, in the 2472
vicinity of a juvenile, or in the vicinity of a substance 2473
addiction services provider or a recovering addict, trafficking 2474
in a fentanyl-related compound is a felony of the ~~fourth~~ first 2475
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 2476
~~applies in determining whether to impose a prison term for the~~ 2477
~~offense. If the amount of the drug involved is within that range~~ 2478
~~and if the offense was committed in the vicinity of a school, in~~ 2479
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 2480
~~addiction services provider or a recovering addict, trafficking~~ 2481
~~in a fentanyl related compound is a felony of the third degree,~~ 2482
~~and there is a presumption for a prison term for the offense.~~ 2483

(d) ~~Except as otherwise provided in this division, if~~ If 2484
the amount of the drug involved equals or exceeds fifty unit 2485
doses but is less than one hundred unit doses or equals or 2486
exceeds five grams but is less than ten grams and regardless of 2487
whether the offense was committed in the vicinity of a school, 2488
in the vicinity of a juvenile, or in the vicinity of a substance 2489
addiction services provider or a recovering addict, trafficking 2490

in a fentanyl-related compound is a felony of the ~~third~~first 2491
degree, and there is a presumption for a prison term for the 2492
offense. ~~If the amount of the drug involved is within that range~~ 2493
~~and if the offense was committed in the vicinity of a school, in~~ 2494
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 2495
~~addiction services provider or a recovering addict, trafficking~~ 2496
~~in a fentanyl related compound is a felony of the second degree,~~ 2497
~~and there is a presumption for a prison term for the offense.~~ 2498

(e) ~~Except as otherwise provided in this division, if If~~ 2499
the amount of the drug involved equals or exceeds one hundred 2500
unit doses but is less than ~~two~~five hundred unit doses or 2501
equals or exceeds ten grams but is less than ~~twenty~~fifty grams 2502
and regardless of whether the offense was committed in the 2503
vicinity of a school, in the vicinity of a juvenile, or in the 2504
vicinity of a substance addiction services provider or a 2505
recovering addict, trafficking in a fentanyl-related compound is 2506
a felony of the ~~second~~first degree, and the court shall impose 2507
as a mandatory prison term one of the prison terms prescribed 2508
for a felony of the ~~second~~first degree. ~~If the amount of the~~ 2509
~~drug involved is within that range and if the offense was~~ 2510
~~committed in the vicinity of a school, in the vicinity of a~~ 2511
~~juvenile, or in the vicinity of a substance addiction services~~ 2512
~~provider or a recovering addict, trafficking in a fentanyl~~ 2513
~~related compound is a felony of the first degree, and the court~~ 2514
~~shall impose as a mandatory prison term one of the prison terms~~ 2515
~~prescribed for a felony of the first degree.~~ 2516

(f) ~~If the amount of the drug involved equals or exceeds~~ 2517
~~two hundred unit doses but is less than five hundred unit doses~~ 2518
~~or equals or exceeds twenty grams but is less than fifty grams~~ 2519
~~and regardless of whether the offense was committed in the~~ 2520
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 2521

~~vicinity of a substance addiction services provider or a~~ 2522
~~recovering addict, trafficking in a fentanyl-related compound is~~ 2523
~~a felony of the first degree, and the court shall impose as a~~ 2524
~~mandatory prison term one of the prison terms prescribed for a~~ 2525
~~felony of the first degree.~~ 2526

~~(g)~~ If the amount of the drug involved equals or exceeds 2527
five hundred unit doses but is less than one thousand unit doses 2528
or equals or exceeds fifty grams but is less than one hundred 2529
grams and regardless of whether the offense was committed in the 2530
vicinity of a school, in the vicinity of a juvenile, or in the 2531
vicinity of a substance addiction services provider or a 2532
recovering addict, trafficking in a fentanyl-related compound is 2533
a felony of the first degree, and the court shall impose as a 2534
mandatory prison term the maximum prison term prescribed for a 2535
felony of the first degree. 2536

~~(h)~~ (g) If the amount of the drug involved equals or 2537
exceeds one thousand unit doses or equals or exceeds one hundred 2538
grams and regardless of whether the offense was committed in the 2539
vicinity of a school, in the vicinity of a juvenile, or in the 2540
vicinity of a substance addiction services provider or a 2541
recovering addict, trafficking in a fentanyl-related compound is 2542
a felony of the first degree, the offender is a major drug 2543
offender, and the court shall impose as a mandatory prison term 2544
the maximum prison term prescribed for a felony of the first 2545
degree. 2546

(10) If the drug involved in the violation is a compound, 2547
mixture, preparation, or substance that is a combination of a 2548
fentanyl-related compound and marihuana, one of the following 2549
applies: 2550

(a) Except as otherwise provided in division (C) (10) (b) of 2551

this section, the offender is guilty of trafficking in marihuana 2552
and shall be punished under division (C) (3) of this section. The 2553
offender is not guilty of trafficking in a fentanyl-related 2554
compound and shall not be charged with, convicted of, or 2555
punished under division (C) (9) of this section for trafficking 2556
in a fentanyl-related compound. 2557

(b) If the offender knows or has reason to know that the 2558
compound, mixture, preparation, or substance that is the drug 2559
involved contains a fentanyl-related compound, the offender is 2560
guilty of trafficking in a fentanyl-related compound and shall 2561
be punished under division (C) (9) of this section. 2562

(11) If the drug involved in the violation is 2563
methamphetamine or a compound, mixture, preparation, or 2564
substance containing methamphetamine, whoever violates division 2565
(A) of this section is guilty of trafficking in methamphetamine. 2566
The penalty for the offense shall be determined as follows: 2567

(a) Except as otherwise provided in division (C) (11) (b), 2568
(c), (d), (e), or (f) of this section, trafficking in 2569
methamphetamine is a felony of the fourth degree, and division 2570
(B) of section 2929.13 of the Revised Code applies in 2571
determining whether to impose a prison term on the offender. 2572

(b) Except as otherwise provided in division (C) (11) (c), 2573
(d), (e), or (f) of this section, if the offense was committed 2574
in the vicinity of a school, in the vicinity of a juvenile, or 2575
in the vicinity of a substance addiction services provider or a 2576
recovering addict, trafficking in methamphetamine is a felony of 2577
the third degree, and division (C) of section 2929.13 of the 2578
Revised Code applies in determining whether to impose a prison 2579
term on the offender. 2580

(c) Except as otherwise provided in this division, if the 2581
amount of the drug involved equals or exceeds three grams but is 2582
less than ten grams of methamphetamine, trafficking in 2583
methamphetamine is a felony of the third degree and, except as 2584
otherwise provided in this division, there is a presumption for 2585
a prison term for the offense. If trafficking in methamphetamine 2586
is a felony of the third degree and if the offender two or more 2587
times previously has been convicted of or pleaded guilty to a 2588
felony drug abuse offense, the court shall impose as a mandatory 2589
prison term one of the prison terms prescribed for a felony of 2590
the third degree. If the amount of the drug involved is within 2591
that range and if the offense was committed in the vicinity of a 2592
school, in the vicinity of a juvenile, or in the vicinity of a 2593
substance addiction services provider or a recovering addict, 2594
trafficking in methamphetamine is a felony of the second degree, 2595
and the court shall impose as a mandatory prison term one of the 2596
prison terms prescribed for a felony of the second degree. 2597

(d) Except as otherwise provided in this division, if the 2598
amount of the drug involved equals or exceeds ten grams but is 2599
less than twenty grams of methamphetamine, trafficking in 2600
methamphetamine is a felony of the second degree and there is a 2601
presumption for a prison term for the offense. If trafficking in 2602
methamphetamine is a felony of the second degree under this 2603
division and if the offender two or more times previously has 2604
been convicted of or pleaded guilty to a felony drug abuse 2605
offense, the court shall impose as a mandatory prison term one 2606
of the prison terms prescribed for a felony of the second 2607
degree. If the amount of the drug involved is within that range 2608
and if the offense was committed in the vicinity of a school, in 2609
the vicinity of a juvenile, or in the vicinity of a substance 2610
addiction services provider or a recovering addict, trafficking 2611

in methamphetamine is a felony of the first degree, and the 2612
court shall impose as a mandatory prison term a first degree 2613
felony mandatory prison term. 2614

(e) If the amount of the drug involved equals or exceeds 2615
twenty grams but is less than one hundred grams of 2616
methamphetamine and regardless of whether the offense was 2617
committed in the vicinity of a school, in the vicinity of a 2618
juvenile, or in the vicinity of a substance addiction services 2619
provider or a recovering addict, trafficking in methamphetamine 2620
is a felony of the first degree, and the court shall impose as a 2621
mandatory prison term a first degree felony mandatory prison 2622
term. 2623

(f) If the amount of the drug involved equals or exceeds 2624
one hundred grams of methamphetamine and regardless of whether 2625
the offense was committed in the vicinity of a school, in the 2626
vicinity of a juvenile, or in the vicinity of a substance 2627
addiction services provider or a recovering addict, trafficking 2628
in methamphetamine is a felony of the first degree, the offender 2629
is a major drug offender, and the court shall impose as a 2630
mandatory prison term a maximum first degree felony mandatory 2631
prison term. 2632

(D) In addition to any prison term authorized or required 2633
by division (C) of this section and sections 2929.13 and 2929.14 2634
of the Revised Code, and in addition to any other sanction 2635
imposed for the offense under this section or sections 2929.11 2636
to 2929.18 of the Revised Code, the court that sentences an 2637
offender who is convicted of or pleads guilty to a violation of 2638
division (A) of this section may suspend the driver's or 2639
commercial driver's license or permit of the offender in 2640
accordance with division (G) of this section. However, if the 2641

offender pleaded guilty to or was convicted of a violation of 2642
section 4511.19 of the Revised Code or a substantially similar 2643
municipal ordinance or the law of another state or the United 2644
States arising out of the same set of circumstances as the 2645
violation, the court shall suspend the offender's driver's or 2646
commercial driver's license or permit in accordance with 2647
division (G) of this section. If applicable, the court also 2648
shall do the following: 2649

(1) If the violation of division (A) of this section is a 2650
felony of the first, second, or third degree, the court shall 2651
impose upon the offender the mandatory fine specified for the 2652
offense under division (B)(1) of section 2929.18 of the Revised 2653
Code unless, as specified in that division, the court determines 2654
that the offender is indigent. Except as otherwise provided in 2655
division (H)(1) of this section, a mandatory fine or any other 2656
fine imposed for a violation of this section is subject to 2657
division (F) of this section. If a person is charged with a 2658
violation of this section that is a felony of the first, second, 2659
or third degree, posts bail, and forfeits the bail, the clerk of 2660
the court shall pay the forfeited bail pursuant to divisions (D) 2661
(1) and (F) of this section, as if the forfeited bail was a fine 2662
imposed for a violation of this section. If any amount of the 2663
forfeited bail remains after that payment and if a fine is 2664
imposed under division (H)(1) of this section, the clerk of the 2665
court shall pay the remaining amount of the forfeited bail 2666
pursuant to divisions (H)(2) and (3) of this section, as if that 2667
remaining amount was a fine imposed under division (H)(1) of 2668
this section. 2669

(2) If the offender is a professionally licensed person, 2670
the court immediately shall comply with section 2925.38 of the 2671
Revised Code. 2672

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

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

recipient agency under division (F) (2) of this section. 2704

(2) Prior to receiving any fine moneys under division (F) 2705
(1) of this section or division (B) of section 2925.42 of the 2706
Revised Code, a law enforcement agency shall adopt a written 2707
internal control policy that addresses the agency's use and 2708
disposition of all fine moneys so received and that provides for 2709
the keeping of detailed financial records of the receipts of 2710
those fine moneys, the general types of expenditures made out of 2711
those fine moneys, and the specific amount of each general type 2712
of expenditure. The policy shall not provide for or permit the 2713
identification of any specific expenditure that is made in an 2714
ongoing investigation. All financial records of the receipts of 2715
those fine moneys, the general types of expenditures made out of 2716
those fine moneys, and the specific amount of each general type 2717
of expenditure by an agency are public records open for 2718
inspection under section 149.43 of the Revised Code. 2719
Additionally, a written internal control policy adopted under 2720
this division is such a public record, and the agency that 2721
adopted it shall comply with it. 2722

(3) As used in division (F) of this section: 2723

(a) "Law enforcement agencies" includes, but is not 2724
limited to, the state board of pharmacy and the office of a 2725
prosecutor. 2726

(b) "Prosecutor" has the same meaning as in section 2727
2935.01 of the Revised Code. 2728

(G) (1) If the sentencing court suspends the offender's 2729
driver's or commercial driver's license or permit under division 2730
(D) of this section or any other provision of this chapter, the 2731
court shall suspend the license, by order, for not more than 2732

five years. If an offender's driver's or commercial driver's 2733
license or permit is suspended pursuant to this division, the 2734
offender, at any time after the expiration of two years from the 2735
day on which the offender's sentence was imposed or from the day 2736
on which the offender finally was released from a prison term 2737
under the sentence, whichever is later, may file a motion with 2738
the sentencing court requesting termination of the suspension; 2739
upon the filing of such a motion and the court's finding of good 2740
cause for the termination, the court may terminate the 2741
suspension. 2742

(2) Any offender who received a mandatory suspension of 2743
the offender's driver's or commercial driver's license or permit 2744
under this section prior to September 13, 2016, may file a 2745
motion with the sentencing court requesting the termination of 2746
the suspension. However, an offender who pleaded guilty to or 2747
was convicted of a violation of section 4511.19 of the Revised 2748
Code or a substantially similar municipal ordinance or law of 2749
another state or the United States that arose out of the same 2750
set of circumstances as the violation for which the offender's 2751
license or permit was suspended under this section shall not 2752
file such a motion. 2753

Upon the filing of a motion under division (G) (2) of this 2754
section, the sentencing court, in its discretion, may terminate 2755
the suspension. 2756

(H) (1) In addition to any prison term authorized or 2757
required by division (C) of this section and sections 2929.13 2758
and 2929.14 of the Revised Code, in addition to any other 2759
penalty or sanction imposed for the offense under this section 2760
or sections 2929.11 to 2929.18 of the Revised Code, and in 2761
addition to the forfeiture of property in connection with the 2762

offense as prescribed in Chapter 2981. of the Revised Code, the 2763
court that sentences an offender who is convicted of or pleads 2764
guilty to a violation of division (A) of this section may impose 2765
upon the offender an additional fine specified for the offense 2766
in division (B) (4) of section 2929.18 of the Revised Code. A 2767
fine imposed under division (H) (1) of this section is not 2768
subject to division (F) of this section and shall be used solely 2769
for the support of one or more eligible community addiction 2770
services providers in accordance with divisions (H) (2) and (3) 2771
of this section. 2772

(2) The court that imposes a fine under division (H) (1) of 2773
this section shall specify in the judgment that imposes the fine 2774
one or more eligible community addiction services providers for 2775
the support of which the fine money is to be used. No community 2776
addiction services provider shall receive or use money paid or 2777
collected in satisfaction of a fine imposed under division (H) 2778
(1) of this section unless the services provider is specified in 2779
the judgment that imposes the fine. No community addiction 2780
services provider shall be specified in the judgment unless the 2781
services provider is an eligible community addiction services 2782
provider and, except as otherwise provided in division (H) (2) of 2783
this section, unless the services provider is located in the 2784
county in which the court that imposes the fine is located or in 2785
a county that is immediately contiguous to the county in which 2786
that court is located. If no eligible community addiction 2787
services provider is located in any of those counties, the 2788
judgment may specify an eligible community addiction services 2789
provider that is located anywhere within this state. 2790

(3) Notwithstanding any contrary provision of section 2791
3719.21 of the Revised Code, the clerk of the court shall pay 2792
any fine imposed under division (H) (1) of this section to the 2793

eligible community addiction services provider specified 2794
pursuant to division (H) (2) of this section in the judgment. The 2795
eligible community addiction services provider that receives the 2796
fine moneys shall use the moneys only for the alcohol and drug 2797
addiction services identified in the application for 2798
certification of services under section 5119.36 of the Revised 2799
Code or in the application for a license under section 5119.37 2800
of the Revised Code filed with the department of mental health 2801
and addiction services by the community addiction services 2802
provider specified in the judgment. 2803

(4) Each community addiction services provider that 2804
receives in a calendar year any fine moneys under division (H) 2805
(3) of this section shall file an annual report covering that 2806
calendar year with the court of common pleas and the board of 2807
county commissioners of the county in which the services 2808
provider is located, with the court of common pleas and the 2809
board of county commissioners of each county from which the 2810
services provider received the moneys if that county is 2811
different from the county in which the services provider is 2812
located, and with the attorney general. The community addiction 2813
services provider shall file the report no later than the first 2814
day of March in the calendar year following the calendar year in 2815
which the services provider received the fine moneys. The report 2816
shall include statistics on the number of persons served by the 2817
community addiction services provider, identify the types of 2818
alcohol and drug addiction services provided to those persons, 2819
and include a specific accounting of the purposes for which the 2820
fine moneys received were used. No information contained in the 2821
report shall identify, or enable a person to determine the 2822
identity of, any person served by the community addiction 2823
services provider. Each report received by a court of common 2824

pleas, a board of county commissioners, or the attorney general 2825
is a public record open for inspection under section 149.43 of 2826
the Revised Code. 2827

(5) As used in divisions (H) (1) to (5) of this section: 2828

(a) "Community addiction services provider" and "alcohol 2829
and drug addiction services" have the same meanings as in 2830
section 5119.01 of the Revised Code. 2831

(b) "Eligible community addiction services provider" means 2832
a community addiction services provider, including a community 2833
addiction services provider that operates an opioid treatment 2834
program licensed under section 5119.37 of the Revised Code. 2835

(I) As used in this section, "drug" includes any substance 2836
that is represented to be a drug. 2837

(J) It is an affirmative defense to a charge of 2838
trafficking in a controlled substance analog under division (C) 2839
(8) of this section that the person charged with violating that 2840
offense sold or offered to sell, or prepared for shipment, 2841
shipped, transported, delivered, prepared for distribution, or 2842
distributed one of the following items that are excluded from 2843
the meaning of "controlled substance analog" under section 2844
3719.01 of the Revised Code: 2845

(1) A controlled substance; 2846

(2) Any substance for which there is an approved new drug 2847
application; 2848

(3) With respect to a particular person, any substance if 2849
an exemption is in effect for investigational use for that 2850
person pursuant to federal law to the extent that conduct with 2851
respect to that substance is pursuant to that exemption. 2852

Sec. 2925.11. (A) No person shall knowingly obtain, 2853
possess, or use a controlled substance or a controlled substance 2854
analog. 2855

(B) (1) This section does not apply to any of the 2856
following: 2857

(a) Manufacturers, licensed health professionals 2858
authorized to prescribe drugs, pharmacists, owners of 2859
pharmacies, and other persons whose conduct was in accordance 2860
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2861
4741. of the Revised Code; 2862

(b) If the offense involves an anabolic steroid, any 2863
person who is conducting or participating in a research project 2864
involving the use of an anabolic steroid if the project has been 2865
approved by the United States food and drug administration; 2866

(c) Any person who sells, offers for sale, prescribes, 2867
dispenses, or administers for livestock or other nonhuman 2868
species an anabolic steroid that is expressly intended for 2869
administration through implants to livestock or other nonhuman 2870
species and approved for that purpose under the "Federal Food, 2871
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2872
as amended, and is sold, offered for sale, prescribed, 2873
dispensed, or administered for that purpose in accordance with 2874
that act; 2875

(d) Any person who obtained the controlled substance 2876
pursuant to a prescription issued by a licensed health 2877
professional authorized to prescribe drugs if the prescription 2878
was issued for a legitimate medical purpose and not altered, 2879
forged, or obtained through deception or commission of a theft 2880
offense. 2881

As used in division (B) (1) (d) of this section, "deception" 2882
and "theft offense" have the same meanings as in section 2913.01 2883
of the Revised Code. 2884

(2) (a) As used in division (B) (2) of this section: 2885

(i) "Community addiction services provider" has the same 2886
meaning as in section 5119.01 of the Revised Code. 2887

(ii) "Community control sanction" and "drug treatment 2888
program" have the same meanings as in section 2929.01 of the 2889
Revised Code. 2890

(iii) "Health care facility" has the same meaning as in 2891
section 2919.16 of the Revised Code. 2892

(iv) "Minor drug possession offense" means a violation of 2893
this section that is a misdemeanor or a felony of the fifth 2894
degree. 2895

(v) "Post-release control sanction" has the same meaning 2896
as in section 2967.28 of the Revised Code. 2897

(vi) "Peace officer" has the same meaning as in section 2898
2935.01 of the Revised Code. 2899

(vii) "Public agency" has the same meaning as in section 2900
2930.01 of the Revised Code. 2901

(viii) "Qualified individual" means a person who is acting 2902
in good faith who seeks or obtains medical assistance for 2903
another person who is experiencing a drug overdose, a person who 2904
experiences a drug overdose and who seeks medical assistance for 2905
that overdose, or a person who is the subject of another person 2906
seeking or obtaining medical assistance for that overdose as 2907
described in division (B) (2) (b) of this section. 2908

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

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

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

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

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

(c) If a person who is serving a community control 2939
sanction or is under a sanction on post-release control acts 2940
pursuant to division (B) (2) (b) of this section, then division 2941
(B) of section 2929.141, division (B) (2) of section 2929.15, 2942
division (D) (3) of section 2929.25, or division (F) (3) of 2943
section 2967.28 of the Revised Code applies to the person with 2944
respect to any violation of the sanction or post-release control 2945
sanction based on a minor drug possession offense, as defined in 2946
section 2925.11 of the Revised Code, or a violation of section 2947
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2948
of the Revised Code. 2949

(d) Nothing in division (B) (2) (b) of this section shall be 2950
construed to do any of the following: 2951

(i) Limit the admissibility of any evidence in connection 2952
with the investigation or prosecution of a crime with regards to 2953
a defendant who does not qualify for the protections of division 2954
(B) (2) (b) of this section or with regards to any crime other 2955
than a minor drug possession offense or a violation of section 2956
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2957
of the Revised Code committed by a person who qualifies for 2958
protection pursuant to division (B) (2) (b) of this section; 2959

(ii) Limit any seizure of evidence or contraband otherwise 2960
permitted by law; 2961

(iii) Limit or abridge the authority of a peace officer to 2962
detain or take into custody a person in the course of an 2963
investigation or to effectuate an arrest for any offense except 2964
as provided in that division; 2965

(iv) Limit, modify, or remove any immunity from liability 2966
available pursuant to law in effect prior to September 13, 2016, 2967

to any public agency or to an employee of any public agency. 2968

(e) Division (B) (2) (b) of this section does not apply to 2969
any person who twice previously has been granted an immunity 2970
under division (B) (2) (b) of this section. No person shall be 2971
granted an immunity under division (B) (2) (b) of this section 2972
more than two times. 2973

(f) Nothing in this section shall compel any qualified 2974
individual to disclose protected health information in a way 2975
that conflicts with the requirements of the "Health Insurance 2976
Portability and Accountability Act of 1996," 104 Pub. L. No. 2977
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2978
regulations promulgated by the United States department of 2979
health and human services to implement the act or the 2980
requirements of 42 C.F.R. Part 2. 2981

(C) Whoever violates division (A) of this section is 2982
guilty of one of the following: 2983

(1) If the drug involved in the violation is a compound, 2984
mixture, preparation, or substance included in schedule I or II, 2985
with the exception of marihuana, cocaine, L.S.D., heroin, any 2986
fentanyl-related compound, hashish, and any controlled substance 2987
analog, whoever violates division (A) of this section is guilty 2988
of aggravated possession of drugs. The penalty for the offense 2989
shall be determined as follows: 2990

(a) Except as otherwise provided in division (C) (1) (b), 2991
(c), (d), or (e) of this section, aggravated possession of drugs 2992
is a felony of the fifth degree, and division (B) of section 2993
2929.13 of the Revised Code applies in determining whether to 2994
impose a prison term on the offender. 2995

(b) If the amount of the drug involved equals or exceeds 2996

the bulk amount but is less than five times the bulk amount, 2997
aggravated possession of drugs is a felony of the third degree, 2998
and there is a presumption for a prison term for the offense. 2999

(c) If the amount of the drug involved equals or exceeds 3000
five times the bulk amount but is less than fifty times the bulk 3001
amount, aggravated possession of drugs is a felony of the second 3002
degree, and the court shall impose as a mandatory prison term a 3003
second degree felony mandatory prison term. 3004

(d) If the amount of the drug involved equals or exceeds 3005
fifty times the bulk amount but is less than one hundred times 3006
the bulk amount, aggravated possession of drugs is a felony of 3007
the first degree, and the court shall impose as a mandatory 3008
prison term a first degree felony mandatory prison term. 3009

(e) If the amount of the drug involved equals or exceeds 3010
one hundred times the bulk amount, aggravated possession of 3011
drugs is a felony of the first degree, the offender is a major 3012
drug offender, and the court shall impose as a mandatory prison 3013
term a maximum first degree felony mandatory prison term. 3014

(2) If the drug involved in the violation is a compound, 3015
mixture, preparation, or substance included in schedule III, IV, 3016
or V, whoever violates division (A) of this section is guilty of 3017
possession of drugs. The penalty for the offense shall be 3018
determined as follows: 3019

(a) Except as otherwise provided in division (C) (2) (b), 3020
(c), or (d) of this section, possession of drugs is a 3021
misdemeanor of the first degree or, if the offender previously 3022
has been convicted of a drug abuse offense, a felony of the 3023
fifth degree. 3024

(b) If the amount of the drug involved equals or exceeds 3025

the bulk amount but is less than five times the bulk amount, 3026
possession of drugs is a felony of the fourth degree, and 3027
division (C) of section 2929.13 of the Revised Code applies in 3028
determining whether to impose a prison term on the offender. 3029

(c) If the amount of the drug involved equals or exceeds 3030
five times the bulk amount but is less than fifty times the bulk 3031
amount, possession of drugs is a felony of the third degree, and 3032
there is a presumption for a prison term for the offense. 3033

(d) If the amount of the drug involved equals or exceeds 3034
fifty times the bulk amount, possession of drugs is a felony of 3035
the second degree, and the court shall impose upon the offender 3036
as a mandatory prison term a second degree felony mandatory 3037
prison term. 3038

(3) If the drug involved in the violation is marihuana or 3039
a compound, mixture, preparation, or substance containing 3040
marihuana other than hashish, whoever violates division (A) of 3041
this section is guilty of possession of marihuana. The penalty 3042
for the offense shall be determined as follows: 3043

(a) Except as otherwise provided in division (C) (3) (b), 3044
(c), (d), (e), (f), or (g) of this section, possession of 3045
marihuana is a minor misdemeanor. 3046

(b) If the amount of the drug involved equals or exceeds 3047
one hundred grams but is less than two hundred grams, possession 3048
of marihuana is a misdemeanor of the fourth degree. 3049

(c) If the amount of the drug involved equals or exceeds 3050
two hundred grams but is less than one thousand grams, 3051
possession of marihuana is a felony of the fifth degree, and 3052
division (B) of section 2929.13 of the Revised Code applies in 3053
determining whether to impose a prison term on the offender. 3054

(d) If the amount of the drug involved equals or exceeds 3055
one thousand grams but is less than five thousand grams, 3056
possession of marihuana is a felony of the third degree, and 3057
division (C) of section 2929.13 of the Revised Code applies in 3058
determining whether to impose a prison term on the offender. 3059

(e) If the amount of the drug involved equals or exceeds 3060
five thousand grams but is less than twenty thousand grams, 3061
possession of marihuana is a felony of the third degree, and 3062
there is a presumption that a prison term shall be imposed for 3063
the offense. 3064

(f) If the amount of the drug involved equals or exceeds 3065
twenty thousand grams but is less than forty thousand grams, 3066
possession of marihuana is a felony of the second degree, and 3067
the court shall impose as a mandatory prison term a second 3068
degree felony mandatory prison term of five, six, seven, or 3069
eight years. 3070

(g) If the amount of the drug involved equals or exceeds 3071
forty thousand grams, possession of marihuana is a felony of the 3072
second degree, and the court shall impose as a mandatory prison 3073
term a maximum second degree felony mandatory prison term. 3074

(4) If the drug involved in the violation is cocaine or a 3075
compound, mixture, preparation, or substance containing cocaine, 3076
whoever violates division (A) of this section is guilty of 3077
possession of cocaine. The penalty for the offense shall be 3078
determined as follows: 3079

(a) Except as otherwise provided in division (C) (4) (b), 3080
(c), (d), (e), or (f) of this section, possession of cocaine is 3081
a felony of the fifth degree, and division (B) of section 3082
2929.13 of the Revised Code applies in determining whether to 3083

impose a prison term on the offender. 3084

(b) If the amount of the drug involved equals or exceeds 3085
five grams but is less than ten grams of cocaine, possession of 3086
cocaine is a felony of the fourth degree, and division (B) of 3087
section 2929.13 of the Revised Code applies in determining 3088
whether to impose a prison term on the offender. 3089

(c) If the amount of the drug involved equals or exceeds 3090
ten grams but is less than twenty grams of cocaine, possession 3091
of cocaine is a felony of the third degree, and, except as 3092
otherwise provided in this division, there is a presumption for 3093
a prison term for the offense. If possession of cocaine is a 3094
felony of the third degree under this division and if the 3095
offender two or more times previously has been convicted of or 3096
pleaded guilty to a felony drug abuse offense, the court shall 3097
impose as a mandatory prison term one of the prison terms 3098
prescribed for a felony of the third degree. 3099

(d) If the amount of the drug involved equals or exceeds 3100
twenty grams but is less than twenty-seven grams of cocaine, 3101
possession of cocaine is a felony of the second degree, and the 3102
court shall impose as a mandatory prison term a second degree 3103
felony mandatory prison term. 3104

(e) If the amount of the drug involved equals or exceeds 3105
twenty-seven grams but is less than one hundred grams of 3106
cocaine, possession of cocaine is a felony of the first degree, 3107
and the court shall impose as a mandatory prison term a first 3108
degree felony mandatory prison term. 3109

(f) If the amount of the drug involved equals or exceeds 3110
one hundred grams of cocaine, possession of cocaine is a felony 3111
of the first degree, the offender is a major drug offender, and 3112

the court shall impose as a mandatory prison term a maximum 3113
first degree felony mandatory prison term. 3114

(5) If the drug involved in the violation is L.S.D., 3115
whoever violates division (A) of this section is guilty of 3116
possession of L.S.D. The penalty for the offense shall be 3117
determined as follows: 3118

(a) Except as otherwise provided in division (C) (5) (b), 3119
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3120
felony of the fifth degree, and division (B) of section 2929.13 3121
of the Revised Code applies in determining whether to impose a 3122
prison term on the offender. 3123

(b) If the amount of L.S.D. involved equals or exceeds ten 3124
unit doses but is less than fifty unit doses of L.S.D. in a 3125
solid form or equals or exceeds one gram but is less than five 3126
grams of L.S.D. in a liquid concentrate, liquid extract, or 3127
liquid distillate form, possession of L.S.D. is a felony of the 3128
fourth degree, and division (C) of section 2929.13 of the 3129
Revised Code applies in determining whether to impose a prison 3130
term on the offender. 3131

(c) If the amount of L.S.D. involved equals or exceeds 3132
fifty unit doses, but is less than two hundred fifty unit doses 3133
of L.S.D. in a solid form or equals or exceeds five grams but is 3134
less than twenty-five grams of L.S.D. in a liquid concentrate, 3135
liquid extract, or liquid distillate form, possession of L.S.D. 3136
is a felony of the third degree, and there is a presumption for 3137
a prison term for the offense. 3138

(d) If the amount of L.S.D. involved equals or exceeds two 3139
hundred fifty unit doses but is less than one thousand unit 3140
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3141

grams but is less than one hundred grams of L.S.D. in a liquid 3142
concentrate, liquid extract, or liquid distillate form, 3143
possession of L.S.D. is a felony of the second degree, and the 3144
court shall impose as a mandatory prison term a second degree 3145
felony mandatory prison term. 3146

(e) If the amount of L.S.D. involved equals or exceeds one 3147
thousand unit doses but is less than five thousand unit doses of 3148
L.S.D. in a solid form or equals or exceeds one hundred grams 3149
but is less than five hundred grams of L.S.D. in a liquid 3150
concentrate, liquid extract, or liquid distillate form, 3151
possession of L.S.D. is a felony of the first degree, and the 3152
court shall impose as a mandatory prison term a first degree 3153
felony mandatory prison term. 3154

(f) If the amount of L.S.D. involved equals or exceeds 3155
five thousand unit doses of L.S.D. in a solid form or equals or 3156
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3157
liquid extract, or liquid distillate form, possession of L.S.D. 3158
is a felony of the first degree, the offender is a major drug 3159
offender, and the court shall impose as a mandatory prison term 3160
a maximum first degree felony mandatory prison term. 3161

(6) If the drug involved in the violation is heroin or a 3162
compound, mixture, preparation, or substance containing heroin, 3163
whoever violates division (A) of this section is guilty of 3164
possession of heroin. The penalty for the offense shall be 3165
determined as follows: 3166

(a) Except as otherwise provided in division (C) (6) (b), 3167
(c), (d), (e), or (f) of this section, possession of heroin is a 3168
felony of the fifth degree, and division (B) of section 2929.13 3169
of the Revised Code applies in determining whether to impose a 3170
prison term on the offender. 3171

(b) If the amount of the drug involved equals or exceeds 3172
ten unit doses but is less than fifty unit doses or equals or 3173
exceeds one gram but is less than five grams, possession of 3174
heroin is a felony of the fourth degree, and division (C) of 3175
section 2929.13 of the Revised Code applies in determining 3176
whether to impose a prison term on the offender. 3177

(c) If the amount of the drug involved equals or exceeds 3178
fifty unit doses but is less than one hundred unit doses or 3179
equals or exceeds five grams but is less than ten grams, 3180
possession of heroin is a felony of the third degree, and there 3181
is a presumption for a prison term for the offense. 3182

(d) If the amount of the drug involved equals or exceeds 3183
one hundred unit doses but is less than five hundred unit doses 3184
or equals or exceeds ten grams but is less than fifty grams, 3185
possession of heroin is a felony of the second degree, and the 3186
court shall impose as a mandatory prison term a second degree 3187
felony mandatory prison term. 3188

(e) If the amount of the drug involved equals or exceeds 3189
five hundred unit doses but is less than one thousand unit doses 3190
or equals or exceeds fifty grams but is less than one hundred 3191
grams, possession of heroin is a felony of the first degree, and 3192
the court shall impose as a mandatory prison term a first degree 3193
felony mandatory prison term. 3194

(f) If the amount of the drug involved equals or exceeds 3195
one thousand unit doses or equals or exceeds one hundred grams, 3196
possession of heroin is a felony of the first degree, the 3197
offender is a major drug offender, and the court shall impose as 3198
a mandatory prison term a maximum first degree felony mandatory 3199
prison term. 3200

(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 3231
two hundred fifty grams but is less than one thousand grams of 3232
hashish in a solid form or equals or exceeds fifty grams but is 3233
less than two hundred grams of hashish in a liquid concentrate, 3234
liquid extract, or liquid distillate form, possession of hashish 3235
is a felony of the third degree, and there is a presumption that 3236
a prison term shall be imposed for the offense. 3237

(f) If the amount of the drug involved equals or exceeds 3238
one thousand grams but is less than two thousand grams of 3239
hashish in a solid form or equals or exceeds two hundred grams 3240
but is less than four hundred grams of hashish in a liquid 3241
concentrate, liquid extract, or liquid distillate form, 3242
possession of hashish is a felony of the second degree, and the 3243
court shall impose as a mandatory prison term a second degree 3244
felony mandatory prison term of five, six, seven, or eight 3245
years. 3246

(g) If the amount of the drug involved equals or exceeds 3247
two thousand grams of hashish in a solid form or equals or 3248
exceeds four hundred grams of hashish in a liquid concentrate, 3249
liquid extract, or liquid distillate form, possession of hashish 3250
is a felony of the second degree, and the court shall impose as 3251
a mandatory prison term a maximum second degree felony mandatory 3252
prison term. 3253

(8) If the drug involved is a controlled substance analog 3254
or compound, mixture, preparation, or substance that contains a 3255
controlled substance analog, whoever violates division (A) of 3256
this section is guilty of possession of a controlled substance 3257
analog. The penalty for the offense shall be determined as 3258
follows: 3259

(a) Except as otherwise provided in division (C) (8) (b), 3260

(c), (d), (e), or (f) of this section, possession of a 3261
controlled substance analog is a felony of the fifth degree, and 3262
division (B) of section 2929.13 of the Revised Code applies in 3263
determining whether to impose a prison term on the offender. 3264

(b) If the amount of the drug involved equals or exceeds 3265
ten grams but is less than twenty grams, possession of a 3266
controlled substance analog is a felony of the fourth degree, 3267
and there is a presumption for a prison term for the offense. 3268

(c) If the amount of the drug involved equals or exceeds 3269
twenty grams but is less than thirty grams, possession of a 3270
controlled substance analog is a felony of the third degree, and 3271
there is a presumption for a prison term for the offense. 3272

(d) If the amount of the drug involved equals or exceeds 3273
thirty grams but is less than forty grams, possession of a 3274
controlled substance analog is a felony of the second degree, 3275
and the court shall impose as a mandatory prison term a second 3276
degree felony mandatory prison term. 3277

(e) If the amount of the drug involved equals or exceeds 3278
forty grams but is less than fifty grams, possession of a 3279
controlled substance analog is a felony of the first degree, and 3280
the court shall impose as a mandatory prison term a first degree 3281
felony mandatory prison term. 3282

(f) If the amount of the drug involved equals or exceeds 3283
fifty grams, possession of a controlled substance analog is a 3284
felony of the first degree, the offender is a major drug 3285
offender, and the court shall impose as a mandatory prison term 3286
a maximum first degree felony mandatory prison term. 3287

(9) If the drug involved in the violation is a compound, 3288
mixture, preparation, or substance that is a combination of a 3289

fentanyl-related compound and marihuana, one of the following 3290
applies: 3291

(a) Except as otherwise provided in division (C) (9) (b) of 3292
this section, the offender is guilty of possession of marihuana 3293
and shall be punished as provided in division (C) (3) of this 3294
section. Except as otherwise provided in division (C) (9) (b) of 3295
this section, the offender is not guilty of possession of a 3296
fentanyl-related compound under division ~~(C) (11)~~ (C) (10) of this 3297
section and shall not be charged with, convicted of, or punished 3298
under division ~~(C) (11)~~ (C) (10) of this section for possession of 3299
a fentanyl-related compound. 3300

(b) If the offender knows or has reason to know that the 3301
compound, mixture, preparation, or substance that is the drug 3302
involved contains a fentanyl-related compound, the offender is 3303
guilty of possession of a fentanyl-related compound and shall be 3304
punished under division ~~(C) (11)~~ (C) (10) of this section. 3305

~~(10) If the drug involved in the violation is a compound, 3306
mixture, preparation, or substance that is a combination of a 3307
fentanyl-related compound and any schedule III, schedule IV, or 3308
schedule V controlled substance that is not a fentanyl-related 3309
compound, one of the following applies: 3310~~

~~(a) Except as otherwise provided in division (C) (10) (b) of 3311
this section, the offender is guilty of possession of drugs and 3312
shall be punished as provided in division (C) (2) of this 3313
section. Except as otherwise provided in division (C) (10) (b) of 3314
this section, the offender is not guilty of possession of a 3315
fentanyl-related compound under division (C) (11) of this section 3316
and shall not be charged with, convicted of, or punished under 3317
division (C) (11) of this section for possession of a fentanyl- 3318
related compound. 3319~~

~~(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 does not apply 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 does not apply 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) (10) (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 3350
third degree, and there is a presumption for a prison term for 3351
the offense. 3352

(d) If the amount of the drug involved equals or exceeds 3353
one hundred unit doses but is less than two hundred unit doses 3354
or equals or exceeds ten grams but is less than twenty grams, 3355
possession of a fentanyl-related compound is a felony of the 3356
second degree, and the court shall impose as a mandatory prison 3357
term one of the prison terms prescribed for a felony of the 3358
second degree. 3359

(e) If the amount of the drug involved equals or exceeds 3360
two hundred unit doses but is less than five hundred unit doses 3361
or equals or exceeds twenty grams but is less than fifty grams, 3362
possession of a fentanyl-related compound is a felony of the 3363
first degree, and the court shall impose as a mandatory prison 3364
term one of the prison terms prescribed for a felony of the 3365
first degree. 3366

(f) If the amount of the drug involved equals or exceeds 3367
five hundred unit doses but is less than one thousand unit doses 3368
or equals or exceeds fifty grams but is less than one hundred 3369
grams, possession of a fentanyl-related compound is a felony of 3370
the first degree, and the court shall impose as a mandatory 3371
prison term the maximum prison term prescribed for a felony of 3372
the first degree. 3373

(g) If the amount of the drug involved equals or exceeds 3374
one thousand unit doses or equals or exceeds one hundred grams, 3375
possession of a fentanyl-related compound is a felony of the 3376
first degree, the offender is a major drug offender, and the 3377
court shall impose as a mandatory prison term the maximum prison 3378
term prescribed for a felony of the first degree. 3379

(D) Arrest or conviction for a minor misdemeanor violation 3380
of this section does not constitute a criminal record and need 3381
not be reported by the person so arrested or convicted in 3382
response to any inquiries about the person's criminal record, 3383
including any inquiries contained in any application for 3384
employment, license, or other right or privilege, or made in 3385
connection with the person's appearance as a witness. 3386

(E) In addition to any prison term or jail term authorized 3387
or required by division (C) of this section and sections 3388
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3389
Code and in addition to any other sanction that is imposed for 3390
the offense under this section, sections 2929.11 to 2929.18, or 3391
sections 2929.21 to 2929.28 of the Revised Code, the court that 3392
sentences an offender who is convicted of or pleads guilty to a 3393
violation of division (A) of this section may suspend the 3394
offender's driver's or commercial driver's license or permit for 3395
not more than five years. However, if the offender pleaded 3396
guilty to or was convicted of a violation of section 4511.19 of 3397
the Revised Code or a substantially similar municipal ordinance 3398
or the law of another state or the United States arising out of 3399
the same set of circumstances as the violation, the court shall 3400
suspend the offender's driver's or commercial driver's license 3401
or permit for not more than five years. If applicable, the court 3402
also shall do the following: 3403

(1) (a) If the violation is a felony of the first, second, 3404
or third degree, the court shall impose upon the offender the 3405
mandatory fine specified for the offense under division (B) (1) 3406
of section 2929.18 of the Revised Code unless, as specified in 3407
that division, the court determines that the offender is 3408
indigent. 3409

(b) Notwithstanding any contrary provision of section 3410
3719.21 of the Revised Code, the clerk of the court shall pay a 3411
mandatory fine or other fine imposed for a violation of this 3412
section pursuant to division (A) of section 2929.18 of the 3413
Revised Code in accordance with and subject to the requirements 3414
of division (F) of section 2925.03 of the Revised Code. The 3415
agency that receives the fine shall use the fine as specified in 3416
division (F) of section 2925.03 of the Revised Code. 3417

(c) If a person is charged with a violation of this 3418
section that is a felony of the first, second, or third degree, 3419
posts bail, and forfeits the bail, the clerk shall pay the 3420
forfeited bail pursuant to division (E)(1)(b) of this section as 3421
if it were a mandatory fine imposed under division (E)(1)(a) of 3422
this section. 3423

(2) If the offender is a professionally licensed person, 3424
in addition to any other sanction imposed for a violation of 3425
this section, the court immediately shall comply with section 3426
2925.38 of the Revised Code. 3427

(F) It is an affirmative defense, as provided in section 3428
2901.05 of the Revised Code, to a charge of a fourth degree 3429
felony violation under this section that the controlled 3430
substance that gave rise to the charge is in an amount, is in a 3431
form, is prepared, compounded, or mixed with substances that are 3432
not controlled substances in a manner, or is possessed under any 3433
other circumstances, that indicate that the substance was 3434
possessed solely for personal use. Notwithstanding any contrary 3435
provision of this section, if, in accordance with section 3436
2901.05 of the Revised Code, an accused who is charged with a 3437
fourth degree felony violation of division (C)(2), (4), (5), or 3438
(6) of this section sustains the burden of going forward with 3439

evidence of and establishes by a preponderance of the evidence 3440
the affirmative defense described in this division, the accused 3441
may be prosecuted for and may plead guilty to or be convicted of 3442
a misdemeanor violation of division (C) (2) of this section or a 3443
fifth degree felony violation of division (C) (4), (5), or (6) of 3444
this section respectively. 3445

(G) When a person is charged with possessing a bulk amount 3446
or multiple of a bulk amount, division (E) of section 2925.03 of 3447
the Revised Code applies regarding the determination of the 3448
amount of the controlled substance involved at the time of the 3449
offense. 3450

(H) It is an affirmative defense to a charge of possession 3451
of a controlled substance analog under division (C) (8) of this 3452
section that the person charged with violating that offense 3453
obtained, possessed, or used one of the following items that are 3454
excluded from the meaning of "controlled substance analog" under 3455
section 3719.01 of the Revised Code: 3456

(1) A controlled substance; 3457

(2) Any substance for which there is an approved new drug 3458
application; 3459

(3) With respect to a particular person, any substance if 3460
an exemption is in effect for investigational use for that 3461
person pursuant to federal law to the extent that conduct with 3462
respect to that substance is pursuant to that exemption. 3463

(I) Any offender who received a mandatory suspension of 3464
the offender's driver's or commercial driver's license or permit 3465
under this section prior to September 13, 2016, may file a 3466
motion with the sentencing court requesting the termination of 3467
the suspension. However, an offender who pleaded guilty to or 3468

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. 2929.14. (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a prison term that shall be one of the following:

(1) (a) For a felony of the first degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of three, four, five, six, seven, eight, nine, ten, or eleven years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language

shall be considered for purposes of the Revised Code as if it 3499
had been imposed under this division. 3500

(b) For a felony of the first degree committed prior to 3501
March 22, 2019, the prison term shall be a definite prison term 3502
of three, four, five, six, seven, eight, nine, ten, or eleven 3503
years. 3504

(2) (a) For a felony of the second degree committed on or 3505
after March 22, 2019, the prison term shall be an indefinite 3506
prison term with a stated minimum term selected by the court of 3507
two, three, four, five, six, seven, or eight years and a maximum 3508
term that is determined pursuant to section 2929.144 of the 3509
Revised Code, except that if the section that criminalizes the 3510
conduct constituting the felony specifies a different minimum 3511
term or penalty for the offense, the specific language of that 3512
section shall control in determining the minimum term or 3513
otherwise sentencing the offender but the minimum term or 3514
sentence imposed under that specific language shall be 3515
considered for purposes of the Revised Code as if it had been 3516
imposed under this division. 3517

(b) For a felony of the second degree committed prior to 3518
March 22, 2019, the prison term shall be a definite term of two, 3519
three, four, five, six, seven, or eight years. 3520

(3) (a) For a felony of the third degree that is a 3521
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 3522
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 3523
Code, that is a violation of division (A) of section 4511.19 of 3524
the Revised Code if the offender previously has been convicted 3525
of or pleaded guilty to a violation of division (A) of that 3526
section that was a felony, or that is a violation of section 3527
2911.02 or 2911.12 of the Revised Code if the offender 3528

previously has been convicted of or pleaded guilty in two or 3529
more separate proceedings to two or more violations of section 3530
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 3531
prison term shall be a definite term of twelve, eighteen, 3532
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 3533
four, or sixty months. 3534

(b) For a felony of the third degree that is not an 3535
offense for which division (A) (3) (a) of this section applies, 3536
the prison term shall be a definite term of nine, twelve, 3537
eighteen, twenty-four, thirty, or thirty-six months. 3538

(4) For a felony of the fourth degree, the prison term 3539
shall be a definite term of six, seven, eight, nine, ten, 3540
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 3541
or eighteen months. 3542

(5) For a felony of the fifth degree, the prison term 3543
shall be a definite term of six, seven, eight, nine, ten, 3544
eleven, or twelve months. 3545

(B) (1) (a) Except as provided in division (B) (1) (e) of this 3546
section, if an offender who is convicted of or pleads guilty to 3547
a felony also is convicted of or pleads guilty to a 3548
specification of the type described in section 2941.141, 3549
2941.144, or 2941.145 of the Revised Code, the court shall 3550
impose on the offender one of the following prison terms: 3551

(i) A prison term of six years if the specification is of 3552
the type described in division (A) of section 2941.144 of the 3553
Revised Code that charges the offender with having a firearm 3554
that is an automatic firearm or that was equipped with a firearm 3555
muffler or suppressor on or about the offender's person or under 3556
the offender's control while committing the offense; 3557

(ii) A prison term of three years if the specification is 3558
of the type described in division (A) of section 2941.145 of the 3559
Revised Code that charges the offender with having a firearm on 3560
or about the offender's person or under the offender's control 3561
while committing the offense and displaying the firearm, 3562
brandishing the firearm, indicating that the offender possessed 3563
the firearm, or using it to facilitate the offense; 3564

(iii) A prison term of one year if the specification is of 3565
the type described in division (A) of section 2941.141 of the 3566
Revised Code that charges the offender with having a firearm on 3567
or about the offender's person or under the offender's control 3568
while committing the offense; 3569

(iv) A prison term of nine years if the specification is 3570
of the type described in division (D) of section 2941.144 of the 3571
Revised Code that charges the offender with having a firearm 3572
that is an automatic firearm or that was equipped with a firearm 3573
muffler or suppressor on or about the offender's person or under 3574
the offender's control while committing the offense and 3575
specifies that the offender previously has been convicted of or 3576
pleaded guilty to a specification of the type described in 3577
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3578
the Revised Code; 3579

(v) A prison term of fifty-four months if the 3580
specification is of the type described in division (D) of 3581
section 2941.145 of the Revised Code that charges the offender 3582
with having a firearm on or about the offender's person or under 3583
the offender's control while committing the offense and 3584
displaying the firearm, brandishing the firearm, indicating that 3585
the offender possessed the firearm, or using the firearm to 3586
facilitate the offense and that the offender previously has been 3587

convicted of or pleaded guilty to a specification of the type 3588
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 3589
2941.1412 of the Revised Code; 3590

(vi) A prison term of eighteen months if the specification 3591
is of the type described in division (D) of section 2941.141 of 3592
the Revised Code that charges the offender with having a firearm 3593
on or about the offender's person or under the offender's 3594
control while committing the offense and that the offender 3595
previously has been convicted of or pleaded guilty to a 3596
specification of the type described in section 2941.141, 3597
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 3598

(b) If a court imposes a prison term on an offender under 3599
division (B)(1)(a) of this section, the prison term shall not be 3600
reduced pursuant to section 2929.20, division (A)(2) or (3) of 3601
section 2967.193 or 2967.194, or any other provision of Chapter 3602
2967. or Chapter 5120. of the Revised Code. Except as provided 3603
in division (B)(1)(g) of this section, a court shall not impose 3604
more than one prison term on an offender under division (B)(1) 3605
(a) of this section for felonies committed as part of the same 3606
act or transaction. 3607

(c)(i) Except as provided in division (B)(1)(e) of this 3608
section, if an offender who is convicted of or pleads guilty to 3609
a violation of section 2923.161 of the Revised Code or to a 3610
felony that includes, as an essential element, purposely or 3611
knowingly causing or attempting to cause the death of or 3612
physical harm to another, also is convicted of or pleads guilty 3613
to a specification of the type described in division (A) of 3614
section 2941.146 of the Revised Code that charges the offender 3615
with committing the offense by discharging a firearm from a 3616
motor vehicle other than a manufactured home, the court, after 3617

imposing a prison term on the offender for the violation of 3618
section 2923.161 of the Revised Code or for the other felony 3619
offense under division (A), (B) (2), or (B) (3) of this section, 3620
shall impose an additional prison term of five years upon the 3621
offender that shall not be reduced pursuant to section 2929.20, 3622
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3623
other provision of Chapter 2967. or Chapter 5120. of the Revised 3624
Code. 3625

(ii) Except as provided in division (B) (1) (e) of this 3626
section, if an offender who is convicted of or pleads guilty to 3627
a violation of section 2923.161 of the Revised Code or to a 3628
felony that includes, as an essential element, purposely or 3629
knowingly causing or attempting to cause the death of or 3630
physical harm to another, also is convicted of or pleads guilty 3631
to a specification of the type described in division (C) of 3632
section 2941.146 of the Revised Code that charges the offender 3633
with committing the offense by discharging a firearm from a 3634
motor vehicle other than a manufactured home and that the 3635
offender previously has been convicted of or pleaded guilty to a 3636
specification of the type described in section 2941.141, 3637
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 3638
the court, after imposing a prison term on the offender for the 3639
violation of section 2923.161 of the Revised Code or for the 3640
other felony offense under division (A), (B) (2), or (3) of this 3641
section, shall impose an additional prison term of ninety months 3642
upon the offender that shall not be reduced pursuant to section 3643
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 3644
or any other provision of Chapter 2967. or Chapter 5120. of the 3645
Revised Code. 3646

(iii) A court shall not impose more than one additional 3647
prison term on an offender under division (B) (1) (c) of this 3648

section for felonies committed as part of the same act or 3649
transaction. If a court imposes an additional prison term on an 3650
offender under division (B) (1) (c) of this section relative to an 3651
offense, the court also shall impose a prison term under 3652
division (B) (1) (a) of this section relative to the same offense, 3653
provided the criteria specified in that division for imposing an 3654
additional prison term are satisfied relative to the offender 3655
and the offense. 3656

(d) If an offender who is convicted of or pleads guilty to 3657
an offense of violence that is a felony also is convicted of or 3658
pleads guilty to a specification of the type described in 3659
section 2941.1411 of the Revised Code that charges the offender 3660
with wearing or carrying body armor while committing the felony 3661
offense of violence, the court shall impose on the offender an 3662
additional prison term of two years. The prison term so imposed 3663
shall not be reduced pursuant to section 2929.20, division (A) 3664
(2) or (3) of section 2967.193 or 2967.194, or any other 3665
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3666
A court shall not impose more than one prison term on an 3667
offender under division (B) (1) (d) of this section for felonies 3668
committed as part of the same act or transaction. If a court 3669
imposes an additional prison term under division (B) (1) (a) or 3670
(c) of this section, the court is not precluded from imposing an 3671
additional prison term under division (B) (1) (d) of this section. 3672

(e) The court shall not impose any of the prison terms 3673
described in division (B) (1) (a) of this section or any of the 3674
additional prison terms described in division (B) (1) (c) of this 3675
section upon an offender for a violation of section 2923.12 or 3676
2923.123 of the Revised Code. The court shall not impose any of 3677
the prison terms described in division (B) (1) (a) or (b) of this 3678
section upon an offender for a violation of section 2923.122 3679

that involves a deadly weapon that is a firearm other than a 3680
dangerous ordnance, section 2923.16, or section 2923.121 of the 3681
Revised Code. The court shall not impose any of the prison terms 3682
described in division (B) (1) (a) of this section or any of the 3683
additional prison terms described in division (B) (1) (c) of this 3684
section upon an offender for a violation of section 2923.13 of 3685
the Revised Code unless all of the following apply: 3686

(i) The offender previously has been convicted of 3687
aggravated murder, murder, or any felony of the first or second 3688
degree. 3689

(ii) Less than five years have passed since the offender 3690
was released from prison or post-release control, whichever is 3691
later, for the prior offense. 3692

(f) (i) If an offender is convicted of or pleads guilty to 3693
a felony that includes, as an essential element, causing or 3694
attempting to cause the death of or physical harm to another and 3695
also is convicted of or pleads guilty to a specification of the 3696
type described in division (A) of section 2941.1412 of the 3697
Revised Code that charges the offender with committing the 3698
offense by discharging a firearm at a peace officer as defined 3699
in section 2935.01 of the Revised Code or a corrections officer, 3700
as defined in section 2941.1412 of the Revised Code, the court, 3701
after imposing a prison term on the offender for the felony 3702
offense under division (A), (B) (2), or (B) (3) of this section, 3703
shall impose an additional prison term of seven years upon the 3704
offender that shall not be reduced pursuant to section 2929.20, 3705
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3706
other provision of Chapter 2967. or Chapter 5120. of the Revised 3707
Code. 3708

(ii) If an offender is convicted of or pleads guilty to a 3709

felony that includes, as an essential element, causing or 3710
attempting to cause the death of or physical harm to another and 3711
also is convicted of or pleads guilty to a specification of the 3712
type described in division (B) of section 2941.1412 of the 3713
Revised Code that charges the offender with committing the 3714
offense by discharging a firearm at a peace officer, as defined 3715
in section 2935.01 of the Revised Code, or a corrections 3716
officer, as defined in section 2941.1412 of the Revised Code, 3717
and that the offender previously has been convicted of or 3718
pleaded guilty to a specification of the type described in 3719
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 3720
the Revised Code, the court, after imposing a prison term on the 3721
offender for the felony offense under division (A), (B) (2), or 3722
(3) of this section, shall impose an additional prison term of 3723
one hundred twenty-six months upon the offender that shall not 3724
be reduced pursuant to section 2929.20, division (A) (2) or (3) 3725
of section 2967.193 or 2967.194, or any other provision of 3726
Chapter 2967. or 5120. of the Revised Code. 3727

(iii) If an offender is convicted of or pleads guilty to 3728
two or more felonies that include, as an essential element, 3729
causing or attempting to cause the death or physical harm to 3730
another and also is convicted of or pleads guilty to a 3731
specification of the type described under division (B) (1) (f) of 3732
this section in connection with two or more of the felonies of 3733
which the offender is convicted or to which the offender pleads 3734
guilty, the sentencing court shall impose on the offender the 3735
prison term specified under division (B) (1) (f) of this section 3736
for each of two of the specifications of which the offender is 3737
convicted or to which the offender pleads guilty and, in its 3738
discretion, also may impose on the offender the prison term 3739
specified under that division for any or all of the remaining 3740

specifications. If a court imposes an additional prison term on 3741
an offender under division (B) (1) (f) of this section relative to 3742
an offense, the court shall not impose a prison term under 3743
division (B) (1) (a) or (c) of this section relative to the same 3744
offense. 3745

(g) If an offender is convicted of or pleads guilty to two 3746
or more felonies, if one or more of those felonies are 3747
aggravated murder, murder, attempted aggravated murder, 3748
attempted murder, aggravated robbery, felonious assault, or 3749
rape, and if the offender is convicted of or pleads guilty to a 3750
specification of the type described under division (B) (1) (a) of 3751
this section in connection with two or more of the felonies, the 3752
sentencing court shall impose on the offender the prison term 3753
specified under division (B) (1) (a) of this section for each of 3754
the two most serious specifications of which the offender is 3755
convicted or to which the offender pleads guilty and, in its 3756
discretion, also may impose on the offender the prison term 3757
specified under that division for any or all of the remaining 3758
specifications. 3759

(2) (a) If division (B) (2) (b) of this section does not 3760
apply, the court may impose on an offender, in addition to the 3761
longest prison term authorized or required for the offense or, 3762
for offenses for which division (A) (1) (a) or (2) (a) of this 3763
section applies, in addition to the longest minimum prison term 3764
authorized or required for the offense, an additional definite 3765
prison term of one, two, three, four, five, six, seven, eight, 3766
nine, or ten years if all of the following criteria are met: 3767

(i) The offender is convicted of or pleads guilty to a 3768
specification of the type described in section 2941.149 of the 3769
Revised Code that the offender is a repeat violent offender. 3770

(ii) The offense of which the offender currently is 3771
convicted or to which the offender currently pleads guilty is 3772
aggravated murder and the court does not impose a sentence of 3773
death or life imprisonment without parole, murder, terrorism and 3774
the court does not impose a sentence of life imprisonment 3775
without parole, any felony of the first degree that is an 3776
offense of violence and the court does not impose a sentence of 3777
life imprisonment without parole, or any felony of the second 3778
degree that is an offense of violence and the trier of fact 3779
finds that the offense involved an attempt to cause or a threat 3780
to cause serious physical harm to a person or resulted in 3781
serious physical harm to a person. 3782

(iii) The court imposes the longest prison term for the 3783
offense or the longest minimum prison term for the offense, 3784
whichever is applicable, that is not life imprisonment without 3785
parole. 3786

(iv) The court finds that the prison terms imposed 3787
pursuant to division (B) (2) (a) (iii) of this section and, if 3788
applicable, division (B) (1) or (3) of this section are 3789
inadequate to punish the offender and protect the public from 3790
future crime, because the applicable factors under section 3791
2929.12 of the Revised Code indicating a greater likelihood of 3792
recidivism outweigh the applicable factors under that section 3793
indicating a lesser likelihood of recidivism. 3794

(v) The court finds that the prison terms imposed pursuant 3795
to division (B) (2) (a) (iii) of this section and, if applicable, 3796
division (B) (1) or (3) of this section are demeaning to the 3797
seriousness of the offense, because one or more of the factors 3798
under section 2929.12 of the Revised Code indicating that the 3799
offender's conduct is more serious than conduct normally 3800

constituting the offense are present, and they outweigh the 3801
applicable factors under that section indicating that the 3802
offender's conduct is less serious than conduct normally 3803
constituting the offense. 3804

(b) The court shall impose on an offender the longest 3805
prison term authorized or required for the offense or, for 3806
offenses for which division (A) (1) (a) or (2) (a) of this section 3807
applies, the longest minimum prison term authorized or required 3808
for the offense, and shall impose on the offender an additional 3809
definite prison term of one, two, three, four, five, six, seven, 3810
eight, nine, or ten years if all of the following criteria are 3811
met: 3812

(i) The offender is convicted of or pleads guilty to a 3813
specification of the type described in section 2941.149 of the 3814
Revised Code that the offender is a repeat violent offender. 3815

(ii) The offender within the preceding twenty years has 3816
been convicted of or pleaded guilty to three or more offenses 3817
described in division (CC) (1) of section 2929.01 of the Revised 3818
Code, including all offenses described in that division of which 3819
the offender is convicted or to which the offender pleads guilty 3820
in the current prosecution and all offenses described in that 3821
division of which the offender previously has been convicted or 3822
to which the offender previously pleaded guilty, whether 3823
prosecuted together or separately. 3824

(iii) The offense or offenses of which the offender 3825
currently is convicted or to which the offender currently pleads 3826
guilty is aggravated murder and the court does not impose a 3827
sentence of death or life imprisonment without parole, murder, 3828
terrorism and the court does not impose a sentence of life 3829
imprisonment without parole, any felony of the first degree that 3830

is an offense of violence and the court does not impose a 3831
sentence of life imprisonment without parole, or any felony of 3832
the second degree that is an offense of violence and the trier 3833
of fact finds that the offense involved an attempt to cause or a 3834
threat to cause serious physical harm to a person or resulted in 3835
serious physical harm to a person. 3836

(c) For purposes of division (B) (2) (b) of this section, 3837
two or more offenses committed at the same time or as part of 3838
the same act or event shall be considered one offense, and that 3839
one offense shall be the offense with the greatest penalty. 3840

(d) A sentence imposed under division (B) (2) (a) or (b) of 3841
this section shall not be reduced pursuant to section 2929.20, 3842
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3843
other provision of Chapter 2967. or Chapter 5120. of the Revised 3844
Code. The offender shall serve an additional prison term imposed 3845
under division (B) (2) (a) or (b) of this section consecutively to 3846
and prior to the prison term imposed for the underlying offense. 3847

(e) When imposing a sentence pursuant to division (B) (2) 3848
(a) or (b) of this section, the court shall state its findings 3849
explaining the imposed sentence. 3850

(3) Except when an offender commits a violation of section 3851
2903.01 or 2907.02 of the Revised Code and the penalty imposed 3852
for the violation is life imprisonment or commits a violation of 3853
section 2903.02 of the Revised Code, if the offender commits a 3854
violation of section 2925.03 or 2925.11 of the Revised Code and 3855
that section classifies the offender as a major drug offender, 3856
if the offender commits a violation of section 2925.05 of the 3857
Revised Code and division (E) (1) of that section classifies the 3858
offender as a major drug offender, if the offender commits a 3859
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 3860

3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 3861
division (C) or (D) of section 3719.172, division (E) of section 3862
4729.51, or division (J) of section 4729.54 of the Revised Code 3863
that includes the sale, offer to sell, or possession of a 3864
schedule I or II controlled substance, with the exception of 3865
marihuana, and the court imposing sentence upon the offender 3866
finds that the offender is guilty of a specification of the type 3867
described in division (A) of section 2941.1410 of the Revised 3868
Code charging that the offender is a major drug offender, if the 3869
court imposing sentence upon an offender for a felony finds that 3870
the offender is guilty of corrupt activity with the most serious 3871
offense in the pattern of corrupt activity being a felony of the 3872
first degree, or if the offender is guilty of an attempted 3873
violation of section 2907.02 of the Revised Code and, had the 3874
offender completed the violation of section 2907.02 of the 3875
Revised Code that was attempted, the offender would have been 3876
subject to a sentence of life imprisonment or life imprisonment 3877
without parole for the violation of section 2907.02 of the 3878
Revised Code, the court shall impose upon the offender for the 3879
felony violation a mandatory prison term determined as described 3880
in this division that cannot be reduced pursuant to section 3881
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 3882
or any other provision of Chapter 2967. or 5120. of the Revised 3883
Code. The mandatory prison term shall be the maximum definite 3884
prison term prescribed in division (A)(1)(b) of this section for 3885
a felony of the first degree, except that for offenses for which 3886
division (A)(1)(a) of this section applies, the mandatory prison 3887
term shall be the longest minimum prison term prescribed in that 3888
division for the offense. 3889

(4) If the offender is being sentenced for a third or 3890
fourth degree felony OVI offense under division (G)(2) of 3891

section 2929.13 of the Revised Code, the sentencing court shall 3892
impose upon the offender a mandatory prison term in accordance 3893
with that division. In addition to the mandatory prison term, if 3894
the offender is being sentenced for a fourth degree felony OVI 3895
offense, the court, notwithstanding division (A)(4) of this 3896
section, may sentence the offender to a definite prison term of 3897
not less than six months and not more than thirty months, and if 3898
the offender is being sentenced for a third degree felony OVI 3899
offense, the sentencing court may sentence the offender to an 3900
additional prison term of any duration specified in division (A) 3901
(3) of this section. In either case, the additional prison term 3902
imposed shall be reduced by the sixty or one hundred twenty days 3903
imposed upon the offender as the mandatory prison term. The 3904
total of the additional prison term imposed under division (B) 3905
(4) of this section plus the sixty or one hundred twenty days 3906
imposed as the mandatory prison term shall equal a definite term 3907
in the range of six months to thirty months for a fourth degree 3908
felony OVI offense and shall equal one of the authorized prison 3909
terms specified in division (A)(3) of this section for a third 3910
degree felony OVI offense. If the court imposes an additional 3911
prison term under division (B)(4) of this section, the offender 3912
shall serve the additional prison term after the offender has 3913
served the mandatory prison term required for the offense. In 3914
addition to the mandatory prison term or mandatory and 3915
additional prison term imposed as described in division (B)(4) 3916
of this section, the court also may sentence the offender to a 3917
community control sanction under section 2929.16 or 2929.17 of 3918
the Revised Code, but the offender shall serve all of the prison 3919
terms so imposed prior to serving the community control 3920
sanction. 3921

If the offender is being sentenced for a fourth degree 3922

felony OVI offense under division (G) (1) of section 2929.13 of 3923
the Revised Code and the court imposes a mandatory term of local 3924
incarceration, the court may impose a prison term as described 3925
in division (A) (1) of that section. 3926

(5) If an offender is convicted of or pleads guilty to a 3927
violation of division (A) (1) or (2) of section 2903.06 of the 3928
Revised Code and also is convicted of or pleads guilty to a 3929
specification of the type described in section 2941.1414 of the 3930
Revised Code that charges that the victim of the offense is a 3931
peace officer, as defined in section 2935.01 of the Revised 3932
Code, an investigator of the bureau of criminal identification 3933
and investigation, as defined in section 2903.11 of the Revised 3934
Code, or a firefighter or emergency medical worker, both as 3935
defined in section 4123.026 of the Revised Code, the court shall 3936
impose on the offender a prison term of five years. If a court 3937
imposes a prison term on an offender under division (B) (5) of 3938
this section, the prison term shall not be reduced pursuant to 3939
section 2929.20, division (A) (2) or (3) of section 2967.193 or 3940
2967.194, or any other provision of Chapter 2967. or Chapter 3941
5120. of the Revised Code. A court shall not impose more than 3942
one prison term on an offender under division (B) (5) of this 3943
section for felonies committed as part of the same act. 3944

(6) If an offender is convicted of or pleads guilty to a 3945
violation of division (A) (1) or (2) of section 2903.06 of the 3946
Revised Code and also is convicted of or pleads guilty to a 3947
specification of the type described in section 2941.1415 of the 3948
Revised Code that charges that the offender previously has been 3949
convicted of or pleaded guilty to three or more violations of 3950
division (A) of section 4511.19 of the Revised Code or an 3951
equivalent offense, as defined in section 2941.1415 of the 3952
Revised Code, or three or more violations of any combination of 3953

those offenses, the court shall impose on the offender a prison 3954
term of three years. If a court imposes a prison term on an 3955
offender under division (B) (6) of this section, the prison term 3956
shall not be reduced pursuant to section 2929.20, division (A) 3957
(2) or (3) of section 2967.193 or 2967.194, or any other 3958
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3959
A court shall not impose more than one prison term on an 3960
offender under division (B) (6) of this section for felonies 3961
committed as part of the same act. 3962

(7) (a) If an offender is convicted of or pleads guilty to 3963
a felony violation of section 2905.01, 2905.02, 2905.321, 3964
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 3965
2907.323 involving a minor, or division (B) (1), (2), (3), (4), 3966
or (5) of section 2919.22 of the Revised Code and also is 3967
convicted of or pleads guilty to a specification of the type 3968
described in section 2941.1422 of the Revised Code that charges 3969
that the offender knowingly committed the offense in furtherance 3970
of human trafficking, the court shall impose on the offender a 3971
mandatory prison term that is one of the following: 3972

(i) If the offense is a felony of the first degree, a 3973
definite prison term of not less than five years and not greater 3974
than eleven years, except that if the offense is a felony of the 3975
first degree committed on or after March 22, 2019, the court 3976
shall impose as the minimum prison term a mandatory term of not 3977
less than five years and not greater than eleven years; 3978

(ii) If the offense is a felony of the second or third 3979
degree, a definite prison term of not less than three years and 3980
not greater than the maximum prison term allowed for the offense 3981
by division (A) (2) (b) or (3) of this section, except that if the 3982
offense is a felony of the second degree committed on or after 3983

March 22, 2019, the court shall impose as the minimum prison 3984
term a mandatory term of not less than three years and not 3985
greater than eight years; 3986

(iii) If the offense is a felony of the fourth or fifth 3987
degree, a definite prison term that is the maximum prison term 3988
allowed for the offense by division (A) of section 2929.14 of 3989
the Revised Code. 3990

(b) The prison term imposed under division (B) (7) (a) of 3991
this section shall not be reduced pursuant to section 2929.20, 3992
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 3993
other provision of Chapter 2967. of the Revised Code. A court 3994
shall not impose more than one prison term on an offender under 3995
division (B) (7) (a) of this section for felonies committed as 3996
part of the same act, scheme, or plan. 3997

(8) If an offender is convicted of or pleads guilty to a 3998
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3999
Revised Code and also is convicted of or pleads guilty to a 4000
specification of the type described in section 2941.1423 of the 4001
Revised Code that charges that the victim of the violation was a 4002
woman whom the offender knew was pregnant at the time of the 4003
violation, notwithstanding the range prescribed in division (A) 4004
of this section as the definite prison term or minimum prison 4005
term for felonies of the same degree as the violation, the court 4006
shall impose on the offender a mandatory prison term that is 4007
either a definite prison term of six months or one of the prison 4008
terms prescribed in division (A) of this section for felonies of 4009
the same degree as the violation, except that if the violation 4010
is a felony of the first or second degree committed on or after 4011
arch 22, 2019, the court shall impose as the minimum prison term 4012
under division (A) (1) (a) or (2) (a) of this section a mandatory 4013

term that is one of the terms prescribed in that division, 4014
whichever is applicable, for the offense. 4015

(9) (a) If an offender is convicted of or pleads guilty to 4016
a violation of division (A) (1) or (2) of section 2903.11 of the 4017
Revised Code and also is convicted of or pleads guilty to a 4018
specification of the type described in section 2941.1425 of the 4019
Revised Code, the court shall impose on the offender a mandatory 4020
prison term of six years if either of the following applies: 4021

(i) The violation is a violation of division (A) (1) of 4022
section 2903.11 of the Revised Code and the specification 4023
charges that the offender used an accelerant in committing the 4024
violation and the serious physical harm to another or to 4025
another's unborn caused by the violation resulted in a 4026
permanent, serious disfigurement or permanent, substantial 4027
incapacity; 4028

(ii) The violation is a violation of division (A) (2) of 4029
section 2903.11 of the Revised Code and the specification 4030
charges that the offender used an accelerant in committing the 4031
violation, that the violation caused physical harm to another or 4032
to another's unborn, and that the physical harm resulted in a 4033
permanent, serious disfigurement or permanent, substantial 4034
incapacity. 4035

(b) If a court imposes a prison term on an offender under 4036
division (B) (9) (a) of this section, the prison term shall not be 4037
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4038
section 2967.193 or 2967.194, or any other provision of Chapter 4039
2967. or Chapter 5120. of the Revised Code. A court shall not 4040
impose more than one prison term on an offender under division 4041
(B) (9) of this section for felonies committed as part of the 4042
same act. 4043

(c) The provisions of divisions (B) (9) and (C) (6) of this section and of division (D) (2) of section 2903.11, division (F) (20) of section 2929.13, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

~~(11)~~ (11) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division ~~(C) (11)~~ (C) (10) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted

of or pleads guilty to a specification of the type described in 4075
division (B) of section 2941.1410 of the Revised Code that 4076
charges that the offender is a major drug offender, in addition 4077
to any other penalty imposed for the violation, the court shall 4078
impose on the offender a mandatory prison term of three, four, 4079
five, six, seven, or eight years. ~~If~~ 4080

(b) If an offender is convicted of or pleads guilty to a 4081
violation of section 2903.04 of the Revised Code and if the 4082
offender also is convicted of or pleads guilty to a 4083
specification of the type described in section 2941.1427 of the 4084
Revised Code, in addition to any other penalty imposed for the 4085
violation, the court shall impose on the offender a mandatory 4086
prison term of five years. 4087

(c) If a court imposes a prison term on an offender under 4088
division (B) (11) of this section, the prison term shall not be 4089
reduced pursuant to section 2929.20, division (A) (2) or (3) of 4090
section 2967.193 or 2967.194, or any other provision of Chapter 4091
2967. or 5120. of the Revised Code. A court shall not impose 4092
more than one prison term on an offender under division (B) (11) 4093
of this section for felonies committed as part of the same act. 4094

(C) (1) (a) Subject to division (C) (1) (b) of this section, 4095
if a mandatory prison term is imposed upon an offender pursuant 4096
to division (B) (1) (a) of this section for having a firearm on or 4097
about the offender's person or under the offender's control 4098
while committing a felony, if a mandatory prison term is imposed 4099
upon an offender pursuant to division (B) (1) (c) of this section 4100
for committing a felony specified in that division by 4101
discharging a firearm from a motor vehicle, or if both types of 4102
mandatory prison terms are imposed, the offender shall serve any 4103
mandatory prison term imposed under either division 4104

consecutively to any other mandatory prison term imposed under 4105
either division or under division (B) (1) (d) of this section, 4106
consecutively to and prior to any prison term imposed for the 4107
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 4108
this section or any other section of the Revised Code, and 4109
consecutively to any other prison term or mandatory prison term 4110
previously or subsequently imposed upon the offender. 4111

(b) If a mandatory prison term is imposed upon an offender 4112
pursuant to division (B) (1) (d) of this section for wearing or 4113
carrying body armor while committing an offense of violence that 4114
is a felony, the offender shall serve the mandatory term so 4115
imposed consecutively to any other mandatory prison term imposed 4116
under that division or under division (B) (1) (a) or (c) of this 4117
section, consecutively to and prior to any prison term imposed 4118
for the underlying felony under division (A), (B) (2), or (B) (3) 4119
of this section or any other section of the Revised Code, and 4120
consecutively to any other prison term or mandatory prison term 4121
previously or subsequently imposed upon the offender. 4122

(c) If a mandatory prison term is imposed upon an offender 4123
pursuant to division (B) (1) (f) of this section, the offender 4124
shall serve the mandatory prison term so imposed consecutively 4125
to and prior to any prison term imposed for the underlying 4126
felony under division (A), (B) (2), or (B) (3) of this section or 4127
any other section of the Revised Code, and consecutively to any 4128
other prison term or mandatory prison term previously or 4129
subsequently imposed upon the offender. 4130

(d) If a mandatory prison term is imposed upon an offender 4131
pursuant to division (B) (7) or (8) of this section, the offender 4132
shall serve the mandatory prison term so imposed consecutively 4133
to any other mandatory prison term imposed under that division 4134

or under any other provision of law and consecutively to any 4135
other prison term or mandatory prison term previously or 4136
subsequently imposed upon the offender. 4137

(e) If a mandatory prison term is imposed upon an offender 4138
pursuant to division (B)(11) of this section, the offender shall 4139
serve the mandatory prison term consecutively to any other 4140
mandatory prison term imposed under that division, consecutively 4141
to and prior to any prison term imposed for the underlying 4142
felony, and consecutively to any other prison term or mandatory 4143
prison term previously or subsequently imposed upon the 4144
offender. 4145

(2) If an offender who is an inmate in a jail, prison, or 4146
other residential detention facility violates section 2917.02, 4147
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 4148
(2) of section 2921.34 of the Revised Code, if an offender who 4149
is under detention at a detention facility commits a felony 4150
violation of section 2923.131 of the Revised Code, or if an 4151
offender who is an inmate in a jail, prison, or other 4152
residential detention facility or is under detention at a 4153
detention facility commits another felony while the offender is 4154
an escapee in violation of division (A)(1) or (2) of section 4155
2921.34 of the Revised Code, any prison term imposed upon the 4156
offender for one of those violations shall be served by the 4157
offender consecutively to the prison term or term of 4158
imprisonment the offender was serving when the offender 4159
committed that offense and to any other prison term previously 4160
or subsequently imposed upon the offender. 4161

(3) If a prison term is imposed for a violation of 4162
division (B) of section 2911.01 of the Revised Code, a violation 4163
of division (A) of section 2913.02 of the Revised Code in which 4164

the stolen property is a firearm or dangerous ordnance, or a 4165
felony violation of division (B) of section 2921.331 of the 4166
Revised Code, the offender shall serve that prison term 4167
consecutively to any other prison term or mandatory prison term 4168
previously or subsequently imposed upon the offender. 4169

(4) If multiple prison terms are imposed on an offender 4170
for convictions of multiple offenses, the court may require the 4171
offender to serve the prison terms consecutively if the court 4172
finds that the consecutive service is necessary to protect the 4173
public from future crime or to punish the offender and that 4174
consecutive sentences are not disproportionate to the 4175
seriousness of the offender's conduct and to the danger the 4176
offender poses to the public, and if the court also finds any of 4177
the following: 4178

(a) The offender committed one or more of the multiple 4179
offenses while the offender was awaiting trial or sentencing, 4180
was under a sanction imposed pursuant to section 2929.16, 4181
2929.17, or 2929.18 of the Revised Code, or was under post- 4182
release control for a prior offense. 4183

(b) At least two of the multiple offenses were committed 4184
as part of one or more courses of conduct, and the harm caused 4185
by two or more of the multiple offenses so committed was so 4186
great or unusual that no single prison term for any of the 4187
offenses committed as part of any of the courses of conduct 4188
adequately reflects the seriousness of the offender's conduct. 4189

(c) The offender's history of criminal conduct 4190
demonstrates that consecutive sentences are necessary to protect 4191
the public from future crime by the offender. 4192

(5) If a mandatory prison term is imposed upon an offender 4193

pursuant to division (B) (5) or (6) of this section, the offender 4194
shall serve the mandatory prison term consecutively to and prior 4195
to any prison term imposed for the underlying violation of 4196
division (A) (1) or (2) of section 2903.06 of the Revised Code 4197
pursuant to division (A) of this section or section 2929.142 of 4198
the Revised Code. If a mandatory prison term is imposed upon an 4199
offender pursuant to division (B) (5) of this section, and if a 4200
mandatory prison term also is imposed upon the offender pursuant 4201
to division (B) (6) of this section in relation to the same 4202
violation, the offender shall serve the mandatory prison term 4203
imposed pursuant to division (B) (5) of this section 4204
consecutively to and prior to the mandatory prison term imposed 4205
pursuant to division (B) (6) of this section and consecutively to 4206
and prior to any prison term imposed for the underlying 4207
violation of division (A) (1) or (2) of section 2903.06 of the 4208
Revised Code pursuant to division (A) of this section or section 4209
2929.142 of the Revised Code. 4210

(6) If a mandatory prison term is imposed on an offender 4211
pursuant to division (B) (9) of this section, the offender shall 4212
serve the mandatory prison term consecutively to and prior to 4213
any prison term imposed for the underlying violation of division 4214
(A) (1) or (2) of section 2903.11 of the Revised Code and 4215
consecutively to and prior to any other prison term or mandatory 4216
prison term previously or subsequently imposed on the offender. 4217

(7) If a mandatory prison term is imposed on an offender 4218
pursuant to division (B) (10) of this section, the offender shall 4219
serve that mandatory prison term consecutively to and prior to 4220
any prison term imposed for the underlying felonious assault. 4221
Except as otherwise provided in division (C) of this section, 4222
any other prison term or mandatory prison term previously or 4223
subsequently imposed upon the offender may be served 4224

concurrently with, or consecutively to, the prison term imposed 4225
pursuant to division (B)(10) of this section. 4226

(8) Any prison term imposed for a violation of section 4227
2903.04 of the Revised Code that is based on a violation of 4228
section 2925.03 or 2925.11 of the Revised Code or on a violation 4229
of section 2925.05 of the Revised Code that is not funding of 4230
marihuana trafficking shall run consecutively to any prison term 4231
imposed for the violation of section 2925.03 or 2925.11 of the 4232
Revised Code or for the violation of section 2925.05 of the 4233
Revised Code that is not funding of marihuana trafficking. 4234

(9) When consecutive prison terms are imposed pursuant to 4235
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 4236
division (H)(1) or (2) of this section, subject to division (C) 4237
(10) of this section, the term to be served is the aggregate of 4238
all of the terms so imposed. 4239

(10) When a court sentences an offender to a non-life 4240
felony indefinite prison term, any definite prison term or 4241
mandatory definite prison term previously or subsequently 4242
imposed on the offender in addition to that indefinite sentence 4243
that is required to be served consecutively to that indefinite 4244
sentence shall be served prior to the indefinite sentence. 4245

(11) If a court is sentencing an offender for a felony of 4246
the first or second degree, if division (A)(1)(a) or (2)(a) of 4247
this section applies with respect to the sentencing for the 4248
offense, and if the court is required under the Revised Code 4249
section that sets forth the offense or any other Revised Code 4250
provision to impose a mandatory prison term for the offense, the 4251
court shall impose the required mandatory prison term as the 4252
minimum term imposed under division (A)(1)(a) or (2)(a) of this 4253
section, whichever is applicable. 4254

(D) (1) If a court imposes a prison term, other than a term 4255
of life imprisonment, for a felony of the first degree, for a 4256
felony of the second degree, for a felony sex offense, or for a 4257
felony of the third degree that is an offense of violence and 4258
that is not a felony sex offense, it shall include in the 4259
sentence a requirement that the offender be subject to a period 4260
of post-release control after the offender's release from 4261
imprisonment, in accordance with section 2967.28 of the Revised 4262
Code. If a court imposes a sentence including a prison term of a 4263
type described in this division on or after July 11, 2006, the 4264
failure of a court to include a post-release control requirement 4265
in the sentence pursuant to this division does not negate, 4266
limit, or otherwise affect the mandatory period of post-release 4267
control that is required for the offender under division (B) of 4268
section 2967.28 of the Revised Code. Section 2929.191 of the 4269
Revised Code applies if, prior to July 11, 2006, a court imposed 4270
a sentence including a prison term of a type described in this 4271
division and failed to include in the sentence pursuant to this 4272
division a statement regarding post-release control. 4273

(2) If a court imposes a prison term for a felony of the 4274
third, fourth, or fifth degree that is not subject to division 4275
(D) (1) of this section, it shall include in the sentence a 4276
requirement that the offender be subject to a period of post- 4277
release control after the offender's release from imprisonment, 4278
in accordance with that division, if the parole board determines 4279
that a period of post-release control is necessary. Section 4280
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4281
a court imposed a sentence including a prison term of a type 4282
described in this division and failed to include in the sentence 4283
pursuant to this division a statement regarding post-release 4284
control. 4285

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4315
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4316
(a) (iv) of section 2929.03, or division (A) or (B) of section 4317
2929.06 of the Revised Code requires the court to sentence the 4318
offender pursuant to division (B) (3) of section 2971.03 of the 4319
Revised Code. 4320

(6) A person is convicted of or pleads guilty to murder 4321
committed on or after January 1, 2008, and division (B) (2) of 4322
section 2929.02 of the Revised Code requires the court to 4323
sentence the offender pursuant to section 2971.03 of the Revised 4324
Code. 4325

(F) If a person who has been convicted of or pleaded 4326
guilty to a felony is sentenced to a prison term or term of 4327
imprisonment under this section, sections 2929.02 to 2929.06 of 4328
the Revised Code, section 2929.142 of the Revised Code, section 4329
2971.03 of the Revised Code, or any other provision of law, 4330
section 5120.163 of the Revised Code applies regarding the 4331
person while the person is confined in a state correctional 4332
institution. 4333

(G) If an offender who is convicted of or pleads guilty to 4334
a felony that is an offense of violence also is convicted of or 4335
pleads guilty to a specification of the type described in 4336
section 2941.142 of the Revised Code that charges the offender 4337
with having committed the felony while participating in a 4338
criminal gang, the court shall impose upon the offender an 4339
additional prison term of one, two, or three years. 4340

(H) (1) If an offender who is convicted of or pleads guilty 4341
to aggravated murder, murder, or a felony of the first, second, 4342
or third degree that is an offense of violence also is convicted 4343
of or pleads guilty to a specification of the type described in 4344

section 2941.143 of the Revised Code that charges the offender 4345
with having committed the offense in a school safety zone or 4346
towards a person in a school safety zone, the court shall impose 4347
upon the offender an additional prison term of two years. The 4348
offender shall serve the additional two years consecutively to 4349
and prior to the prison term imposed for the underlying offense. 4350

(2) (a) If an offender is convicted of or pleads guilty to 4351
a felony violation of section 2907.22, 2907.24, 2907.241, or 4352
2907.25 of the Revised Code and to a specification of the type 4353
described in section 2941.1421 of the Revised Code and if the 4354
court imposes a prison term on the offender for the felony 4355
violation, the court may impose upon the offender an additional 4356
prison term as follows: 4357

(i) Subject to division (H) (2) (a) (ii) of this section, an 4358
additional prison term of one, two, three, four, five, or six 4359
months; 4360

(ii) If the offender previously has been convicted of or 4361
pleaded guilty to one or more felony or misdemeanor violations 4362
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 4363
the Revised Code and also was convicted of or pleaded guilty to 4364
a specification of the type described in section 2941.1421 of 4365
the Revised Code regarding one or more of those violations, an 4366
additional prison term of one, two, three, four, five, six, 4367
seven, eight, nine, ten, eleven, or twelve months. 4368

(b) In lieu of imposing an additional prison term under 4369
division (H) (2) (a) of this section, the court may directly 4370
impose on the offender a sanction that requires the offender to 4371
wear a real-time processing, continual tracking electronic 4372
monitoring device during the period of time specified by the 4373
court. The period of time specified by the court shall equal the 4374

duration of an additional prison term that the court could have 4375
imposed upon the offender under division (H) (2) (a) of this 4376
section. A sanction imposed under this division shall commence 4377
on the date specified by the court, provided that the sanction 4378
shall not commence until after the offender has served the 4379
prison term imposed for the felony violation of section 2907.22, 4380
2907.24, 2907.241, or 2907.25 of the Revised Code and any 4381
residential sanction imposed for the violation under section 4382
2929.16 of the Revised Code. A sanction imposed under this 4383
division shall be considered to be a community control sanction 4384
for purposes of section 2929.15 of the Revised Code, and all 4385
provisions of the Revised Code that pertain to community control 4386
sanctions shall apply to a sanction imposed under this division, 4387
except to the extent that they would by their nature be clearly 4388
inapplicable. The offender shall pay all costs associated with a 4389
sanction imposed under this division, including the cost of the 4390
use of the monitoring device. 4391

(I) At the time of sentencing, the court may recommend the 4392
offender for placement in a program of shock incarceration under 4393
section 5120.031 of the Revised Code or for placement in an 4394
intensive program prison under section 5120.032 of the Revised 4395
Code, disapprove placement of the offender in a program of shock 4396
incarceration or an intensive program prison of that nature, or 4397
make no recommendation on placement of the offender. In no case 4398
shall the department of rehabilitation and correction place the 4399
offender in a program or prison of that nature unless the 4400
department determines as specified in section 5120.031 or 4401
5120.032 of the Revised Code, whichever is applicable, that the 4402
offender is eligible for the placement. 4403

If the court disapproves placement of the offender in a 4404
program or prison of that nature, the department of 4405

rehabilitation and correction shall not place the offender in 4406
any program of shock incarceration or intensive program prison. 4407

If the court recommends placement of the offender in a 4408
program of shock incarceration or in an intensive program 4409
prison, and if the offender is subsequently placed in the 4410
recommended program or prison, the department shall notify the 4411
court of the placement and shall include with the notice a brief 4412
description of the placement. 4413

If the court recommends placement of the offender in a 4414
program of shock incarceration or in an intensive program prison 4415
and the department does not subsequently place the offender in 4416
the recommended program or prison, the department shall send a 4417
notice to the court indicating why the offender was not placed 4418
in the recommended program or prison. 4419

If the court does not make a recommendation under this 4420
division with respect to an offender and if the department 4421
determines as specified in section 5120.031 or 5120.032 of the 4422
Revised Code, whichever is applicable, that the offender is 4423
eligible for placement in a program or prison of that nature, 4424
the department shall screen the offender and determine if there 4425
is an available program of shock incarceration or an intensive 4426
program prison for which the offender is suited. If there is an 4427
available program of shock incarceration or an intensive program 4428
prison for which the offender is suited, the department shall 4429
notify the court of the proposed placement of the offender as 4430
specified in section 5120.031 or 5120.032 of the Revised Code 4431
and shall include with the notice a brief description of the 4432
placement. The court shall have ten days from receipt of the 4433
notice to disapprove the placement. 4434

(J) If a person is convicted of or pleads guilty to 4435

aggravated vehicular homicide in violation of division (A) (1) of 4436
section 2903.06 of the Revised Code and division (B) (2) (c) of 4437
that section applies, the person shall be sentenced pursuant to 4438
section 2929.142 of the Revised Code. 4439

(K) (1) The court shall impose an additional mandatory 4440
prison term of two, three, four, five, six, seven, eight, nine, 4441
ten, or eleven years on an offender who is convicted of or 4442
pleads guilty to a violent felony offense if the offender also 4443
is convicted of or pleads guilty to a specification of the type 4444
described in section 2941.1424 of the Revised Code that charges 4445
that the offender is a violent career criminal and had a firearm 4446
on or about the offender's person or under the offender's 4447
control while committing the presently charged violent felony 4448
offense and displayed or brandished the firearm, indicated that 4449
the offender possessed a firearm, or used the firearm to 4450
facilitate the offense. The offender shall serve the prison term 4451
imposed under this division consecutively to and prior to the 4452
prison term imposed for the underlying offense. The prison term 4453
shall not be reduced pursuant to section 2929.20, division (A) 4454
(2) or (3) of section 2967.193 or 2967.194, or any other 4455
provision of Chapter 2967. or 5120. of the Revised Code. A court 4456
may not impose more than one sentence under division (B) (2) (a) 4457
of this section and this division for acts committed as part of 4458
the same act or transaction. 4459

(2) As used in division (K) (1) of this section, "violent 4460
career criminal" and "violent felony offense" have the same 4461
meanings as in section 2923.132 of the Revised Code. 4462

(L) If an offender receives or received a sentence of life 4463
imprisonment without parole, a sentence of life imprisonment, a 4464
definite sentence, or a sentence to an indefinite prison term 4465

under this chapter for a felony offense that was committed when 4466
the offender was under eighteen years of age, the offender's 4467
parole eligibility shall be determined under section 2967.132 of 4468
the Revised Code. 4469

Sec. 2941.1422. (A) Imposition of a mandatory prison term 4470
under division (B) (7) of section 2929.14 of the Revised Code is 4471
precluded unless the offender is convicted of or pleads guilty 4472
to a felony violation of section 2905.01, 2905.02, 2905.321, 4473
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 4474
2907.323, or division (B) (1), (2), (3), (4), or (5) of section 4475
2919.22 of the Revised Code and unless the indictment, count in 4476
the indictment, or information charging the offense specifies 4477
that the offender knowingly committed the offense in furtherance 4478
of human trafficking. The specification shall be stated at the 4479
end of the body of the indictment, count, or information and 4480
shall be stated in substantially the following form: 4481

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 4482
Grand Jurors (or insert the person's or the prosecuting 4483
attorney's name when appropriate) further find and specify that 4484
(set forth that the defendant knowingly committed the offense in 4485
furtherance of human trafficking)." 4486

(B) As used in this section, "human trafficking" has the 4487
same meaning as in section 2929.01 of the Revised Code. 4488

Sec. 2941.1427. (A) Imposition of a mandatory prison term 4489
under division (B) (11) (b) of section 2929.14 of the Revised Code 4490
is precluded unless the offender is convicted of or pleads 4491
guilty to a violation of section 2903.04 of the Revised Code and 4492
unless the indictment, count in the indictment, or information 4493
charging the offense specifies that: 4494

(1) Fentanyl or a fentanyl-related compound, as defined in section 2925.01 of the Revised Code, was present in the body of the decedent victim in an amount or concentration that is considered to be lethal by generally accepted scientific standards; 4495
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(2) The results of an autopsy performed on the decedent victim are consistent with an opioid overdose as the cause of death. 4500
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4502

(B) The specification shall be stated at the end of the body of the indictment, count, or information and shall be stated in substantially the following form: 4503
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"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the victim's death was consistent with opioid overdose and fentanyl or a fentanyl-related compound was present in the victim's body in lethal amounts)." 4506
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Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code. 4512
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(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects: 4517
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- (1) The language arts, including reading, writing, 4524
spelling, oral and written English, and literature; 4525
- (2) Geography, the history of the United States and of 4526
Ohio, and national, state, and local government in the United 4527
States, including a balanced presentation of the relevant 4528
contributions to society of men and women of African, Mexican, 4529
Puerto Rican, and American Indian descent as well as other 4530
ethnic and racial groups in Ohio and the United States; 4531
- (3) Mathematics; 4532
- (4) Natural science, including instruction in the 4533
conservation of natural resources; 4534
- (5) Health education, which shall include instruction in: 4535
- (a) The nutritive value of foods, including natural and 4536
organically produced foods, the relation of nutrition to health, 4537
and the use and effects of food additives; 4538
- (b) The Fentanyl abuse prevention in accordance with 4539
section 3313.6030 of the Revised Code, and the harmful effects 4540
of and legal restrictions against the use of drugs of abuse, 4541
alcoholic beverages, and tobacco, including electronic smoking 4542
devices; 4543
- (c) Venereal disease education, except that upon written 4544
request of the student's parent or guardian, a student shall be 4545
excused from taking instruction in venereal disease education; 4546
- (d) In grades kindergarten through six, annual 4547
developmentally appropriate instruction in child sexual abuse 4548
prevention, including information on available counseling and 4549
resources for children who are sexually abused. Such instruction 4550
and information provided shall not be connected in any way to 4551

any individual, entity, or organization that provides, promotes, 4552
counsels, or makes referrals for abortion or abortion-related 4553
services. Upon written request of the student's parent or 4554
guardian, a student shall be excused from taking instruction in 4555
child sexual abuse prevention. 4556

(e) In grades kindergarten through six, instruction in 4557
personal safety and assault prevention, except that upon written 4558
request of the student's parent or guardian, a student shall be 4559
excused from taking instruction in personal safety and assault 4560
prevention; 4561

(f) In grades seven through twelve, developmentally 4562
appropriate instruction in dating violence prevention education 4563
and sexual violence prevention education, which shall include 4564
instruction in recognizing dating violence warning signs and 4565
characteristics of healthy relationships, except that upon 4566
written request of the student's parent or guardian a student 4567
shall be excused from taking instruction in sexual violence 4568
prevention. 4569

In order to assist school districts in developing a dating 4570
violence prevention education and sexual violence prevention 4571
education curriculum, the department of education and workforce 4572
shall provide on its web site links to free curricula addressing 4573
dating violence prevention and sexual violence prevention 4574
education. Such instruction and information shall not be 4575
connected in any way to any individual, entity, or organization 4576
that provides, promotes, counsels, or makes referrals for 4577
abortion or abortion-related services. 4578

Each school district shall notify the parents and legal 4579
guardians of students who receive instruction related to child 4580
sexual abuse prevention and sexual violence prevention, as 4581

described under divisions (A) (5) (d) and (f) of this section, of 4582
all of the following: 4583

(i) That instruction in child sexual abuse prevention and 4584
sexual violence prevention is a required part of the district's 4585
curriculum; 4586

(ii) That upon request, parents and legal guardians may 4587
examine such instructional materials in accordance with this 4588
section; 4589

(iii) That upon written request of the student's parent or 4590
guardian, a student shall be excused from taking instruction in 4591
child sexual abuse prevention and sexual violence prevention. 4592

If the parent or legal guardian of a student less than 4593
eighteen years of age submits to the principal of the student's 4594
school a written request to examine the dating violence 4595
prevention and sexual violence prevention instruction materials 4596
used at that school, the principal, within forty-eight hours 4597
after the request is made, shall allow the parent or guardian to 4598
examine those materials at that school. 4599

(g) Prescription opioid abuse prevention, with an emphasis 4600
on the prescription drug epidemic and the connection between 4601
prescription opioid abuse and addiction to other drugs, such as 4602
heroin; 4603

(h) The process of making an anatomical gift under Chapter 4604
2108. of the Revised Code, with an emphasis on the life-saving 4605
and life-enhancing effects of organ and tissue donation; 4606

(i) Beginning with the first day of the next school year 4607
that begins at least two years after March 24, 2021, in grades 4608
six through twelve, at least one hour or one standard class 4609
period per school year of evidence-based suicide awareness and 4610

prevention and at least one hour or one standard class period 4611
per school year of safety training and violence prevention, 4612
except that upon written request of the student's parent or 4613
guardian, a student shall be excused from taking instruction in 4614
suicide awareness and prevention or safety training and violence 4615
prevention; 4616

(j) Beginning with the first day of the next school year 4617
that begins at least two years after March 24, 2021, in grades 4618
six through twelve, at least one hour or one standard class 4619
period per school year of evidence-based social inclusion 4620
instruction, except that upon written request of the student's 4621
parent or guardian, a student shall be excused from taking 4622
instruction in social inclusion. 4623

For the instruction required under divisions (A) (5) (i) and 4624
(j) of this section, the board shall use a training program 4625
approved by the department of education and workforce under 4626
section 3301.221 of the Revised Code. 4627

Schools may use student assemblies, digital learning, and 4628
homework to satisfy the instruction requirements under divisions 4629
(A) (5) (i) and (j) of this section. 4630

(6) Physical education; 4631

(7) The fine arts, including music; 4632

(8) First aid, including a training program in 4633
cardiopulmonary resuscitation, which shall comply with section 4634
3313.6021 of the Revised Code when offered in any of grades nine 4635
through twelve, safety, and fire prevention. However, upon 4636
written request of the student's parent or guardian, a student 4637
shall be excused from taking instruction in cardiopulmonary 4638
resuscitation. 4639

(B) Except as provided in division (E) of this section, 4640
every school or school district shall include in the 4641
requirements for promotion from the eighth grade to the ninth 4642
grade one year's course of study of American history. A board 4643
may waive this requirement for academically accelerated students 4644
who, in accordance with procedures adopted by the board, are 4645
able to demonstrate mastery of essential concepts and skills of 4646
the eighth grade American history course of study. 4647

(C) As specified in divisions (B) (6) and (C) (6) of section 4648
3313.603 of the Revised Code, except as provided in division (E) 4649
of this section, every high school shall include in the 4650
requirements for graduation from any curriculum one-half unit 4651
each of American history and government. 4652

(D) Except as provided in division (E) of this section, 4653
basic instruction or demonstrated mastery in geography, United 4654
States history, the government of the United States, the 4655
government of the state of Ohio, local government in Ohio, the 4656
Declaration of Independence, the United States Constitution, and 4657
the Constitution of the state of Ohio shall be required before 4658
pupils may participate in courses involving the study of social 4659
problems, economics, foreign affairs, United Nations, world 4660
government, socialism, and communism. 4661

(E) For each cooperative education school district 4662
established pursuant to section 3311.521 of the Revised Code and 4663
each city, exempted village, and local school district that has 4664
territory within such a cooperative district, the curriculum 4665
adopted pursuant to divisions (A) to (D) of this section shall 4666
only include the study of the subjects that apply to the grades 4667
operated by each such school district. The curricula for such 4668
schools, when combined, shall provide to each student of these 4669

districts all of the subjects required under divisions (A) to 4670
(D) of this section. 4671

(F) The board of education of any cooperative education 4672
school district established pursuant to divisions (A) to (C) of 4673
section 3311.52 of the Revised Code shall prescribe a curriculum 4674
for the subject areas and grade levels offered in any school 4675
under its control. 4676

(G) Upon the request of any parent or legal guardian of a 4677
student, the board of education of any school district shall 4678
permit the parent or guardian to promptly examine, with respect 4679
to the parent's or guardian's own child: 4680

(1) Any survey or questionnaire, prior to its 4681
administration to the child; 4682

(2) Any textbook, workbook, software, video, or other 4683
instructional materials being used by the district in connection 4684
with the instruction of the child; 4685

(3) Any completed and graded test taken or survey or 4686
questionnaire filled out by the child; 4687

(4) Copies of the statewide academic standards and each 4688
model curriculum developed pursuant to section 3301.079 of the 4689
Revised Code, which copies shall be available at all times 4690
during school hours in each district school building. 4691

Sec. 3313.6030. (A) Beginning with the 2024-2025 school 4692
year and each school year thereafter, the board of education of 4693
each city, local, exempted village, and joint vocational school 4694
district shall provide age-appropriate, research-based 4695
instruction regarding the dangers of fentanyl to students in 4696
grades kindergarten to twelve. 4697

(B) The course material and instruction in fentanyl abuse 4698
prevention and drug poisoning awareness required under division 4699
(A) of this section shall include some or all of the following: 4700

(1) Information on fentanyl, including an explanation of 4701
the differences between synthetic and nonsynthetic opioids and 4702
illicit drugs, the variations of fentanyl, and the differences 4703
between the legal and illegal uses of fentanyl; 4704

(2) The side effects and risk factors of using fentanyl, 4705
along with information comparing the lethal amounts of fentanyl 4706
to other drugs. Information on risk factors may include: 4707

(a) The lethal dose of fentanyl; 4708

(b) How often fentanyl is placed in drugs without a 4709
person's knowledge; 4710

(c) An explanation of what fentanyl does to a person's 4711
body and the severity of fentanyl's addictive properties; 4712

(d) How the consumption of fentanyl can lead to hypoxia, 4713
as well as an explanation of what hypoxia precisely does to a 4714
person's body. 4715

(3) The process of lacing fentanyl in other drugs and why 4716
drugs get laced with fentanyl; 4717

(4) Detection of fentanyl in drugs and how to save someone 4718
from an overdose of fentanyl, which shall include instruction on 4719
how to do all of the following: 4720

(a) Buy and use fentanyl test strips; 4721

(b) Buy and use naloxone, either through a nasal spray or 4722
injections; 4723

(c) Recognize when a person is overdosing on fentanyl. 4724

(5) Awareness of school and community resources and any processes involved in accessing those resources; 4725
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(6) Information about substance use and abuse, including youth substance abuse; 4727
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(7) Guest presentations from community service and religious organizations. 4729
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(C) The instruction required under this section shall be taught by a licensed educator, school nurse, school counselor, or public safety officer. 4731
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Sec. 3313.6031. Each board of education of each city, local, exempted village, and joint vocational school district shall designate a week during the school year to be known as "fentanyl poisoning awareness week" to educate students about the dangers posed by the drug fentanyl and the risk of fentanyl poisoning, including overdose. 4734
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the director of education and workforce. The department of education and workforce shall make available on its web site a copy of every approved, executed contract filed with the director under this section. 4740
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 4745
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(1) That the school shall be established as either of the following: 4748
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 4750
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- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 4753
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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 4755
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 4759
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 4763
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 4767
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- (6) (a) Dismissal procedures; 4770
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 4771
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 4777
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- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the 4779
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school to be maintained in the same manner as are financial 4781
records of school districts, pursuant to rules of the auditor of 4782
state. Audits shall be conducted in accordance with section 4783
117.10 of the Revised Code. 4784

(9) An addendum to the contract outlining the facilities 4785
to be used that contains at least the following information: 4786

(a) A detailed description of each facility used for 4787
instructional purposes; 4788

(b) The annual costs associated with leasing each facility 4789
that are paid by or on behalf of the school; 4790

(c) The annual mortgage principal and interest payments 4791
that are paid by the school; 4792

(d) The name of the lender or landlord, identified as 4793
such, and the lender's or landlord's relationship to the 4794
operator, if any. 4795

(10) Qualifications of employees, including both of the 4796
following: 4797

(a) A requirement that the school's classroom teachers be 4798
licensed in accordance with sections 3319.22 to 3319.31 of the 4799
Revised Code, except that a community school may engage 4800
noncertificated persons to teach up to twelve hours or forty 4801
hours per week pursuant to section 3319.301 of the Revised Code; 4802

(b) A prohibition against the school employing an 4803
individual described in section 3314.104 of the Revised Code in 4804
any position. 4805

(11) That the school will comply with the following 4806
requirements: 4807

(a) The school will provide learning opportunities to a 4808
minimum of twenty-five students for a minimum of nine hundred 4809
twenty hours per school year. 4810

(b) The governing authority will purchase liability 4811
insurance, or otherwise provide for the potential liability of 4812
the school. 4813

(c) The school will be nonsectarian in its programs, 4814
admission policies, employment practices, and all other 4815
operations, and will not be operated by a sectarian school or 4816
religious institution. 4817

(d) The school will comply with sections 9.90, 9.91, 4818
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 4819
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 4820
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 4821
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 4822
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 4823
3313.6029, 3313.6030, 3313.6031, 3313.643, 3313.648, 3313.6411, 4824
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 4825
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 4826
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 4827
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 4828
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 4829
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 4830
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 4831
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 4832
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 4833
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 4834
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4835
4123., 4141., and 4167. of the Revised Code as if it were a 4836
school district and will comply with section 3301.0714 of the 4837

Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency

through work-based learning experiences, internships, or 4869
cooperative education developed by the department under division 4870
(J) (3) of section 3313.603 of the Revised Code. 4871

(g) The school governing authority will submit within four 4872
months after the end of each school year a report of its 4873
activities and progress in meeting the goals and standards of 4874
divisions (A) (3) and (4) of this section and its financial 4875
status to the sponsor and the parents of all students enrolled 4876
in the school. 4877

(h) The school, unless it is an internet- or computer- 4878
based community school, will comply with section 3313.801 of the 4879
Revised Code as if it were a school district. 4880

(i) If the school is the recipient of moneys from a grant 4881
awarded under the federal race to the top program, Division (A), 4882
Title XIV, Sections 14005 and 14006 of the "American Recovery 4883
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 4884
the school will pay teachers based upon performance in 4885
accordance with section 3317.141 and will comply with section 4886
3319.111 of the Revised Code as if it were a school district. 4887

(j) If the school operates a preschool program that is 4888
licensed by the department under sections 3301.52 to 3301.59 of 4889
the Revised Code, the school shall comply with sections 3301.50 4890
to 3301.59 of the Revised Code and the minimum standards for 4891
preschool programs prescribed in rules adopted by the department 4892
under section 3301.53 of the Revised Code. 4893

(k) The school will comply with sections 3313.6021 and 4894
3313.6023 of the Revised Code as if it were a school district 4895
unless it is either of the following: 4896

(i) An internet- or computer-based community school; 4897

(ii) A community school in which a majority of the 4898
enrolled students are children with disabilities as described in 4899
division (A) (4) (b) of section 3314.35 of the Revised Code. 4900

(1) The school will comply with section 3321.191 of the 4901
Revised Code, unless it is an internet- or computer-based 4902
community school that is subject to section 3314.261 of the 4903
Revised Code. 4904

(12) Arrangements for providing health and other benefits 4905
to employees; 4906

(13) The length of the contract, which shall begin at the 4907
beginning of an academic year. No contract shall exceed five 4908
years unless such contract has been renewed pursuant to division 4909
(E) of this section. 4910

(14) The governing authority of the school, which shall be 4911
responsible for carrying out the provisions of the contract; 4912

(15) A financial plan detailing an estimated school budget 4913
for each year of the period of the contract and specifying the 4914
total estimated per pupil expenditure amount for each such year. 4915

(16) Requirements and procedures regarding the disposition 4916
of employees of the school in the event the contract is 4917
terminated or not renewed pursuant to section 3314.07 of the 4918
Revised Code; 4919

(17) Whether the school is to be created by converting all 4920
or part of an existing public school or educational service 4921
center building or is to be a new start-up school, and if it is 4922
a converted public school or service center building, 4923
specification of any duties or responsibilities of an employer 4924
that the board of education or service center governing board 4925
that operated the school or building before conversion is 4926

delegating to the governing authority of the community school 4927
with respect to all or any specified group of employees provided 4928
the delegation is not prohibited by a collective bargaining 4929
agreement applicable to such employees; 4930

(18) Provisions establishing procedures for resolving 4931
disputes or differences of opinion between the sponsor and the 4932
governing authority of the community school; 4933

(19) A provision requiring the governing authority to 4934
adopt a policy regarding the admission of students who reside 4935
outside the district in which the school is located. That policy 4936
shall comply with the admissions procedures specified in 4937
sections 3314.06 and 3314.061 of the Revised Code and, at the 4938
sole discretion of the authority, shall do one of the following: 4939

(a) Prohibit the enrollment of students who reside outside 4940
the district in which the school is located; 4941

(b) Permit the enrollment of students who reside in 4942
districts adjacent to the district in which the school is 4943
located; 4944

(c) Permit the enrollment of students who reside in any 4945
other district in the state. 4946

(20) A provision recognizing the authority of the 4947
department to take over the sponsorship of the school in 4948
accordance with the provisions of division (C) of section 4949
3314.015 of the Revised Code; 4950

(21) A provision recognizing the sponsor's authority to 4951
assume the operation of a school under the conditions specified 4952
in division (B) of section 3314.073 of the Revised Code; 4953

(22) A provision recognizing both of the following: 4954

(a) The authority of public health and safety officials to 4955
inspect the facilities of the school and to order the facilities 4956
closed if those officials find that the facilities are not in 4957
compliance with health and safety laws and regulations; 4958

(b) The authority of the department as the community 4959
school oversight body to suspend the operation of the school 4960
under section 3314.072 of the Revised Code if the department has 4961
evidence of conditions or violations of law at the school that 4962
pose an imminent danger to the health and safety of the school's 4963
students and employees and the sponsor refuses to take such 4964
action. 4965

(23) A description of the learning opportunities that will 4966
be offered to students including both classroom-based and non- 4967
classroom-based learning opportunities that is in compliance 4968
with criteria for student participation established by the 4969
department under division (H) (2) of section 3314.08 of the 4970
Revised Code; 4971

(24) The school will comply with sections 3302.04 and 4972
3302.041 of the Revised Code, except that any action required to 4973
be taken by a school district pursuant to those sections shall 4974
be taken by the sponsor of the school. 4975

(25) Beginning in the 2006-2007 school year, the school 4976
will open for operation not later than the thirtieth day of 4977
September each school year, unless the mission of the school as 4978
specified under division (A) (2) of this section is solely to 4979
serve dropouts. In its initial year of operation, if the school 4980
fails to open by the thirtieth day of September, or within one 4981
year after the adoption of the contract pursuant to division (D) 4982
of section 3314.02 of the Revised Code if the mission of the 4983
school is solely to serve dropouts, the contract shall be void. 4984

(26) Whether the school's governing authority is planning 4985
to seek designation for the school as a STEM school equivalent 4986
under section 3326.032 of the Revised Code; 4987

(27) That the school's attendance and participation 4988
policies will be available for public inspection; 4989

(28) That the school's attendance and participation 4990
records shall be made available to the department, auditor of 4991
state, and school's sponsor to the extent permitted under and in 4992
accordance with the "Family Educational Rights and Privacy Act 4993
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 4994
regulations promulgated under that act, and section 3319.321 of 4995
the Revised Code; 4996

(29) If a school operates using the blended learning 4997
model, as defined in section 3301.079 of the Revised Code, all 4998
of the following information: 4999

(a) An indication of what blended learning model or models 5000
will be used; 5001

(b) A description of how student instructional needs will 5002
be determined and documented; 5003

(c) The method to be used for determining competency, 5004
granting credit, and promoting students to a higher grade level; 5005

(d) The school's attendance requirements, including how 5006
the school will document participation in learning 5007
opportunities; 5008

(e) A statement describing how student progress will be 5009
monitored; 5010

(f) A statement describing how private student data will 5011
be protected; 5012

(g) A description of the professional development 5013
activities that will be offered to teachers. 5014

(30) A provision requiring that all moneys the school's 5015
operator loans to the school, including facilities loans or cash 5016
flow assistance, must be accounted for, documented, and bear 5017
interest at a fair market rate; 5018

(31) A provision requiring that, if the governing 5019
authority contracts with an attorney, accountant, or entity 5020
specializing in audits, the attorney, accountant, or entity 5021
shall be independent from the operator with which the school has 5022
contracted. 5023

(32) A provision requiring the governing authority to 5024
adopt an enrollment and attendance policy that requires a 5025
student's parent to notify the community school in which the 5026
student is enrolled when there is a change in the location of 5027
the parent's or student's primary residence. 5028

(33) A provision requiring the governing authority to 5029
adopt a student residence and address verification policy for 5030
students enrolling in or attending the school. 5031

(B) The community school shall also submit to the sponsor 5032
a comprehensive plan for the school. The plan shall specify the 5033
following: 5034

(1) The process by which the governing authority of the 5035
school will be selected in the future; 5036

(2) The management and administration of the school; 5037

(3) If the community school is a currently existing public 5038
school or educational service center building, alternative 5039
arrangements for current public school students who choose not 5040

to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 5041
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(4) The instructional program and educational philosophy of the school; 5043
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(5) Internal financial controls. 5045

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school. 5046
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(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 5050
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 5060
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 5064
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 5067
5068
5069

(3) Report on an annual basis the results of the 5070
evaluation conducted under division (D) (2) of this section to 5071
the department and to the parents of students enrolled in the 5072
community school; 5073

(4) Provide technical assistance to the community school 5074
in complying with laws applicable to the school and terms of the 5075
contract; 5076

(5) Take steps to intervene in the school's operation to 5077
correct problems in the school's overall performance, declare 5078
the school to be on probationary status pursuant to section 5079
3314.073 of the Revised Code, suspend the operation of the 5080
school pursuant to section 3314.072 of the Revised Code, or 5081
terminate the contract of the school pursuant to section 3314.07 5082
of the Revised Code as determined necessary by the sponsor; 5083

(6) Have in place a plan of action to be undertaken in the 5084
event the community school experiences financial difficulties or 5085
closes prior to the end of a school year. 5086

(E) Upon the expiration of a contract entered into under 5087
this section, the sponsor of a community school may, with the 5088
approval of the governing authority of the school, renew that 5089
contract for a period of time determined by the sponsor, but not 5090
ending earlier than the end of any school year, if the sponsor 5091
finds that the school's compliance with applicable laws and 5092
terms of the contract and the school's progress in meeting the 5093
academic goals prescribed in the contract have been 5094
satisfactory. Any contract that is renewed under this division 5095
remains subject to the provisions of sections 3314.07, 3314.072, 5096
and 3314.073 of the Revised Code. 5097

(F) If a community school fails to open for operation 5098

within one year after the contract entered into under this 5099
section is adopted pursuant to division (D) of section 3314.02 5100
of the Revised Code or permanently closes prior to the 5101
expiration of the contract, the contract shall be void and the 5102
school shall not enter into a contract with any other sponsor. A 5103
school shall not be considered permanently closed because the 5104
operations of the school have been suspended pursuant to section 5105
3314.072 of the Revised Code. 5106

Sec. 3326.11. Each science, technology, engineering, and 5107
mathematics school established under this chapter and its 5108
governing body shall comply with sections 9.90, 9.91, 109.65, 5109
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 5110
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 5111
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 5112
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 5113
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 5114
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 5115
3313.6028, 3313.6029, 3313.6030, 3313.6031, 3313.61, 3313.611, 5116
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 5117
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 5118
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 5119
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 5120
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 5121
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 5122
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 5123
3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 3319.321, 5124
3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 3319.41, 5125
3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 5126
3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 5127
3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5128
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 5129

2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 5130
4167. of the Revised Code as if it were a school district. 5131

Sec. 3328.24. A college-preparatory boarding school 5132
established under this chapter and its board of trustees shall 5133
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 5134
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 5135
3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 5136
3313.6029, 3313.6030, 3313.6031, 3313.617, 3313.618, 3313.6114, 5137
3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 3313.7112, 5138
3313.7117, 3313.721, 3313.89, 3319.073, 3319.077, 3319.078, 5139
3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 5140
3320.01, 3320.02, 3320.03, 3323.251, and 5502.262, and Chapter 5141
3365. of the Revised Code as if the school were a school 5142
district and the school's board of trustees were a district 5143
board of education. 5144

Sec. 3345.371. (A) Each state institution of higher 5145
education, as defined in section 3345.011 of the Revised Code, 5146
shall develop and implement an age-appropriate and research- 5147
based education program to advise students regarding the dangers 5148
of fentanyl. 5149

(B) The education program on fentanyl abuse prevention and 5150
drug poisoning awareness required under division (A) of this 5151
section shall include all of the following: 5152

(1) Information on fentanyl, including an explanation of 5153
the differences between synthetic and nonsynthetic opioids and 5154
illicit drugs, the variations of fentanyl, and the differences 5155
between the legal and illegal uses of fentanyl; 5156

(2) The side effects and risk factors of using fentanyl, 5157
along with information comparing the lethal amounts of fentanyl 5158

<u>to other drugs. Information on risk factors may include:</u>	5159
<u>(a) The lethal dose of fentanyl;</u>	5160
<u>(b) How often fentanyl is placed in drugs without a person's knowledge;</u>	5161 5162
<u>(c) An explanation of what fentanyl does to a person's body and the severity of fentanyl's addictive properties;</u>	5163 5164
<u>(d) How the consumption of fentanyl can lead to hypoxia, as well as an explanation of what hypoxia precisely does to a person's body.</u>	5165 5166 5167
<u>(3) The process of lacing fentanyl in other drugs and why drugs get laced with fentanyl;</u>	5168 5169
<u>(4) Detection of fentanyl in drugs and how to save someone from an overdose of fentanyl, which shall include instruction on how to do all of the following:</u>	5170 5171 5172
<u>(a) Buy and use fentanyl test strips;</u>	5173
<u>(b) Buy and use naloxone, either through a nasal spray or injections;</u>	5174 5175
<u>(c) Recognize when a person is overdosing on fentanyl.</u>	5176
<u>(5) Awareness of university and community resources and any processes involved in accessing those resources;</u>	5177 5178
<u>(6) Information about substance use and abuse.</u>	5179
Sec. 3701.143. For purposes of sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, <u>oral fluid</u> , or other bodily substance in order to ascertain the <u>presence or amount</u> of alcohol, a drug of	5180 5181 5182 5183 5184 5185

abuse, controlled substance, metabolite of a controlled 5186
substance, or combination of them in the person's whole blood, 5187
blood serum or plasma, urine, breath, oral fluid, or other 5188
bodily substance. The director shall approve satisfactory 5189
techniques or methods, ascertain the qualifications of 5190
individuals to conduct such analyses, and issue permits to 5191
qualified persons authorizing them to perform such analyses. 5192
Such permits shall be subject to termination or revocation at 5193
the discretion of the director. 5194

As used in this section, "drug of abuse" has the same 5195
meaning as in section 4506.01 of the Revised Code. 5196

Sec. 3705.08. (A) The director of health, by rule, shall 5197
prescribe the form of records and certificates required by this 5198
chapter. Records and certificates shall include the items and 5199
information prescribed by the director, including the items 5200
recommended by the national center for health statistics of the 5201
United States department of health and human services, subject 5202
to approval of and modification by the director. 5203

(B) All birth certificates shall include a statement 5204
setting forth the names of the child's parents. 5205

(C) All death certificates shall include, in the medical 5206
certification portion of the certificate, a space to indicate, 5207
if the deceased individual is female and the manner of death is 5208
determined to be a suspicious or violent death, whether any of 5209
the following conditions apply to the individual: 5210

(1) Not pregnant within the past year; 5211

(2) Pregnant at the time of death; 5212

(3) Not pregnant, but had been pregnant within forty-two 5213
days prior to the time of death; 5214

(4) Not pregnant, but had been pregnant within forty-three 5215
days to one year prior to the time of death; 5216

(5) Unknown whether pregnant within the past year. 5217

~~(D) (1)~~ (D) All death certificates shall include, in the 5218
medical certification portion of the certificate, a space to 5219
indicate whether the cause of death was due to fentanyl 5220
poisoning and shall include the term "fentanyl poisoning" on the 5221
certificate if both of the following apply: 5222

(1) A toxicology examination reveals fentanyl or a 5223
fentanyl-related compound, as defined in section 2925.01 of the 5224
Revised Code, was present in the body of the decedent in an 5225
amount or concentration that is considered to be lethal by 5226
generally accepted scientific standards; 5227

(2) The results of an autopsy performed on the decedent 5228
are consistent with an opioid overdose as the cause of death. 5229

(E) (1) The director shall prescribe electronic methods and 5230
forms for obtaining registration of births, deaths, and other 5231
vital statistics in each registration district, and for 5232
preserving the records of the office of vital statistics, and no 5233
forms or blanks shall be used other than those prescribed by the 5234
director. 5235

(2) All birth, fetal death, and death records and 5236
certificates shall be certified. Except as provided in division 5237
(G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 5238
3705.124, division (D) of section 3705.15, or section 3705.16 of 5239
the Revised Code, a birth certificate requiring signature may be 5240
electronically certified by the person in charge of the 5241
institution or that person's designee. A death certificate may 5242
be electronically certified by the individual who attests to the 5243

facts of death. 5244

(3) All vital records shall contain the date received for 5245
filing. 5246

(4) Information and signatures required in certificates, 5247
records, or reports authorized by this chapter may be filed and 5248
registered by photographic, electronic, or other means as 5249
prescribed by the director. 5250

Sec. 4506.17. (A) Both of the following are deemed to have 5251
given consent to a test or tests of the person's whole blood, 5252
blood serum or plasma, breath, oral fluid, or urine for the 5253
purpose of determining the person's alcohol concentration or the 5254
presence of any controlled substance or a metabolite of a 5255
controlled substance: 5256

(1) A person while operating a commercial motor vehicle 5257
that requires a commercial driver's license or commercial 5258
driver's license temporary instruction permit; 5259

(2) A person who holds a commercial driver's license or 5260
commercial driver's license temporary instruction permit while 5261
operating a motor vehicle, including a commercial motor vehicle. 5262

(B) A test or tests as provided in division (A) of this 5263
section may be administered at the direction of a peace officer 5264
having reasonable ground to stop or detain the person and, after 5265
investigating the circumstances surrounding the operation of the 5266
motor vehicle, also having reasonable ground to believe the 5267
person was driving the motor vehicle while having a measurable 5268
or detectable amount of alcohol or of a controlled substance or 5269
a metabolite of a controlled substance in the person's whole 5270
blood, blood serum or plasma, breath, oral fluid, or urine. Any 5271
such test shall be given within two hours of the time of the 5272

alleged violation. 5273

(C) A person requested by a peace officer to submit to a 5274
test under division (A) of this section shall be advised by the 5275
peace officer that a refusal to submit to the test will result 5276
in the person immediately being placed out-of-service for a 5277
period of twenty-four hours and being disqualified from 5278
operating a commercial motor vehicle for a period of not less 5279
than one year, and that the person is required to surrender the 5280
person's commercial driver's license or permit to the peace 5281
officer. 5282

(D) If a person refuses to submit to a test after being 5283
warned as provided in division (C) of this section or submits to 5284
a test that discloses the presence of an amount of alcohol or a 5285
controlled substance prohibited by divisions (A) (1) to (6) of 5286
section 4506.15 of the Revised Code or a metabolite of a 5287
controlled substance, the person immediately shall surrender the 5288
person's commercial driver's license or permit to the peace 5289
officer. The peace officer shall forward the license or permit, 5290
together with a sworn report, to the registrar of motor vehicles 5291
certifying that the test was requested pursuant to division (A) 5292
of this section and that the person either refused to submit to 5293
testing or submitted to a test that disclosed the presence of 5294
one of the prohibited concentrations of a substance listed in 5295
divisions (A) (1) to (6) of section 4506.15 of the Revised Code 5296
or a metabolite of a controlled substance. The form and contents 5297
of the report required by this section shall be established by 5298
the registrar by rule, but shall contain the advice to be read 5299
to the driver and a statement to be signed by the driver 5300
acknowledging that the driver has been read the advice and that 5301
the form was shown to the driver. 5302

(E) Upon receipt of a sworn report from a peace officer as 5303
provided in division (D) of this section, or upon receipt of 5304
notification that a person has been disqualified under a similar 5305
law of another state or foreign jurisdiction, the registrar 5306
shall disqualify the person named in the report from driving a 5307
commercial motor vehicle for the period described below: 5308

(1) Upon a first incident, one year; 5309

(2) Upon an incident of refusal or of a prohibited 5310
concentration of alcohol, a controlled substance, or a 5311
metabolite of a controlled substance after one or more previous 5312
incidents of either refusal or of a prohibited concentration of 5313
alcohol, a controlled substance, or a metabolite of a controlled 5314
substance, the person shall be disqualified for life or such 5315
lesser period as prescribed by rule by the registrar. 5316

(F) A test of a person's whole blood or a person's blood 5317
serum or plasma given under this section shall comply with the 5318
applicable provisions of division (D) of section 4511.19 of the 5319
Revised Code and any physician, registered nurse, emergency 5320
medical technician-intermediate, emergency medical technician- 5321
paramedic, or qualified technician, chemist, or phlebotomist who 5322
withdraws whole blood or blood serum or plasma from a person 5323
under this section, and any hospital, first-aid station, clinic, 5324
or other facility at which whole blood or blood serum or plasma 5325
is withdrawn from a person pursuant to this section, is immune 5326
from criminal liability, and from civil liability that is based 5327
upon a claim of assault and battery or based upon any other 5328
claim of malpractice, for any act performed in withdrawing whole 5329
blood or blood serum or plasma from the person. The immunity 5330
provided in this division also extends to an emergency medical 5331
service organization that employs an emergency medical 5332

technician-intermediate or emergency medical technician- 5333
paramedic who withdraws blood under this section. 5334

(G) When a person submits to a test under this section, 5335
the results of the test, at the person's request, shall be made 5336
available to the person, the person's attorney, or the person's 5337
agent, immediately upon completion of the chemical test 5338
analysis. The person also may have an additional test 5339
administered by a physician, a registered nurse, or a qualified 5340
technician, chemist, or phlebotomist of the person's own 5341
choosing as provided in division (D) of section 4511.19 of the 5342
Revised Code for tests administered under that section, and the 5343
failure to obtain such a test has the same effect as in that 5344
division. 5345

(H) No person shall refuse to immediately surrender the 5346
person's commercial driver's license or permit to a peace 5347
officer when required to do so by this section. 5348

(I) A peace officer issuing an out-of-service order or 5349
receiving a commercial driver's license or permit surrendered 5350
under this section may remove or arrange for the removal of any 5351
commercial motor vehicle affected by the issuance of that order 5352
or the surrender of that license. 5353

(J) (1) Except for civil actions arising out of the 5354
operation of a motor vehicle and civil actions in which the 5355
state is a plaintiff, no peace officer of any law enforcement 5356
agency within this state is liable in compensatory damages in 5357
any civil action that arises under the Revised Code or common 5358
law of this state for an injury, death, or loss to person or 5359
property caused in the performance of official duties under this 5360
section and rules adopted under this section, unless the 5361
officer's actions were manifestly outside the scope of the 5362

officer's employment or official responsibilities, or unless the 5363
officer acted with malicious purpose, in bad faith, or in a 5364
wanton or reckless manner. 5365

(2) Except for civil actions that arise out of the 5366
operation of a motor vehicle and civil actions in which the 5367
state is a plaintiff, no peace officer of any law enforcement 5368
agency within this state is liable in punitive or exemplary 5369
damages in any civil action that arises under the Revised Code 5370
or common law of this state for any injury, death, or loss to 5371
person or property caused in the performance of official duties 5372
under this section of the Revised Code and rules adopted under 5373
this section, unless the officer's actions were manifestly 5374
outside the scope of the officer's employment or official 5375
responsibilities, or unless the officer acted with malicious 5376
purpose, in bad faith, or in a wanton or reckless manner. 5377

(K) When disqualifying a driver, the registrar shall cause 5378
the records of the bureau of motor vehicles to be updated to 5379
reflect the disqualification within ten days after it occurs. 5380

(L) The registrar immediately shall notify a driver who is 5381
subject to disqualification of the disqualification, of the 5382
length of the disqualification, and that the driver may request 5383
a hearing within thirty days of the mailing of the notice to 5384
show cause why the driver should not be disqualified from 5385
operating a commercial motor vehicle. If a request for such a 5386
hearing is not made within thirty days of the mailing of the 5387
notice, the order of disqualification is final. The registrar 5388
may designate hearing examiners who, after affording all parties 5389
reasonable notice, shall conduct a hearing to determine whether 5390
the disqualification order is supported by reliable evidence. 5391
The registrar shall adopt rules to implement this division. 5392

(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license or permit is not otherwise suspended. A person whose commercial driver's license or permit is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension.

(N) Whoever violates division (H) of this section is guilty of a misdemeanor of the first degree.

(O) As used in this section, "emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.

Sec. 4511.19. (A) (1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the time of the operation, any of the following apply:

(a) The person is under the influence of alcohol, a drug of abuse, or a combination of them.

(b) The person has a concentration of eight-hundredths of one per cent or more but less than seventeen-hundredths of one per cent by weight per unit volume of alcohol in the person's whole blood.

(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.

(d) The person has a concentration of eight-hundredths of

one gram or more but less than seventeen-hundredths of one gram 5422
by weight of alcohol per two hundred ten liters of the person's 5423
breath. 5424

(e) The person has a concentration of eleven-hundredths of 5425
one gram or more but less than two hundred thirty-eight- 5426
thousandths of one gram by weight of alcohol per one hundred 5427
milliliters of the person's urine. 5428

(f) The person has a concentration of seventeen-hundredths 5429
of one per cent or more by weight per unit volume of alcohol in 5430
the person's whole blood. 5431

(g) The person has a concentration of two hundred four- 5432
thousandths of one per cent or more by weight per unit volume of 5433
alcohol in the person's blood serum or plasma. 5434

(h) The person has a concentration of seventeen-hundredths 5435
of one gram or more by weight of alcohol per two hundred ten 5436
liters of the person's breath. 5437

(i) The person has a concentration of two hundred thirty- 5438
eight-thousandths of one gram or more by weight of alcohol per 5439
one hundred milliliters of the person's urine. 5440

(j) Except as provided in division (K) of this section, 5441
the person has a concentration of any of the following 5442
controlled substances or metabolites of a controlled substance 5443
in the person's whole blood, blood serum or plasma, or urine 5444
that equals or exceeds any of the following: 5445

(i) The person has a concentration of amphetamine in the 5446
person's urine of at least five hundred nanograms of amphetamine 5447
per milliliter of the person's urine or has a concentration of 5448
amphetamine in the person's whole blood or blood serum or plasma 5449
of at least one hundred nanograms of amphetamine per milliliter 5450

of the person's whole blood or blood serum or plasma. 5451

(ii) The person has a concentration of cocaine in the 5452
person's urine of at least one hundred fifty nanograms of 5453
cocaine per milliliter of the person's urine or has a 5454
concentration of cocaine in the person's whole blood or blood 5455
serum or plasma of at least fifty nanograms of cocaine per 5456
milliliter of the person's whole blood or blood serum or plasma. 5457

(iii) The person has a concentration of cocaine metabolite 5458
in the person's urine of at least one hundred fifty nanograms of 5459
cocaine metabolite per milliliter of the person's urine or has a 5460
concentration of cocaine metabolite in the person's whole blood 5461
or blood serum or plasma of at least fifty nanograms of cocaine 5462
metabolite per milliliter of the person's whole blood or blood 5463
serum or plasma. 5464

(iv) The person has a concentration of heroin in the 5465
person's urine of at least two thousand nanograms of heroin per 5466
milliliter of the person's urine or has a concentration of 5467
heroin in the person's whole blood or blood serum or plasma of 5468
at least fifty nanograms of heroin per milliliter of the 5469
person's whole blood or blood serum or plasma. 5470

(v) The person has a concentration of heroin metabolite 5471
(6-monoacetyl morphine) in the person's urine of at least ten 5472
nanograms of heroin metabolite (6-monoacetyl morphine) per 5473
milliliter of the person's urine or has a concentration of 5474
heroin metabolite (6-monoacetyl morphine) in the person's whole 5475
blood or blood serum or plasma of at least ten nanograms of 5476
heroin metabolite (6-monoacetyl morphine) per milliliter of the 5477
person's whole blood or blood serum or plasma. 5478

(vi) The person has a concentration of L.S.D. in the 5479

person's urine of at least twenty-five nanograms of L.S.D. per 5480
milliliter of the person's urine or a concentration of L.S.D. in 5481
the person's whole blood or blood serum or plasma of at least 5482
ten nanograms of L.S.D. per milliliter of the person's whole 5483
blood or blood serum or plasma. 5484

(vii) The person has a concentration of marihuana in the 5485
person's urine of at least ten nanograms of marihuana per 5486
milliliter of the person's urine or has a concentration of 5487
marihuana in the person's whole blood or blood serum or plasma 5488
of at least two nanograms of marihuana per milliliter of the 5489
person's whole blood or blood serum or plasma. 5490

(viii) Either of the following applies: 5491

(I) The person is under the influence of alcohol, a drug 5492
of abuse, or a combination of them, and the person has a 5493
concentration of marihuana metabolite in the person's urine of 5494
at least fifteen nanograms of marihuana metabolite per 5495
milliliter of the person's urine or has a concentration of 5496
marihuana metabolite in the person's whole blood or blood serum 5497
or plasma of at least five nanograms of marihuana metabolite per 5498
milliliter of the person's whole blood or blood serum or plasma. 5499

(II) The person has a concentration of marihuana 5500
metabolite in the person's urine of at least thirty-five 5501
nanograms of marihuana metabolite per milliliter of the person's 5502
urine or has a concentration of marihuana metabolite in the 5503
person's whole blood or blood serum or plasma of at least fifty 5504
nanograms of marihuana metabolite per milliliter of the person's 5505
whole blood or blood serum or plasma. 5506

(ix) The person has a concentration of methamphetamine in 5507
the person's urine of at least five hundred nanograms of 5508

methamphetamine per milliliter of the person's urine or has a 5509
concentration of methamphetamine in the person's whole blood or 5510
blood serum or plasma of at least one hundred nanograms of 5511
methamphetamine per milliliter of the person's whole blood or 5512
blood serum or plasma. 5513

(x) The person has a concentration of phencyclidine in the 5514
person's urine of at least twenty-five nanograms of 5515
phencyclidine per milliliter of the person's urine or has a 5516
concentration of phencyclidine in the person's whole blood or 5517
blood serum or plasma of at least ten nanograms of phencyclidine 5518
per milliliter of the person's whole blood or blood serum or 5519
plasma. 5520

(xi) The state board of pharmacy has adopted a rule 5521
pursuant to section 4729.041 of the Revised Code that specifies 5522
the amount of salvia divinorum and the amount of salvinorin A 5523
that constitute concentrations of salvia divinorum and 5524
salvinorin A in a person's urine, in a person's whole blood, or 5525
in a person's blood serum or plasma at or above which the person 5526
is impaired for purposes of operating any vehicle, streetcar, or 5527
trackless trolley within this state, the rule is in effect, and 5528
the person has a concentration of salvia divinorum or salvinorin 5529
A of at least that amount so specified by rule in the person's 5530
urine, in the person's whole blood, or in the person's blood 5531
serum or plasma. 5532

(2) No person who, within twenty years of the conduct 5533
described in division (A)(2)(a) of this section, previously has 5534
been convicted of or pleaded guilty to a violation of this 5535
division, a violation of division (A)(1) of this section, or any 5536
other equivalent offense shall do both of the following: 5537

(a) Operate any vehicle, streetcar, or trackless trolley 5538

within this state while under the influence of alcohol, a drug 5539
of abuse, or a combination of them; 5540

(b) Subsequent to being arrested for operating the 5541
vehicle, streetcar, or trackless trolley as described in 5542
division (A) (2) (a) of this section, being asked by a law 5543
enforcement officer to submit to a chemical test or tests under 5544
section 4511.191 of the Revised Code, and being advised by the 5545
officer in accordance with section 4511.192 of the Revised Code 5546
of the consequences of the person's refusal or submission to the 5547
test or tests, refuse to submit to the test or tests. 5548

(B) No person under twenty-one years of age shall operate 5549
any vehicle, streetcar, or trackless trolley within this state, 5550
if, at the time of the operation, any of the following apply: 5551

(1) The person has a concentration of at least two- 5552
hundredths of one per cent but less than eight-hundredths of one 5553
per cent by weight per unit volume of alcohol in the person's 5554
whole blood. 5555

(2) The person has a concentration of at least three- 5556
hundredths of one per cent but less than ninety-six-thousandths 5557
of one per cent by weight per unit volume of alcohol in the 5558
person's blood serum or plasma. 5559

(3) The person has a concentration of at least two- 5560
hundredths of one gram but less than eight-hundredths of one 5561
gram by weight of alcohol per two hundred ten liters of the 5562
person's breath. 5563

(4) The person has a concentration of at least twenty- 5564
eight one-thousandths of one gram but less than eleven- 5565
hundredths of one gram by weight of alcohol per one hundred 5566
milliliters of the person's urine. 5567

(C) In any proceeding arising out of one incident, a 5568
person may be charged with a violation of division (A) (1) (a) or 5569
(A) (2) and a violation of division (B) (1), (2), or (3) of this 5570
section, but the person may not be convicted of more than one 5571
violation of these divisions. 5572

(D) (1) (a) In any criminal prosecution or juvenile court 5573
proceeding for a violation of division (A) (1) (a) of this section 5574
or for an equivalent offense that is vehicle-related, the result 5575
of any test of any blood, oral fluid, or urine withdrawn and 5576
analyzed at any health care provider, as defined in section 5577
2317.02 of the Revised Code, may be admitted with expert 5578
testimony to be considered with any other relevant and competent 5579
evidence in determining the guilt or innocence of the defendant. 5580

(b) In any criminal prosecution or juvenile court 5581
proceeding for a violation of division (A) or (B) of this 5582
section or for an equivalent offense that is vehicle-related, 5583
the court may admit evidence on the presence and concentration 5584
of alcohol, drugs of abuse, controlled substances, metabolites 5585
of a controlled substance, or a combination of them in the 5586
defendant's whole blood, blood serum or plasma, breath, urine, 5587
oral fluid, or other bodily substance at the time of the alleged 5588
violation as shown by chemical analysis of the substance 5589
withdrawn within three hours of the time of the alleged 5590
violation. The three-hour time limit specified in this division 5591
regarding the admission of evidence does not extend or affect 5592
the two-hour time limit specified in division (A) of section 5593
4511.192 of the Revised Code as the maximum period of time 5594
during which a person may consent to a chemical test or tests as 5595
described in that section. The court may admit evidence on the 5596
presence and concentration of alcohol, drugs of abuse, or a 5597
combination of them as described in this division when a person 5598

submits to a blood, breath, urine, oral fluid, or other bodily 5599
substance test at the request of a law enforcement officer under 5600
section 4511.191 of the Revised Code or a blood or urine sample 5601
is obtained pursuant to a search warrant. Only a physician, a 5602
registered nurse, an emergency medical technician-intermediate, 5603
an emergency medical technician-paramedic, or a qualified 5604
technician, chemist, or phlebotomist shall withdraw a blood 5605
sample for the purpose of determining the alcohol, drug, 5606
controlled substance, metabolite of a controlled substance, or 5607
combination content of the whole blood, blood serum, or blood 5608
plasma. This limitation does not apply to the taking of breath, 5609
oral fluid, or urine specimens. A person authorized to withdraw 5610
blood under this division may refuse to withdraw blood under 5611
this division, if in that person's opinion, the physical welfare 5612
of the person would be endangered by the withdrawing of blood. 5613

The bodily substance withdrawn under division (D) (1) (b) of 5614
this section shall be analyzed in accordance with methods 5615
approved by the director of health by an individual possessing a 5616
valid permit issued by the director pursuant to section 3701.143 5617
of the Revised Code. 5618

(c) As used in division (D) (1) (b) of this section, 5619
"emergency medical technician-intermediate" and "emergency 5620
medical technician-paramedic" have the same meanings as in 5621
section 4765.01 of the Revised Code. 5622

(2) In a criminal prosecution or juvenile court proceeding 5623
for a violation of division (A) of this section or for an 5624
equivalent offense that is vehicle-related, if there was at the 5625
time the bodily substance was withdrawn a concentration of less 5626
than the applicable concentration of alcohol specified in 5627
divisions (A) (1) (b), (c), (d), and (e) of this section or less 5628

than the applicable concentration of a listed controlled 5629
substance or a listed metabolite of a controlled substance 5630
specified for a violation of division (A) (1) (j) of this section, 5631
that fact may be considered with other competent evidence in 5632
determining the guilt or innocence of the defendant. This 5633
division does not limit or affect a criminal prosecution or 5634
juvenile court proceeding for a violation of division (B) of 5635
this section or for an equivalent offense that is substantially 5636
equivalent to that division. 5637

(3) Upon the request of the person who was tested, the 5638
results of the chemical test shall be made available to the 5639
person or the person's attorney, immediately upon the completion 5640
of the chemical test analysis. 5641

If the chemical test was obtained pursuant to division (D) 5642
(1) (b) of this section, the person tested may have a physician, 5643
a registered nurse, or a qualified technician, chemist, or 5644
phlebotomist of the person's own choosing administer a chemical 5645
test or tests, at the person's expense, in addition to any 5646
administered at the request of a law enforcement officer. If the 5647
person was under arrest as described in division (A) (5) of 5648
section 4511.191 of the Revised Code, the arresting officer 5649
shall advise the person at the time of the arrest that the 5650
person may have an independent chemical test taken at the 5651
person's own expense. If the person was under arrest other than 5652
described in division (A) (5) of section 4511.191 of the Revised 5653
Code, the form to be read to the person to be tested, as 5654
required under section 4511.192 of the Revised Code, shall state 5655
that the person may have an independent test performed at the 5656
person's expense. The failure or inability to obtain an 5657
additional chemical test by a person shall not preclude the 5658
admission of evidence relating to the chemical test or tests 5659

taken at the request of a law enforcement officer. 5660

(4) (a) As used in divisions (D) (4) (b) and (c) of this 5661
section, "national highway traffic safety administration" means 5662
the national highway traffic safety administration established 5663
as an administration of the United States department of 5664
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 5665

(b) In any criminal prosecution or juvenile court 5666
proceeding for a violation of division (A) or (B) of this 5667
section, of a municipal ordinance relating to operating a 5668
vehicle while under the influence of alcohol, a drug of abuse, 5669
or alcohol and a drug of abuse, or of a municipal ordinance 5670
relating to operating a vehicle with a prohibited concentration 5671
of alcohol, a controlled substance, or a metabolite of a 5672
controlled substance in the whole blood, blood serum or plasma, 5673
breath, oral fluid, or urine, if a law enforcement officer has 5674
administered a field sobriety test to the operator of the 5675
vehicle involved in the violation and if it is shown by clear 5676
and convincing evidence that the officer administered the test 5677
in substantial compliance with the testing standards for any 5678
reliable, credible, and generally accepted field sobriety tests 5679
that were in effect at the time the tests were administered, 5680
including, but not limited to, any testing standards then in 5681
effect that were set by the national highway traffic safety 5682
administration, all of the following apply: 5683

(i) The officer may testify concerning the results of the 5684
field sobriety test so administered. 5685

(ii) The prosecution may introduce the results of the 5686
field sobriety test so administered as evidence in any 5687
proceedings in the criminal prosecution or juvenile court 5688
proceeding. 5689

(iii) If testimony is presented or evidence is introduced 5690
under division (D) (4) (b) (i) or (ii) of this section and if the 5691
testimony or evidence is admissible under the Rules of Evidence, 5692
the court shall admit the testimony or evidence and the trier of 5693
fact shall give it whatever weight the trier of fact considers 5694
to be appropriate. 5695

(c) Division (D) (4) (b) of this section does not limit or 5696
preclude a court, in its determination of whether the arrest of 5697
a person was supported by probable cause or its determination of 5698
any other matter in a criminal prosecution or juvenile court 5699
proceeding of a type described in that division, from 5700
considering evidence or testimony that is not otherwise 5701
disallowed by division (D) (4) (b) of this section. 5702

(E) (1) Subject to division (E) (3) of this section, in any 5703
criminal prosecution or juvenile court proceeding for a 5704
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 5705
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 5706
an equivalent offense that is substantially equivalent to any of 5707
those divisions, a laboratory report from any laboratory 5708
personnel issued a permit by the department of health 5709
authorizing an analysis as described in this division that 5710
contains an analysis of the whole blood, blood serum or plasma, 5711
breath, urine, or other bodily substance tested and that 5712
contains all of the information specified in this division shall 5713
be admitted as prima-facie evidence of the information and 5714
statements that the report contains. The laboratory report shall 5715
contain all of the following: 5716

(a) The signature, under oath, of any person who performed 5717
the analysis; 5718

(b) Any findings as to the identity and quantity of 5719

alcohol, a drug of abuse, a controlled substance, a metabolite 5720
of a controlled substance, or a combination of them that was 5721
found; 5722

(c) A copy of a notarized statement by the laboratory 5723
director or a designee of the director that contains the name of 5724
each certified analyst or test performer involved with the 5725
report, the analyst's or test performer's employment 5726
relationship with the laboratory that issued the report, and a 5727
notation that performing an analysis of the type involved is 5728
part of the analyst's or test performer's regular duties; 5729

(d) An outline of the analyst's or test performer's 5730
education, training, and experience in performing the type of 5731
analysis involved and a certification that the laboratory 5732
satisfies appropriate quality control standards in general and, 5733
in this particular analysis, under rules of the department of 5734
health. 5735

(2) Notwithstanding any other provision of law regarding 5736
the admission of evidence, a report of the type described in 5737
division (E)(1) of this section is not admissible against the 5738
defendant to whom it pertains in any proceeding, other than a 5739
preliminary hearing or a grand jury proceeding, unless the 5740
prosecutor has served a copy of the report on the defendant's 5741
attorney or, if the defendant has no attorney, on the defendant. 5742

(3) A report of the type described in division (E)(1) of 5743
this section shall not be prima-facie evidence of the contents, 5744
identity, or amount of any substance if, within seven days after 5745
the defendant to whom the report pertains or the defendant's 5746
attorney receives a copy of the report, the defendant or the 5747
defendant's attorney demands the testimony of the person who 5748
signed the report. The judge in the case may extend the seven- 5749

day time limit in the interest of justice. 5750

(F) Except as otherwise provided in this division, any 5751
physician, registered nurse, emergency medical technician- 5752
intermediate, emergency medical technician-paramedic, or 5753
qualified technician, chemist, or phlebotomist who withdraws 5754
blood from a person pursuant to this section or section 4511.191 5755
or 4511.192 of the Revised Code, and any hospital, first-aid 5756
station, or clinic at which blood is withdrawn from a person 5757
pursuant to this section or section 4511.191 or 4511.192 of the 5758
Revised Code, is immune from criminal liability and civil 5759
liability based upon a claim of assault and battery or any other 5760
claim that is not a claim of malpractice, for any act performed 5761
in withdrawing blood from the person. The immunity provided in 5762
this division also extends to an emergency medical service 5763
organization that employs an emergency medical technician- 5764
intermediate or emergency medical technician-paramedic who 5765
withdraws blood under this section. The immunity provided in 5766
this division is not available to a person who withdraws blood 5767
if the person engages in willful or wanton misconduct. 5768

As used in this division, "emergency medical technician- 5769
intermediate" and "emergency medical technician-paramedic" have 5770
the same meanings as in section 4765.01 of the Revised Code. 5771

(G) (1) Whoever violates any provision of divisions (A) (1) 5772
(a) to (i) or (A) (2) of this section is guilty of operating a 5773
vehicle under the influence of alcohol, a drug of abuse, or a 5774
combination of them. Whoever violates division (A) (1) (j) of this 5775
section is guilty of operating a vehicle while under the 5776
influence of a listed controlled substance or a listed 5777
metabolite of a controlled substance. The court shall sentence 5778
the offender for either offense under Chapter 2929. of the 5779

Revised Code, except as otherwise authorized or required by 5780
divisions (G) (1) (a) to (e) of this section: 5781

(a) Except as otherwise provided in division (G) (1) (b), 5782
(c), (d), or (e) of this section, the offender is guilty of a 5783
misdemeanor of the first degree, and the court shall sentence 5784
the offender to all of the following: 5785

(i) If the sentence is being imposed for a violation of 5786
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5787
a mandatory jail term of three consecutive days. As used in this 5788
division, three consecutive days means seventy-two consecutive 5789
hours. The court may sentence an offender to both an 5790
intervention program and a jail term. The court may impose a 5791
jail term in addition to the three-day mandatory jail term or 5792
intervention program. However, in no case shall the cumulative 5793
jail term imposed for the offense exceed six months. 5794

The court may suspend the execution of the three-day jail 5795
term under this division if the court, in lieu of that suspended 5796
term, places the offender under a community control sanction 5797
pursuant to section 2929.25 of the Revised Code and requires the 5798
offender to attend, for three consecutive days, a drivers' 5799
intervention program certified under section 5119.38 of the 5800
Revised Code. The court also may suspend the execution of any 5801
part of the three-day jail term under this division if it places 5802
the offender under a community control sanction pursuant to 5803
section 2929.25 of the Revised Code for part of the three days, 5804
requires the offender to attend for the suspended part of the 5805
term a drivers' intervention program so certified, and sentences 5806
the offender to a jail term equal to the remainder of the three 5807
consecutive days that the offender does not spend attending the 5808
program. The court may require the offender, as a condition of 5809

community control and in addition to the required attendance at 5810
a drivers' intervention program, to attend and satisfactorily 5811
complete any treatment or education programs that comply with 5812
the minimum standards adopted pursuant to Chapter 5119. of the 5813
Revised Code by the director of mental health and addiction 5814
services that the operators of the drivers' intervention program 5815
determine that the offender should attend and to report 5816
periodically to the court on the offender's progress in the 5817
programs. The court also may impose on the offender any other 5818
conditions of community control that it considers necessary. 5819

If the court grants unlimited driving privileges to a 5820
first-time offender under section 4510.022 of the Revised Code, 5821
all penalties imposed upon the offender by the court under 5822
division (G)(1)(a)(i) of this section for the offense apply, 5823
except that the court shall suspend any mandatory or additional 5824
jail term imposed by the court under division (G)(1)(a)(i) of 5825
this section upon granting unlimited driving privileges in 5826
accordance with section 4510.022 of the Revised Code. 5827

(ii) If the sentence is being imposed for a violation of 5828
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5829
section, except as otherwise provided in this division, a 5830
mandatory jail term of at least three consecutive days and a 5831
requirement that the offender attend, for three consecutive 5832
days, a drivers' intervention program that is certified pursuant 5833
to section 5119.38 of the Revised Code. As used in this 5834
division, three consecutive days means seventy-two consecutive 5835
hours. If the court determines that the offender is not 5836
conducive to treatment in a drivers' intervention program, if 5837
the offender refuses to attend a drivers' intervention program, 5838
or if the jail at which the offender is to serve the jail term 5839
imposed can provide a driver's intervention program, the court 5840

shall sentence the offender to a mandatory jail term of at least 5841
six consecutive days. 5842

If the court grants unlimited driving privileges to a 5843
first-time offender under section 4510.022 of the Revised Code, 5844
all penalties imposed upon the offender by the court under 5845
division (G) (1) (a) (ii) of this section for the offense apply, 5846
except that the court shall suspend any mandatory or additional 5847
jail term imposed by the court under division (G) (1) (a) (ii) of 5848
this section upon granting unlimited driving privileges in 5849
accordance with section 4510.022 of the Revised Code. 5850

The court may require the offender, under a community 5851
control sanction imposed under section 2929.25 of the Revised 5852
Code, to attend and satisfactorily complete any treatment or 5853
education programs that comply with the minimum standards 5854
adopted pursuant to Chapter 5119. of the Revised Code by the 5855
director of mental health and addiction services, in addition to 5856
the required attendance at drivers' intervention program, that 5857
the operators of the drivers' intervention program determine 5858
that the offender should attend and to report periodically to 5859
the court on the offender's progress in the programs. The court 5860
also may impose any other conditions of community control on the 5861
offender that it considers necessary. 5862

(iii) In all cases, a fine of not less than three hundred 5863
seventy-five and not more than one thousand seventy-five 5864
dollars; 5865

(iv) In all cases, a suspension of the offender's driver's 5866
or commercial driver's license or permit or nonresident 5867
operating privilege for a definite period of one to three years. 5868
The court may grant limited driving privileges relative to the 5869
suspension under sections 4510.021 and 4510.13 of the Revised 5870

Code. The court may grant unlimited driving privileges with an 5871
ignition interlock device relative to the suspension and may 5872
reduce the period of suspension as authorized under section 5873
4510.022 of the Revised Code. 5874

(b) Except as otherwise provided in division (G) (1) (e) of 5875
this section, an offender who, within ten years of the offense, 5876
previously has been convicted of or pleaded guilty to one 5877
violation of division (A) of this section or one other 5878
equivalent offense is guilty of a misdemeanor of the first 5879
degree. The court shall sentence the offender to all of the 5880
following: 5881

(i) If the sentence is being imposed for a violation of 5882
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5883
a mandatory jail term of ten consecutive days. The court shall 5884
impose the ten-day mandatory jail term under this division 5885
unless, subject to division (G) (3) of this section, it instead 5886
imposes a sentence under that division consisting of both a jail 5887
term and a term of house arrest with electronic monitoring, with 5888
continuous alcohol monitoring, or with both electronic 5889
monitoring and continuous alcohol monitoring. The court may 5890
impose a jail term in addition to the ten-day mandatory jail 5891
term. The cumulative jail term imposed for the offense shall not 5892
exceed six months. 5893

In addition to the jail term or the term of house arrest 5894
with electronic monitoring or continuous alcohol monitoring or 5895
both types of monitoring and jail term, the court shall require 5896
the offender to be assessed by a community addiction services 5897
provider that is authorized by section 5119.21 of the Revised 5898
Code, subject to division (I) of this section, and shall order 5899
the offender to follow the treatment recommendations of the 5900

services provider. The purpose of the assessment is to determine 5901
the degree of the offender's alcohol usage and to determine 5902
whether or not treatment is warranted. Upon the request of the 5903
court, the services provider shall submit the results of the 5904
assessment to the court, including all treatment recommendations 5905
and clinical diagnoses related to alcohol use. 5906

(ii) If the sentence is being imposed for a violation of 5907
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5908
section, except as otherwise provided in this division, a 5909
mandatory jail term of twenty consecutive days. The court shall 5910
impose the twenty-day mandatory jail term under this division 5911
unless, subject to division (G)(3) of this section, it instead 5912
imposes a sentence under that division consisting of both a jail 5913
term and a term of house arrest with electronic monitoring, with 5914
continuous alcohol monitoring, or with both electronic 5915
monitoring and continuous alcohol monitoring. The court may 5916
impose a jail term in addition to the twenty-day mandatory jail 5917
term. The cumulative jail term imposed for the offense shall not 5918
exceed six months. 5919

In addition to the jail term or the term of house arrest 5920
with electronic monitoring or continuous alcohol monitoring or 5921
both types of monitoring and jail term, the court shall require 5922
the offender to be assessed by a community addiction service 5923
provider that is authorized by section 5119.21 of the Revised 5924
Code, subject to division (I) of this section, and shall order 5925
the offender to follow the treatment recommendations of the 5926
services provider. The purpose of the assessment is to determine 5927
the degree of the offender's alcohol usage and to determine 5928
whether or not treatment is warranted. Upon the request of the 5929
court, the services provider shall submit the results of the 5930
assessment to the court, including all treatment recommendations 5931

and clinical diagnoses related to alcohol use. 5932

(iii) In all cases, notwithstanding the fines set forth in 5933
Chapter 2929. of the Revised Code, a fine of not less than five 5934
hundred twenty-five and not more than one thousand six hundred 5935
twenty-five dollars; 5936

(iv) In all cases, a suspension of the offender's driver's 5937
license, commercial driver's license, temporary instruction 5938
permit, probationary license, or nonresident operating privilege 5939
for a definite period of one to seven years. The court may grant 5940
limited driving privileges relative to the suspension under 5941
sections 4510.021 and 4510.13 of the Revised Code. 5942

(v) In all cases, if the vehicle is registered in the 5943
offender's name, immobilization of the vehicle involved in the 5944
offense for ninety days in accordance with section 4503.233 of 5945
the Revised Code and impoundment of the license plates of that 5946
vehicle for ninety days. 5947

(c) Except as otherwise provided in division (G) (1) (e) of 5948
this section, an offender who, within ten years of the offense, 5949
previously has been convicted of or pleaded guilty to two 5950
violations of division (A) of this section or other equivalent 5951
offenses is guilty of a misdemeanor. The court shall sentence 5952
the offender to all of the following: 5953

(i) If the sentence is being imposed for a violation of 5954
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 5955
a mandatory jail term of thirty consecutive days. The court 5956
shall impose the thirty-day mandatory jail term under this 5957
division unless, subject to division (G) (3) of this section, it 5958
instead imposes a sentence under that division consisting of 5959
both a jail term and a term of house arrest with electronic 5960

monitoring, with continuous alcohol monitoring, or with both 5961
electronic monitoring and continuous alcohol monitoring. The 5962
court may impose a jail term in addition to the thirty-day 5963
mandatory jail term. Notwithstanding the jail terms set forth in 5964
sections 2929.21 to 2929.28 of the Revised Code, the additional 5965
jail term shall not exceed one year, and the cumulative jail 5966
term imposed for the offense shall not exceed one year. 5967

(ii) If the sentence is being imposed for a violation of 5968
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5969
section, a mandatory jail term of sixty consecutive days. The 5970
court shall impose the sixty-day mandatory jail term under this 5971
division unless, subject to division (G)(3) of this section, it 5972
instead imposes a sentence under that division consisting of 5973
both a jail term and a term of house arrest with electronic 5974
monitoring, with continuous alcohol monitoring, or with both 5975
electronic monitoring and continuous alcohol monitoring. The 5976
court may impose a jail term in addition to the sixty-day 5977
mandatory jail term. Notwithstanding the jail terms set forth in 5978
sections 2929.21 to 2929.28 of the Revised Code, the additional 5979
jail term shall not exceed one year, and the cumulative jail 5980
term imposed for the offense shall not exceed one year. 5981

(iii) In all cases, notwithstanding the fines set forth in 5982
Chapter 2929. of the Revised Code, a fine of not less than eight 5983
hundred fifty and not more than two thousand seven hundred fifty 5984
dollars; 5985

(iv) In all cases, a suspension of the offender's driver's 5986
license, commercial driver's license, temporary instruction 5987
permit, probationary license, or nonresident operating privilege 5988
for a definite period of two to twelve years. The court may 5989
grant limited driving privileges relative to the suspension 5990

under sections 4510.021 and 4510.13 of the Revised Code. 5991

(v) In all cases, if the vehicle is registered in the 5992
offender's name, criminal forfeiture of the vehicle involved in 5993
the offense in accordance with section 4503.234 of the Revised 5994
Code. Division (G) (6) of this section applies regarding any 5995
vehicle that is subject to an order of criminal forfeiture under 5996
this division. 5997

(vi) In all cases, the court shall order the offender to 5998
participate with a community addiction services provider 5999
authorized by section 5119.21 of the Revised Code, subject to 6000
division (I) of this section, and shall order the offender to 6001
follow the treatment recommendations of the services provider. 6002
The operator of the services provider shall determine and assess 6003
the degree of the offender's alcohol dependency and shall make 6004
recommendations for treatment. Upon the request of the court, 6005
the services provider shall submit the results of the assessment 6006
to the court, including all treatment recommendations and 6007
clinical diagnoses related to alcohol use. 6008

(d) Except as otherwise provided in division (G) (1) (e) of 6009
this section, an offender who, within ten years of the offense, 6010
previously has been convicted of or pleaded guilty to three or 6011
four violations of division (A) of this section or other 6012
equivalent offenses, an offender who, within twenty years of the 6013
offense, previously has been convicted of or pleaded guilty to 6014
five or more violations of that nature, or an offender who 6015
previously has been convicted of or pleaded guilty to a 6016
specification of the type described in section 2941.1413 of the 6017
Revised Code is guilty of a felony of the fourth degree. The 6018
court shall sentence the offender to all of the following: 6019

(i) If the sentence is being imposed for a violation of 6020

division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 6021
a mandatory prison term of one, two, three, four, or five years 6022
as required by and in accordance with division (G)(2) of section 6023
2929.13 of the Revised Code if the offender also is convicted of 6024
or also pleads guilty to a specification of the type described 6025
in section 2941.1413 of the Revised Code or, in the discretion 6026
of the court, either a mandatory term of local incarceration of 6027
sixty consecutive days in accordance with division (G)(1) of 6028
section 2929.13 of the Revised Code or a mandatory prison term 6029
of sixty consecutive days in accordance with division (G)(2) of 6030
that section if the offender is not convicted of and does not 6031
plead guilty to a specification of that type. If the court 6032
imposes a mandatory term of local incarceration, it may impose a 6033
jail term in addition to the sixty-day mandatory term, the 6034
cumulative total of the mandatory term and the jail term for the 6035
offense shall not exceed one year, and, except as provided in 6036
division (A)(1) of section 2929.13 of the Revised Code, no 6037
prison term is authorized for the offense. If the court imposes 6038
a mandatory prison term, notwithstanding division (A)(4) of 6039
section 2929.14 of the Revised Code, it also may sentence the 6040
offender to a definite prison term that shall be not less than 6041
six months and not more than thirty months and the prison terms 6042
shall be imposed as described in division (G)(2) of section 6043
2929.13 of the Revised Code. If the court imposes a mandatory 6044
prison term or mandatory prison term and additional prison term, 6045
in addition to the term or terms so imposed, the court also may 6046
sentence the offender to a community control sanction for the 6047
offense, but the offender shall serve all of the prison terms so 6048
imposed prior to serving the community control sanction. 6049

(ii) If the sentence is being imposed for a violation of 6050
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 6051

section, a mandatory prison term of one, two, three, four, or 6052
five years as required by and in accordance with division (G) (2) 6053
of section 2929.13 of the Revised Code if the offender also is 6054
convicted of or also pleads guilty to a specification of the 6055
type described in section 2941.1413 of the Revised Code or, in 6056
the discretion of the court, either a mandatory term of local 6057
incarceration of one hundred twenty consecutive days in 6058
accordance with division (G) (1) of section 2929.13 of the 6059
Revised Code or a mandatory prison term of one hundred twenty 6060
consecutive days in accordance with division (G) (2) of that 6061
section if the offender is not convicted of and does not plead 6062
guilty to a specification of that type. If the court imposes a 6063
mandatory term of local incarceration, it may impose a jail term 6064
in addition to the one hundred twenty-day mandatory term, the 6065
cumulative total of the mandatory term and the jail term for the 6066
offense shall not exceed one year, and, except as provided in 6067
division (A) (1) of section 2929.13 of the Revised Code, no 6068
prison term is authorized for the offense. If the court imposes 6069
a mandatory prison term, notwithstanding division (A) (4) of 6070
section 2929.14 of the Revised Code, it also may sentence the 6071
offender to a definite prison term that shall be not less than 6072
six months and not more than thirty months and the prison terms 6073
shall be imposed as described in division (G) (2) of section 6074
2929.13 of the Revised Code. If the court imposes a mandatory 6075
prison term or mandatory prison term and additional prison term, 6076
in addition to the term or terms so imposed, the court also may 6077
sentence the offender to a community control sanction for the 6078
offense, but the offender shall serve all of the prison terms so 6079
imposed prior to serving the community control sanction. 6080

(iii) In all cases, notwithstanding section 2929.18 of the 6081
Revised Code, a fine of not less than one thousand three hundred 6082

fifty nor more than ten thousand five hundred dollars; 6083

(iv) In all cases, a class two license suspension of the 6084
offender's driver's license, commercial driver's license, 6085
temporary instruction permit, probationary license, or 6086
nonresident operating privilege from the range specified in 6087
division (A) (2) of section 4510.02 of the Revised Code. The 6088
court may grant limited driving privileges relative to the 6089
suspension under sections 4510.021 and 4510.13 of the Revised 6090
Code. 6091

(v) In all cases, if the vehicle is registered in the 6092
offender's name, criminal forfeiture of the vehicle involved in 6093
the offense in accordance with section 4503.234 of the Revised 6094
Code. Division (G) (6) of this section applies regarding any 6095
vehicle that is subject to an order of criminal forfeiture under 6096
this division. 6097

(vi) In all cases, the court shall order the offender to 6098
participate with a community addiction services provider 6099
authorized by section 5119.21 of the Revised Code, subject to 6100
division (I) of this section, and shall order the offender to 6101
follow the treatment recommendations of the services provider. 6102
The operator of the services provider shall determine and assess 6103
the degree of the offender's alcohol dependency and shall make 6104
recommendations for treatment. Upon the request of the court, 6105
the services provider shall submit the results of the assessment 6106
to the court, including all treatment recommendations and 6107
clinical diagnoses related to alcohol use. 6108

(vii) In all cases, if the court sentences the offender to 6109
a mandatory term of local incarceration, in addition to the 6110
mandatory term, the court, pursuant to section 2929.17 of the 6111
Revised Code, may impose a term of house arrest with electronic 6112

monitoring. The term shall not commence until after the offender 6113
has served the mandatory term of local incarceration. 6114

(e) An offender who previously has been convicted of or 6115
pleaded guilty to a violation of division (A) of this section 6116
that was a felony, regardless of when the violation and the 6117
conviction or guilty plea occurred, is guilty of a felony of the 6118
third degree. The court shall sentence the offender to all of 6119
the following: 6120

(i) If the offender is being sentenced for a violation of 6121
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 6122
a mandatory prison term of one, two, three, four, or five years 6123
as required by and in accordance with division (G)(2) of section 6124
2929.13 of the Revised Code if the offender also is convicted of 6125
or also pleads guilty to a specification of the type described 6126
in section 2941.1413 of the Revised Code or a mandatory prison 6127
term of sixty consecutive days in accordance with division (G) 6128
(2) of section 2929.13 of the Revised Code if the offender is 6129
not convicted of and does not plead guilty to a specification of 6130
that type. The court may impose a prison term in addition to the 6131
mandatory prison term. The cumulative total of a sixty-day 6132
mandatory prison term and the additional prison term for the 6133
offense shall not exceed five years. In addition to the 6134
mandatory prison term or mandatory prison term and additional 6135
prison term the court imposes, the court also may sentence the 6136
offender to a community control sanction for the offense, but 6137
the offender shall serve all of the prison terms so imposed 6138
prior to serving the community control sanction. 6139

(ii) If the sentence is being imposed for a violation of 6140
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 6141
section, a mandatory prison term of one, two, three, four, or 6142

five years as required by and in accordance with division (G) (2) 6143
of section 2929.13 of the Revised Code if the offender also is 6144
convicted of or also pleads guilty to a specification of the 6145
type described in section 2941.1413 of the Revised Code or a 6146
mandatory prison term of one hundred twenty consecutive days in 6147
accordance with division (G) (2) of section 2929.13 of the 6148
Revised Code if the offender is not convicted of and does not 6149
plead guilty to a specification of that type. The court may 6150
impose a prison term in addition to the mandatory prison term. 6151
The cumulative total of a one hundred twenty-day mandatory 6152
prison term and the additional prison term for the offense shall 6153
not exceed five years. In addition to the mandatory prison term 6154
or mandatory prison term and additional prison term the court 6155
imposes, the court also may sentence the offender to a community 6156
control sanction for the offense, but the offender shall serve 6157
all of the prison terms so imposed prior to serving the 6158
community control sanction. 6159

(iii) In all cases, notwithstanding section 2929.18 of the 6160
Revised Code, a fine of not less than one thousand three hundred 6161
fifty nor more than ten thousand five hundred dollars; 6162

(iv) In all cases, a class two license suspension of the 6163
offender's driver's license, commercial driver's license, 6164
temporary instruction permit, probationary license, or 6165
nonresident operating privilege from the range specified in 6166
division (A) (2) of section 4510.02 of the Revised Code. The 6167
court may grant limited driving privileges relative to the 6168
suspension under sections 4510.021 and 4510.13 of the Revised 6169
Code. 6170

(v) In all cases, if the vehicle is registered in the 6171
offender's name, criminal forfeiture of the vehicle involved in 6172

the offense in accordance with section 4503.234 of the Revised Code. Division (G) (6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently seeks reinstatement of the driver's or occupational driver's license or permit or nonresident operating privilege suspended under this section as a result of the conviction or guilty plea shall pay a reinstatement fee as provided in division (F) (2) of section 4511.191 of the Revised Code.

(3) If an offender is sentenced to a jail term under division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to begin serving that term within the sixty-day period following the date of sentencing, the court may impose an alternative

sentence under this division that includes a term of house 6203
arrest with electronic monitoring, with continuous alcohol 6204
monitoring, or with both electronic monitoring and continuous 6205
alcohol monitoring. 6206

As an alternative to a mandatory jail term of ten 6207
consecutive days required by division (G)(1)(b)(i) of this 6208
section, the court, under this division, may sentence the 6209
offender to five consecutive days in jail and not less than 6210
eighteen consecutive days of house arrest with electronic 6211
monitoring, with continuous alcohol monitoring, or with both 6212
electronic monitoring and continuous alcohol monitoring. The 6213
cumulative total of the five consecutive days in jail and the 6214
period of house arrest with electronic monitoring, continuous 6215
alcohol monitoring, or both types of monitoring shall not exceed 6216
six months. The five consecutive days in jail do not have to be 6217
served prior to or consecutively to the period of house arrest. 6218

As an alternative to the mandatory jail term of twenty 6219
consecutive days required by division (G)(1)(b)(ii) of this 6220
section, the court, under this division, may sentence the 6221
offender to ten consecutive days in jail and not less than 6222
thirty-six consecutive days of house arrest with electronic 6223
monitoring, with continuous alcohol monitoring, or with both 6224
electronic monitoring and continuous alcohol monitoring. The 6225
cumulative total of the ten consecutive days in jail and the 6226
period of house arrest with electronic monitoring, continuous 6227
alcohol monitoring, or both types of monitoring shall not exceed 6228
six months. The ten consecutive days in jail do not have to be 6229
served prior to or consecutively to the period of house arrest. 6230

As an alternative to a mandatory jail term of thirty 6231
consecutive days required by division (G)(1)(c)(i) of this 6232

section, the court, under this division, may sentence the 6233
offender to fifteen consecutive days in jail and not less than 6234
fifty-five consecutive days of house arrest with electronic 6235
monitoring, with continuous alcohol monitoring, or with both 6236
electronic monitoring and continuous alcohol monitoring. The 6237
cumulative total of the fifteen consecutive days in jail and the 6238
period of house arrest with electronic monitoring, continuous 6239
alcohol monitoring, or both types of monitoring shall not exceed 6240
one year. The fifteen consecutive days in jail do not have to be 6241
served prior to or consecutively to the period of house arrest. 6242

As an alternative to the mandatory jail term of sixty 6243
consecutive days required by division (G)(1)(c)(ii) of this 6244
section, the court, under this division, may sentence the 6245
offender to thirty consecutive days in jail and not less than 6246
one hundred ten consecutive days of house arrest with electronic 6247
monitoring, with continuous alcohol monitoring, or with both 6248
electronic monitoring and continuous alcohol monitoring. The 6249
cumulative total of the thirty consecutive days in jail and the 6250
period of house arrest with electronic monitoring, continuous 6251
alcohol monitoring, or both types of monitoring shall not exceed 6252
one year. The thirty consecutive days in jail do not have to be 6253
served prior to or consecutively to the period of house arrest. 6254

(4) If an offender's driver's or occupational driver's 6255
license or permit or nonresident operating privilege is 6256
suspended under division (G) of this section and if section 6257
4510.13 of the Revised Code permits the court to grant limited 6258
driving privileges, the court may grant the limited driving 6259
privileges in accordance with that section. If division (A)(7) 6260
of that section requires that the court impose as a condition of 6261
the privileges that the offender must display on the vehicle 6262
that is driven subject to the privileges restricted license 6263

plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section, the court shall impose that condition as one of the conditions of the limited driving privileges granted to the offender, except as provided in division (B) of section 4503.231 of the Revised Code.

(5) Fines imposed under this section for a violation of division (A) of this section shall be distributed as follows:

(a) Twenty-five dollars of the fine imposed under division (G) (1) (a) (iii), thirty-five dollars of the fine imposed under division (G) (1) (b) (iii), one hundred twenty-three dollars of the fine imposed under division (G) (1) (c) (iii), and two hundred ten dollars of the fine imposed under division (G) (1) (d) (iii) or (e) (iii) of this section shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

(b) Fifty dollars of the fine imposed under division (G) (1) (a) (iii) of this section shall be paid to the political subdivision that pays the cost of housing the offender during the offender's term of incarceration. If the offender is being sentenced for a violation of division (A) (1) (a), (b), (c), (d),

(e), or (j) of this section and was confined as a result of the 6294
offense prior to being sentenced for the offense but is not 6295
sentenced to a term of incarceration, the fifty dollars shall be 6296
paid to the political subdivision that paid the cost of housing 6297
the offender during that period of confinement. The political 6298
subdivision shall use the share under this division to pay or 6299
reimburse incarceration or treatment costs it incurs in housing 6300
or providing drug and alcohol treatment to persons who violate 6301
this section or a municipal OVI ordinance, costs of any 6302
immobilizing or disabling device used on the offender's vehicle, 6303
and costs of electronic house arrest equipment needed for 6304
persons who violate this section. 6305

(c) Twenty-five dollars of the fine imposed under division 6306
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 6307
division (G) (1) (b) (iii) of this section shall be deposited into 6308
the county or municipal indigent drivers' alcohol treatment fund 6309
under the control of that court, as created by the county or 6310
municipal corporation under division (F) of section 4511.191 of 6311
the Revised Code. 6312

(d) One hundred fifteen dollars of the fine imposed under 6313
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 6314
the fine imposed under division (G) (1) (c) (iii), and four hundred 6315
forty dollars of the fine imposed under division (G) (1) (d) (iii) 6316
or (e) (iii) of this section shall be paid to the political 6317
subdivision that pays the cost of housing the offender during 6318
the offender's term of incarceration. The political subdivision 6319
shall use this share to pay or reimburse incarceration or 6320
treatment costs it incurs in housing or providing drug and 6321
alcohol treatment to persons who violate this section or a 6322
municipal OVI ordinance, costs for any immobilizing or disabling 6323
device used on the offender's vehicle, and costs of electronic 6324

house arrest equipment needed for persons who violate this 6325
section. 6326

(e) Fifty dollars of the fine imposed under divisions (G) 6327
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 6328
(G) (1) (e) (iii) of this section shall be deposited into the 6329
special projects fund of the court in which the offender was 6330
convicted and that is established under division (E) (1) of 6331
section 2303.201, division (B) (1) of section 1901.26, or 6332
division (B) (1) of section 1907.24 of the Revised Code, to be 6333
used exclusively to cover the cost of immobilizing or disabling 6334
devices, including certified ignition interlock devices, and 6335
remote alcohol monitoring devices for indigent offenders who are 6336
required by a judge to use either of these devices. If the court 6337
in which the offender was convicted does not have a special 6338
projects fund that is established under division (E) (1) of 6339
section 2303.201, division (B) (1) of section 1901.26, or 6340
division (B) (1) of section 1907.24 of the Revised Code, the 6341
fifty dollars shall be deposited into the indigent drivers 6342
interlock and alcohol monitoring fund under division (I) of 6343
section 4511.191 of the Revised Code. 6344

(f) Seventy-five dollars of the fine imposed under 6345
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 6346
fine imposed under division (G) (1) (b) (iii), two hundred fifty 6347
dollars of the fine imposed under division (G) (1) (c) (iii), and 6348
five hundred dollars of the fine imposed under division (G) (1) 6349
(d) (iii) or (e) (iii) of this section shall be transmitted to the 6350
treasurer of state for deposit into the indigent defense support 6351
fund established under section 120.08 of the Revised Code. 6352

(g) The balance of the fine imposed under division (G) (1) 6353
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 6354

section shall be disbursed as otherwise provided by law. 6355

(6) If title to a motor vehicle that is subject to an 6356
order of criminal forfeiture under division (G) (1) (c), (d), or 6357
(e) of this section is assigned or transferred and division (B) 6358
(2) or (3) of section 4503.234 of the Revised Code applies, in 6359
addition to or independent of any other penalty established by 6360
law, the court may fine the offender the value of the vehicle as 6361
determined by publications of the national automobile dealers 6362
association. The proceeds of any fine so imposed shall be 6363
distributed in accordance with division (C) (2) of that section. 6364

(7) In all cases in which an offender is sentenced under 6365
division (G) of this section, the offender shall provide the 6366
court with proof of financial responsibility as defined in 6367
section 4509.01 of the Revised Code. If the offender fails to 6368
provide that proof of financial responsibility, the court, in 6369
addition to any other penalties provided by law, may order 6370
restitution pursuant to section 2929.18 or 2929.28 of the 6371
Revised Code in an amount not exceeding five thousand dollars 6372
for any economic loss arising from an accident or collision that 6373
was the direct and proximate result of the offender's operation 6374
of the vehicle before, during, or after committing the offense 6375
for which the offender is sentenced under division (G) of this 6376
section. 6377

(8) A court may order an offender to reimburse a law 6378
enforcement agency for any costs incurred by the agency with 6379
respect to a chemical test or tests administered to the offender 6380
if all of the following apply: 6381

(a) The offender is convicted of or pleads guilty to a 6382
violation of division (A) of this section. 6383

(b) The test or tests were of the offender's whole blood, 6384
blood serum or plasma, oral fluid, or urine. 6385

(c) The test or tests indicated that the offender had a— 6386
one of the following at the time of the offense: 6387

(i) A prohibited concentration of a controlled substance 6388
or a metabolite of a controlled substance in the offender's 6389
whole blood, blood serum or plasma, or urine ~~at the time of the~~ 6390
~~offense;~~ 6391

(ii) A drug of abuse or a metabolite of a drug of abuse in 6392
the offender's oral fluid. 6393

(9) As used in division (G) of this section, "electronic 6394
monitoring," "mandatory prison term," and "mandatory term of 6395
local incarceration" have the same meanings as in section 6396
2929.01 of the Revised Code. 6397

(H) Whoever violates division (B) of this section is 6398
guilty of operating a vehicle after underage alcohol consumption 6399
and shall be punished as follows: 6400

(1) Except as otherwise provided in division (H) (2) of 6401
this section, the offender is guilty of a misdemeanor of the 6402
fourth degree. In addition to any other sanction imposed for the 6403
offense, the court shall impose a class six suspension of the 6404
offender's driver's license, commercial driver's license, 6405
temporary instruction permit, probationary license, or 6406
nonresident operating privilege from the range specified in 6407
division (A) (6) of section 4510.02 of the Revised Code. The 6408
court may grant limited driving privileges relative to the 6409
suspension under sections 4510.021 and 4510.13 of the Revised 6410
Code. The court may grant unlimited driving privileges with an 6411
ignition interlock device relative to the suspension and may 6412

reduce the period of suspension as authorized under section 6413
4510.022 of the Revised Code. If the court grants unlimited 6414
driving privileges under section 4510.022 of the Revised Code, 6415
the court shall suspend any jail term imposed under division (H) 6416
(1) of this section as required under that section. 6417

(2) If, within one year of the offense, the offender 6418
previously has been convicted of or pleaded guilty to one or 6419
more violations of division (A) of this section or other 6420
equivalent offenses, the offender is guilty of a misdemeanor of 6421
the third degree. In addition to any other sanction imposed for 6422
the offense, the court shall impose a class four suspension of 6423
the offender's driver's license, commercial driver's license, 6424
temporary instruction permit, probationary license, or 6425
nonresident operating privilege from the range specified in 6426
division (A)(4) of section 4510.02 of the Revised Code. The 6427
court may grant limited driving privileges relative to the 6428
suspension under sections 4510.021 and 4510.13 of the Revised 6429
Code. 6430

(3) The offender shall provide the court with proof of 6431
financial responsibility as defined in section 4509.01 of the 6432
Revised Code. If the offender fails to provide that proof of 6433
financial responsibility, then, in addition to any other 6434
penalties provided by law, the court may order restitution 6435
pursuant to section 2929.28 of the Revised Code in an amount not 6436
exceeding five thousand dollars for any economic loss arising 6437
from an accident or collision that was the direct and proximate 6438
result of the offender's operation of the vehicle before, 6439
during, or after committing the violation of division (B) of 6440
this section. 6441

(I)(1) No court shall sentence an offender to an alcohol 6442

treatment program under this section unless the treatment 6443
program complies with the minimum standards for alcohol 6444
treatment programs adopted under Chapter 5119. of the Revised 6445
Code by the director of mental health and addiction services. 6446

(2) An offender who stays in a drivers' intervention 6447
program or in an alcohol treatment program under an order issued 6448
under this section shall pay the cost of the stay in the 6449
program. However, if the court determines that an offender who 6450
stays in an alcohol treatment program under an order issued 6451
under this section is unable to pay the cost of the stay in the 6452
program, the court may order that the cost be paid from the 6453
court's indigent drivers' alcohol treatment fund. 6454

(J) If a person whose driver's or commercial driver's 6455
license or permit or nonresident operating privilege is 6456
suspended under this section files an appeal regarding any 6457
aspect of the person's trial or sentence, the appeal itself does 6458
not stay the operation of the suspension. 6459

(K) Division (A)(1)(j) of this section does not apply to a 6460
person who operates a vehicle, streetcar, or trackless trolley 6461
while the person has a concentration of a listed controlled 6462
substance or a listed metabolite of a controlled substance in 6463
the person's whole blood, blood serum or plasma, or urine that 6464
equals or exceeds the amount specified in that division, if both 6465
of the following apply: 6466

(1) The person obtained the controlled substance pursuant 6467
to a prescription issued by a licensed health professional 6468
authorized to prescribe drugs. 6469

(2) The person injected, ingested, or inhaled the 6470
controlled substance in accordance with the health 6471

professional's directions. 6472

(L) The prohibited concentrations of a controlled 6473
substance or a metabolite of a controlled substance listed in 6474
division (A)(1)(j) of this section also apply in a prosecution 6475
of a violation of division (D) of section 2923.16 of the Revised 6476
Code in the same manner as if the offender is being prosecuted 6477
for a prohibited concentration of alcohol. 6478

(M) All terms defined in section 4510.01 of the Revised 6479
Code apply to this section. If the meaning of a term defined in 6480
section 4510.01 of the Revised Code conflicts with the meaning 6481
of the same term as defined in section 4501.01 or 4511.01 of the 6482
Revised Code, the term as defined in section 4510.01 of the 6483
Revised Code applies to this section. 6484

(N)(1) The Ohio Traffic Rules in effect on January 1, 6485
2004, as adopted by the supreme court under authority of section 6486
2937.46 of the Revised Code, do not apply to felony violations 6487
of this section. Subject to division (N)(2) of this section, the 6488
Rules of Criminal Procedure apply to felony violations of this 6489
section. 6490

(2) If, on or after January 1, 2004, the supreme court 6491
modifies the Ohio Traffic Rules to provide procedures to govern 6492
felony violations of this section, the modified rules shall 6493
apply to felony violations of this section. 6494

Sec. 4511.191. (A)(1) As used in this section: 6495

(a) "Physical control" has the same meaning as in section 6496
4511.194 of the Revised Code. 6497

(b) "Alcohol monitoring device" means any device that 6498
provides for continuous alcohol monitoring, any ignition 6499
interlock device, any immobilizing or disabling device other 6500

than an ignition interlock device that is constantly available 6501
to monitor the concentration of alcohol in a person's system, or 6502
any other device that provides for the automatic testing and 6503
periodic reporting of alcohol consumption by a person and that a 6504
court orders a person to use as a sanction imposed as a result 6505
of the person's conviction of or plea of guilty to an offense. 6506

(c) "Community addiction services provider" has the same 6507
meaning as in section 5119.01 of the Revised Code. 6508

(2) Any person who operates a vehicle, streetcar, or 6509
trackless trolley upon a highway or any public or private 6510
property used by the public for vehicular travel or parking 6511
within this state or who is in physical control of a vehicle, 6512
streetcar, or trackless trolley shall be deemed to have given 6513
consent to a chemical test or tests of the person's whole blood, 6514
blood serum or plasma, breath, oral fluid, or urine to determine 6515
the alcohol, drug of abuse, controlled substance, metabolite of 6516
a controlled substance, or combination content of the person's 6517
whole blood, blood serum or plasma, breath, oral fluid, or urine 6518
if arrested for a violation of division (A) or (B) of section 6519
4511.19 of the Revised Code, section 4511.194 of the Revised 6520
Code or a substantially equivalent municipal ordinance, or a 6521
municipal OVI ordinance. 6522

(3) The chemical test or tests under division (A) (2) of 6523
this section shall be administered at the request of a law 6524
enforcement officer having reasonable grounds to believe the 6525
person was operating or in physical control of a vehicle, 6526
streetcar, or trackless trolley in violation of a division, 6527
section, or ordinance identified in division (A) (2) of this 6528
section. The law enforcement agency by which the officer is 6529
employed shall designate which of the tests shall be 6530

administered. 6531

(4) Any person who is dead or unconscious, or who 6532
otherwise is in a condition rendering the person incapable of 6533
refusal, shall be deemed to have consented as provided in 6534
division (A) (2) of this section, and the test or tests may be 6535
administered, subject to sections 313.12 to 313.16 of the 6536
Revised Code. 6537

(5) (a) If a law enforcement officer arrests a person for a 6538
violation of division (A) or (B) of section 4511.19 of the 6539
Revised Code, section 4511.194 of the Revised Code or a 6540
substantially equivalent municipal ordinance, or a municipal OVI 6541
ordinance and if the person if convicted would be required to be 6542
sentenced under division (G) (1) (c), (d), or (e) of section 6543
4511.19 of the Revised Code, the law enforcement officer shall 6544
request the person to submit, and the person shall submit, to a 6545
chemical test or tests of the person's whole blood, blood serum 6546
or plasma, breath, oral fluid, or urine for the purpose of 6547
determining the alcohol, drug of abuse, controlled substance, 6548
metabolite of a controlled substance, or combination content of 6549
the person's whole blood, blood serum or plasma, breath, oral 6550
fluid, or urine. A law enforcement officer who makes a request 6551
pursuant to this division that a person submit to a chemical 6552
test or tests is not required to advise the person of the 6553
consequences of submitting to, or refusing to submit to, the 6554
test or tests and is not required to give the person the form 6555
described in division (B) of section 4511.192 of the Revised 6556
Code, but the officer shall advise the person at the time of the 6557
arrest that if the person refuses to take a chemical test the 6558
officer may employ whatever reasonable means are necessary to 6559
ensure that the person submits to a chemical test of the 6560
person's whole blood or blood serum or plasma. The officer shall 6561

also advise the person at the time of the arrest that the person 6562
may have an independent chemical test taken at the person's own 6563
expense. Divisions (A) (3) and (4) of this section apply to the 6564
administration of a chemical test or tests pursuant to this 6565
division. 6566

(b) If a person refuses to submit to a chemical test upon 6567
a request made pursuant to division (A) (5) (a) of this section, 6568
the law enforcement officer who made the request may employ 6569
whatever reasonable means are necessary to ensure that the 6570
person submits to a chemical test of the person's whole blood or 6571
blood serum or plasma. A law enforcement officer who acts 6572
pursuant to this division to ensure that a person submits to a 6573
chemical test of the person's whole blood or blood serum or 6574
plasma is immune from criminal and civil liability based upon a 6575
claim for assault and battery or any other claim for the acts, 6576
unless the officer so acted with malicious purpose, in bad 6577
faith, or in a wanton or reckless manner. 6578

(B) (1) Upon receipt of the sworn report of a law 6579
enforcement officer who arrested a person for a violation of 6580
division (A) or (B) of section 4511.19 of the Revised Code, 6581
section 4511.194 of the Revised Code or a substantially 6582
equivalent municipal ordinance, or a municipal OVI ordinance 6583
that was completed and sent to the registrar of motor vehicles 6584
and a court pursuant to section 4511.192 of the Revised Code in 6585
regard to a person who refused to take the designated chemical 6586
test, the registrar shall enter into the registrar's records the 6587
fact that the person's driver's or commercial driver's license 6588
or permit or nonresident operating privilege was suspended by 6589
the arresting officer under this division and that section and 6590
the period of the suspension, as determined under this section. 6591
The suspension shall be subject to appeal as provided in section 6592

4511.197 of the Revised Code. The suspension shall be for 6593
whichever of the following periods applies: 6594

(a) Except when division (B) (1) (b), (c), or (d) of this 6595
section applies and specifies a different class or length of 6596
suspension, the suspension shall be a class C suspension for the 6597
period of time specified in division (B) (3) of section 4510.02 6598
of the Revised Code. 6599

(b) If the arrested person, within ten years of the date 6600
on which the person refused the request to consent to the 6601
chemical test, had refused one previous request to consent to a 6602
chemical test or had been convicted of or pleaded guilty to one 6603
violation of division (A) of section 4511.19 of the Revised Code 6604
or one other equivalent offense, the suspension shall be a class 6605
B suspension imposed for the period of time specified in 6606
division (B) (2) of section 4510.02 of the Revised Code. 6607

(c) If the arrested person, within ten years of the date 6608
on which the person refused the request to consent to the 6609
chemical test, had refused two previous requests to consent to a 6610
chemical test, had been convicted of or pleaded guilty to two 6611
violations of division (A) of section 4511.19 of the Revised 6612
Code or other equivalent offenses, or had refused one previous 6613
request to consent to a chemical test and also had been 6614
convicted of or pleaded guilty to one violation of division (A) 6615
of section 4511.19 of the Revised Code or other equivalent 6616
offenses, which violation or offense arose from an incident 6617
other than the incident that led to the refusal, the suspension 6618
shall be a class A suspension imposed for the period of time 6619
specified in division (B) (1) of section 4510.02 of the Revised 6620
Code. 6621

(d) If the arrested person, within ten years of the date 6622

on which the person refused the request to consent to the 6623
chemical test, had refused three or more previous requests to 6624
consent to a chemical test, had been convicted of or pleaded 6625
guilty to three or more violations of division (A) of section 6626
4511.19 of the Revised Code or other equivalent offenses, or had 6627
refused a number of previous requests to consent to a chemical 6628
test and also had been convicted of or pleaded guilty to a 6629
number of violations of division (A) of section 4511.19 of the 6630
Revised Code or other equivalent offenses that cumulatively 6631
total three or more such refusals, convictions, and guilty 6632
pleas, the suspension shall be for five years. 6633

(2) The registrar shall terminate a suspension of the 6634
driver's or commercial driver's license or permit of a resident 6635
or of the operating privilege of a nonresident, or a denial of a 6636
driver's or commercial driver's license or permit, imposed 6637
pursuant to division (B)(1) of this section upon receipt of 6638
notice that the person has entered a plea of guilty to, or that 6639
the person has been convicted after entering a plea of no 6640
contest to, operating a vehicle in violation of section 4511.19 6641
of the Revised Code or in violation of a municipal OVI 6642
ordinance, if the offense for which the conviction is had or the 6643
plea is entered arose from the same incident that led to the 6644
suspension or denial. 6645

The registrar shall credit against any judicial suspension 6646
of a person's driver's or commercial driver's license or permit 6647
or nonresident operating privilege imposed pursuant to section 6648
4511.19 of the Revised Code, or pursuant to section 4510.07 of 6649
the Revised Code for a violation of a municipal OVI ordinance, 6650
any time during which the person serves a related suspension 6651
imposed pursuant to division (B)(1) of this section. 6652

(C) (1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A) (1) (j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C) (1) (a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C) (1) (b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B) (5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the 6684
period of time specified in division (B) (3) of section 4510.02 6685
of the Revised Code if the person has been convicted of or 6686
pleaded guilty to, within ten years of the date the test was 6687
conducted, one violation of division (A) of section 4511.19 of 6688
the Revised Code or one other equivalent offense. 6689

(c) If, within ten years of the date the test was 6690
conducted, the person has been convicted of or pleaded guilty to 6691
two violations of a statute or ordinance described in division 6692
(C) (1) (b) of this section, the suspension shall be a class B 6693
suspension imposed for the period of time specified in division 6694
(B) (2) of section 4510.02 of the Revised Code. 6695

(d) If, within ten years of the date the test was 6696
conducted, the person has been convicted of or pleaded guilty to 6697
more than two violations of a statute or ordinance described in 6698
division (C) (1) (b) of this section, the suspension shall be a 6699
class A suspension imposed for the period of time specified in 6700
division (B) (1) of section 4510.02 of the Revised Code. 6701

(2) The registrar shall terminate a suspension of the 6702
driver's or commercial driver's license or permit of a resident 6703
or of the operating privilege of a nonresident, or a denial of a 6704
driver's or commercial driver's license or permit, imposed 6705
pursuant to division (C) (1) of this section upon receipt of 6706
notice that the person has entered a plea of guilty to, or that 6707
the person has been convicted after entering a plea of no 6708
contest to, operating a vehicle in violation of section 4511.19 6709
of the Revised Code or in violation of a municipal OVI 6710
ordinance, if the offense for which the conviction is had or the 6711
plea is entered arose from the same incident that led to the 6712
suspension or denial. 6713

The registrar shall credit against any judicial suspension 6714
of a person's driver's or commercial driver's license or permit 6715
or nonresident operating privilege imposed pursuant to section 6716
4511.19 of the Revised Code, or pursuant to section 4510.07 of 6717
the Revised Code for a violation of a municipal OVI ordinance, 6718
any time during which the person serves a related suspension 6719
imposed pursuant to division (C) (1) of this section. 6720

(D) (1) A suspension of a person's driver's or commercial 6721
driver's license or permit or nonresident operating privilege 6722
under this section for the time described in division (B) or (C) 6723
of this section is effective immediately from the time at which 6724
the arresting officer serves the notice of suspension upon the 6725
arrested person. Any subsequent finding that the person is not 6726
guilty of the charge that resulted in the person being requested 6727
to take the chemical test or tests under division (A) of this 6728
section does not affect the suspension. 6729

(2) If a person is arrested for operating a vehicle, 6730
streetcar, or trackless trolley in violation of division (A) or 6731
(B) of section 4511.19 of the Revised Code or a municipal OVI 6732
ordinance, or for being in physical control of a vehicle, 6733
streetcar, or trackless trolley in violation of section 4511.194 6734
of the Revised Code or a substantially equivalent municipal 6735
ordinance, regardless of whether the person's driver's or 6736
commercial driver's license or permit or nonresident operating 6737
privilege is or is not suspended under division (B) or (C) of 6738
this section or Chapter 4510. of the Revised Code, the person's 6739
initial appearance on the charge resulting from the arrest shall 6740
be held within five days of the person's arrest or the issuance 6741
of the citation to the person, subject to any continuance 6742
granted by the court pursuant to section 4511.197 of the Revised 6743
Code regarding the issues specified in that division. 6744

(E) When it finally has been determined under the 6745
procedures of this section and sections 4511.192 to 4511.197 of 6746
the Revised Code that a nonresident's privilege to operate a 6747
vehicle within this state has been suspended, the registrar 6748
shall give information in writing of the action taken to the 6749
motor vehicle administrator of the state of the person's 6750
residence and of any state in which the person has a license. 6751

(F) At the end of a suspension period under this section, 6752
under section 4511.194, section 4511.196, or division (G) of 6753
section 4511.19 of the Revised Code, or under section 4510.07 of 6754
the Revised Code for a violation of a municipal OVI ordinance 6755
and upon the request of the person whose driver's or commercial 6756
driver's license or permit was suspended and who is not 6757
otherwise subject to suspension, cancellation, or 6758
disqualification, the registrar shall return the driver's or 6759
commercial driver's license or permit to the person upon the 6760
occurrence of all of the conditions specified in divisions (F) 6761
(1) and (2) of this section: 6762

(1) A showing that the person has proof of financial 6763
responsibility, a policy of liability insurance in effect that 6764
meets the minimum standards set forth in section 4509.51 of the 6765
Revised Code, or proof, to the satisfaction of the registrar, 6766
that the person is able to respond in damages in an amount at 6767
least equal to the minimum amounts specified in section 4509.51 6768
of the Revised Code. 6769

(2) Subject to the limitation contained in division (F) (3) 6770
of this section, payment by the person to the registrar or an 6771
eligible deputy registrar of a license reinstatement fee of four 6772
hundred seventy-five dollars, which fee shall be deposited in 6773
the state treasury and credited as follows: 6774

(a) One hundred twelve dollars and fifty cents shall be 6775
credited to the statewide treatment and prevention fund created 6776
by section 4301.30 of the Revised Code. Money credited to the 6777
fund under this section shall be used for purposes identified 6778
under section 5119.22 of the Revised Code. 6779

(b) Seventy-five dollars shall be credited to the 6780
reparations fund created by section 2743.191 of the Revised 6781
Code. 6782

(c) Thirty-seven dollars and fifty cents shall be credited 6783
to the indigent drivers alcohol treatment fund, which is hereby 6784
established in the state treasury. The department of mental 6785
health and addiction services shall distribute the moneys in 6786
that fund to the county indigent drivers alcohol treatment 6787
funds, the county juvenile indigent drivers alcohol treatment 6788
funds, and the municipal indigent drivers alcohol treatment 6789
funds that are required to be established by counties and 6790
municipal corporations pursuant to division (H) of this section 6791
to be used only as provided in division (H) (3) of this section. 6792
Moneys in the fund that are not distributed to a county indigent 6793
drivers alcohol treatment fund, a county juvenile indigent 6794
drivers alcohol treatment fund, or a municipal indigent drivers 6795
alcohol treatment fund under division (H) of this section 6796
because the director of mental health and addiction services 6797
does not have the information necessary to identify the county 6798
or municipal corporation where the offender or juvenile offender 6799
was arrested may be transferred by the director of budget and 6800
management to the statewide treatment and prevention fund 6801
created by section 4301.30 of the Revised Code, upon 6802
certification of the amount by the director of mental health and 6803
addiction services. 6804

(d) Seventy-five dollars shall be credited to the 6805
opportunities for Ohioans with disabilities agency established 6806
by section 3304.15 of the Revised Code, to the services for 6807
rehabilitation fund, which is hereby established. The fund shall 6808
be used to match available federal matching funds where 6809
appropriate or for any other purpose or program of the agency. 6810

(e) Seventy-five dollars shall be deposited into the state 6811
treasury and credited to the drug abuse resistance education 6812
programs fund, which is hereby established, to be used by the 6813
attorney general for the purposes specified in division (F) (4) 6814
of this section. 6815

(f) Thirty dollars shall be credited to the public safety 6816
- highway purposes fund created by section 4501.06 of the 6817
Revised Code. 6818

(g) Twenty dollars shall be credited to the trauma and 6819
emergency medical services fund created by section 4513.263 of 6820
the Revised Code. 6821

(h) Fifty dollars shall be credited to the indigent 6822
drivers interlock and alcohol monitoring fund, which is hereby 6823
established in the state treasury. Moneys in the fund shall be 6824
distributed by the department of public safety to the county 6825
indigent drivers interlock and alcohol monitoring funds, the 6826
county juvenile indigent drivers interlock and alcohol 6827
monitoring funds, and the municipal indigent drivers interlock 6828
and alcohol monitoring funds that are required to be established 6829
by counties and municipal corporations pursuant to this section, 6830
and shall be used only to pay the cost of an immobilizing or 6831
disabling device, including a certified ignition interlock 6832
device, or an alcohol monitoring device used by an offender or 6833
juvenile offender who is ordered to use the device by a county, 6834

juvenile, or municipal court judge and who is determined by the 6835
county, juvenile, or municipal court judge not to have the means 6836
to pay for the person's use of the device. 6837

(3) If a person's driver's or commercial driver's license 6838
or permit is suspended under this section, under section 6839
4511.196 or division (G) of section 4511.19 of the Revised Code, 6840
under section 4510.07 of the Revised Code for a violation of a 6841
municipal OVI ordinance or under any combination of the 6842
suspensions described in division (F) (3) of this section, and if 6843
the suspensions arise from a single incident or a single set of 6844
facts and circumstances, the person is liable for payment of, 6845
and shall be required to pay to the registrar or an eligible 6846
deputy registrar, only one reinstatement fee of four hundred 6847
seventy-five dollars. The reinstatement fee shall be distributed 6848
by the bureau in accordance with division (F) (2) of this 6849
section. 6850

(4) The attorney general shall use amounts in the drug 6851
abuse resistance education programs fund to award grants to law 6852
enforcement agencies to establish and implement drug abuse 6853
resistance education programs in public schools. Grants awarded 6854
to a law enforcement agency under this section shall be used by 6855
the agency to pay for not more than fifty per cent of the amount 6856
of the salaries of law enforcement officers who conduct drug 6857
abuse resistance education programs in public schools. The 6858
attorney general shall not use more than six per cent of the 6859
amounts the attorney general's office receives under division 6860
(F) (2) (e) of this section to pay the costs it incurs in 6861
administering the grant program established by division (F) (2) 6862
(e) of this section and in providing training and materials 6863
relating to drug abuse resistance education programs. 6864

The attorney general shall report to the governor and the
general assembly each fiscal year on the progress made in
establishing and implementing drug abuse resistance education
programs. These reports shall include an evaluation of the
effectiveness of these programs.

(5) In addition to the reinstatement fee under this
section, if the person pays the reinstatement fee to a deputy
registrar, the deputy registrar shall collect a service fee of
ten dollars to compensate the deputy registrar for services
performed under this section. The deputy registrar shall retain
eight dollars of the service fee and shall transmit the
reinstatement fee, plus two dollars of the service fee, to the
registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under
division (B) or (C) of this section shall be concurrent with any
period of disqualification under section 3123.611 or 4506.16 of
the Revised Code or any period of suspension under section
3123.58 of the Revised Code. No person who is disqualified for
life from holding a commercial driver's license under section
4506.16 of the Revised Code shall be issued a driver's license
under Chapter 4507. of the Revised Code during the period for
which the commercial driver's license was suspended under
division (B) or (C) of this section. No person whose commercial
driver's license is suspended under division (B) or (C) of this
section shall be issued a driver's license under Chapter 4507.
of the Revised Code during the period of the suspension.

(H) (1) Each county shall establish an indigent drivers
alcohol treatment fund and a juvenile indigent drivers alcohol
treatment fund. Each municipal corporation in which there is a
municipal court shall establish an indigent drivers alcohol

treatment fund. All revenue that the general assembly 6895
appropriates to the indigent drivers alcohol treatment fund for 6896
transfer to a county indigent drivers alcohol treatment fund, a 6897
county juvenile indigent drivers alcohol treatment fund, or a 6898
municipal indigent drivers alcohol treatment fund, all portions 6899
of fees that are paid under division (F) of this section and 6900
that are credited under that division to the indigent drivers 6901
alcohol treatment fund in the state treasury for a county 6902
indigent drivers alcohol treatment fund, a county juvenile 6903
indigent drivers alcohol treatment fund, or a municipal indigent 6904
drivers alcohol treatment fund, all portions of additional costs 6905
imposed under section 2949.094 of the Revised Code that are 6906
specified for deposit into a county, county juvenile, or 6907
municipal indigent drivers alcohol treatment fund by that 6908
section, and all portions of fines that are specified for 6909
deposit into a county or municipal indigent drivers alcohol 6910
treatment fund by section 4511.193 of the Revised Code shall be 6911
deposited into that county indigent drivers alcohol treatment 6912
fund, county juvenile indigent drivers alcohol treatment fund, 6913
or municipal indigent drivers alcohol treatment fund. The 6914
portions of the fees paid under division (F) of this section 6915
that are to be so deposited shall be determined in accordance 6916
with division (H) (2) of this section. Additionally, all portions 6917
of fines that are paid for a violation of section 4511.19 of the 6918
Revised Code or of any prohibition contained in Chapter 4510. of 6919
the Revised Code, and that are required under section 4511.19 or 6920
any provision of Chapter 4510. of the Revised Code to be 6921
deposited into a county indigent drivers alcohol treatment fund 6922
or municipal indigent drivers alcohol treatment fund shall be 6923
deposited into the appropriate fund in accordance with the 6924
applicable division of the section or provision. 6925

(2) That portion of the license reinstatement fee that is 6926
paid under division (F) of this section and that is credited 6927
under that division to the indigent drivers alcohol treatment 6928
fund shall be deposited into a county indigent drivers alcohol 6929
treatment fund, a county juvenile indigent drivers alcohol 6930
treatment fund, or a municipal indigent drivers alcohol 6931
treatment fund as follows: 6932

(a) Regarding a suspension imposed under this section, 6933
that portion of the fee shall be deposited as follows: 6934

(i) If the fee is paid by a person who was charged in a 6935
county court with the violation that resulted in the suspension 6936
or in the imposition of the court costs, the portion shall be 6937
deposited into the county indigent drivers alcohol treatment 6938
fund under the control of that court; 6939

(ii) If the fee is paid by a person who was charged in a 6940
juvenile court with the violation that resulted in the 6941
suspension or in the imposition of the court costs, the portion 6942
shall be deposited into the county juvenile indigent drivers 6943
alcohol treatment fund established in the county served by the 6944
court; 6945

(iii) If the fee is paid by a person who was charged in a 6946
municipal court with the violation that resulted in the 6947
suspension or in the imposition of the court costs, the portion 6948
shall be deposited into the municipal indigent drivers alcohol 6949
treatment fund under the control of that court. 6950

(b) Regarding a suspension imposed under section 4511.19 6951
of the Revised Code or under section 4510.07 of the Revised Code 6952
for a violation of a municipal OVI ordinance, that portion of 6953
the fee shall be deposited as follows: 6954

(i) If the fee is paid by a person whose license or permit
was suspended by a county court, the portion shall be deposited
into the county indigent drivers alcohol treatment fund under
the control of that court;

(ii) If the fee is paid by a person whose license or
permit was suspended by a municipal court, the portion shall be
deposited into the municipal indigent drivers alcohol treatment
fund under the control of that court.

(3) (a) As used in division (H) (3) of this section,
"indigent person" means a person who is convicted of a violation
of division (A) or (B) of section 4511.19 of the Revised Code or
a substantially similar municipal ordinance or found to be a
juvenile traffic offender by reason of a violation of division
(A) or (B) of section 4511.19 of the Revised Code or a
substantially similar municipal ordinance, who is ordered by the
court to attend an alcohol and drug addiction treatment program,
and who is determined by the court under division (H) (5) of this
section to be unable to pay the cost of the assessment or the
cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by
order, may make expenditures from a county indigent drivers
alcohol treatment fund, a county juvenile indigent drivers
alcohol treatment fund, or a municipal indigent drivers alcohol
treatment fund with respect to an indigent person for any of the
following:

(i) To pay the cost of an assessment that is conducted by
an appropriately licensed clinician at either a driver
intervention program that is certified under section 5119.38 of
the Revised Code or at a community addiction services provider
whose alcohol and drug addiction services are certified under

section 5119.36 of the Revised Code; 6985

(ii) To pay the cost of alcohol addiction services, drug 6986
addiction services, or integrated alcohol and drug addiction 6987
services at a community addiction services provider whose 6988
alcohol and drug addiction services are certified under section 6989
5119.36 of the Revised Code; 6990

(iii) To pay the cost of transportation to attend an 6991
assessment as provided under division (H) (3) (b) (i) of this 6992
section or addiction services as provided under division (H) (3) 6993
(b) (ii) of this section. 6994

The alcohol and drug addiction services board or the board 6995
of alcohol, drug addiction, and mental health services 6996
established pursuant to section 340.02 or 340.021 of the Revised 6997
Code and serving the alcohol, drug addiction, and mental health 6998
service district in which the court is located shall administer 6999
the indigent drivers alcohol treatment program of the court. 7000
When a court orders an offender or juvenile traffic offender to 7001
obtain an assessment or attend an alcohol and drug addiction 7002
treatment program, the board shall determine which program is 7003
suitable to meet the needs of the offender or juvenile traffic 7004
offender, and when a suitable program is located and space is 7005
available at the program, the offender or juvenile traffic 7006
offender shall attend the program designated by the board. A 7007
reasonable amount not to exceed five per cent of the amounts 7008
credited to and deposited into the county indigent drivers 7009
alcohol treatment fund, the county juvenile indigent drivers 7010
alcohol treatment fund, or the municipal indigent drivers 7011
alcohol treatment fund serving every court whose program is 7012
administered by that board shall be paid to the board to cover 7013
the costs it incurs in administering those indigent drivers 7014

alcohol treatment programs. 7015

(c) Upon exhaustion of moneys in the indigent drivers 7016
interlock and alcohol monitoring fund for the use of an alcohol 7017
monitoring device, a county, juvenile, or municipal court judge 7018
may use moneys in the county indigent drivers alcohol treatment 7019
fund, county juvenile indigent drivers alcohol treatment fund, 7020
or municipal indigent drivers alcohol treatment fund in either 7021
of the following manners: 7022

(i) If the source of the moneys was an appropriation of 7023
the general assembly, a portion of a fee that was paid under 7024
division (F) of this section, a portion of a fine that was 7025
specified for deposit into the fund by section 4511.193 of the 7026
Revised Code, or a portion of a fine that was paid for a 7027
violation of section 4511.19 of the Revised Code or of a 7028
provision contained in Chapter 4510. of the Revised Code that 7029
was required to be deposited into the fund, to pay for the 7030
continued use of an alcohol monitoring device by an offender or 7031
juvenile traffic offender, in conjunction with a treatment 7032
program approved by the department of mental health and 7033
addiction services, when such use is determined clinically 7034
necessary by the treatment program and when the court determines 7035
that the offender or juvenile traffic offender is unable to pay 7036
all or part of the daily monitoring or cost of the device; 7037

(ii) If the source of the moneys was a portion of an 7038
additional court cost imposed under section 2949.094 of the 7039
Revised Code, to pay for the continued use of an alcohol 7040
monitoring device by an offender or juvenile traffic offender 7041
when the court determines that the offender or juvenile traffic 7042
offender is unable to pay all or part of the daily monitoring or 7043
cost of the device. The moneys may be used for a device as 7044

described in this division if the use of the device is in 7045
conjunction with a treatment program approved by the department 7046
of mental health and addiction services, when the use of the 7047
device is determined clinically necessary by the treatment 7048
program, but the use of a device is not required to be in 7049
conjunction with a treatment program approved by the department 7050
in order for the moneys to be used for the device as described 7051
in this division. 7052

(4) If a county, juvenile, or municipal court determines, 7053
in consultation with the alcohol and drug addiction services 7054
board or the board of alcohol, drug addiction, and mental health 7055
services established pursuant to section 340.02 or 340.021 of 7056
the Revised Code and serving the alcohol, drug addiction, and 7057
mental health district in which the court is located, that the 7058
funds in the county indigent drivers alcohol treatment fund, the 7059
county juvenile indigent drivers alcohol treatment fund, or the 7060
municipal indigent drivers alcohol treatment fund under the 7061
control of the court are more than sufficient to satisfy the 7062
purpose for which the fund was established, as specified in 7063
divisions (H) (1) to (3) of this section, the court may declare a 7064
surplus in the fund. If the court declares a surplus in the 7065
fund, the court may take one or more of the following actions 7066
with regard to the amount of the surplus in the fund: 7067

(a) Expend any of the surplus amount for alcohol and drug 7068
abuse assessment and treatment, and for the cost of 7069
transportation related to assessment and treatment, of persons 7070
who are charged in the court with committing a criminal offense 7071
or with being a delinquent child or juvenile traffic offender 7072
and in relation to whom both of the following apply: 7073

(i) The court determines that substance abuse was a 7074

contributing factor leading to the criminal or delinquent 7075
activity or the juvenile traffic offense with which the person 7076
is charged. 7077

(ii) The court determines that the person is unable to pay 7078
the cost of the alcohol and drug abuse assessment and treatment 7079
for which the surplus money will be used. 7080

(b) Expend any of the surplus amount to pay all or part of 7081
the cost of purchasing alcohol monitoring devices to be used in 7082
conjunction with division (H) (3) (c) of this section, upon 7083
exhaustion of moneys in the indigent drivers interlock and 7084
alcohol monitoring fund for the use of an alcohol monitoring 7085
device. 7086

(c) Transfer to another court in the same county any of 7087
the surplus amount to be utilized in a manner consistent with 7088
division (H) (3) of this section. If surplus funds are 7089
transferred to another court, the court that transfers the funds 7090
shall notify the alcohol and drug addiction services board or 7091
the board of alcohol, drug addiction, and mental health services 7092
that serves the alcohol, drug addiction, and mental health 7093
service district in which that court is located. 7094

(d) Transfer to the alcohol and drug addiction services 7095
board or the board of alcohol, drug addiction, and mental health 7096
services that serves the alcohol, drug addiction, and mental 7097
health service district in which the court is located any of the 7098
surplus amount to be utilized in a manner consistent with 7099
division (H) (3) of this section or for board contracted recovery 7100
support services. 7101

(e) Expend any of the surplus amount for the cost of 7102
staffing, equipment, training, drug testing, supplies, and other 7103

expenses of any specialized docket program established within 7104
the court and certified by the supreme court. 7105

(5) In order to determine if an offender does not have the 7106
means to pay for the offender's attendance at an alcohol and 7107
drug addiction treatment program for purposes of division (H) (3) 7108
of this section or if an alleged offender or delinquent child is 7109
unable to pay the costs specified in division (H) (4) of this 7110
section, the court shall use the indigent client eligibility 7111
guidelines and the standards of indigency established by the 7112
state public defender to make the determination. 7113

(6) The court shall identify and refer any community 7114
addiction services provider that intends to provide alcohol and 7115
drug addiction services and has not had its alcohol and drug 7116
addiction services certified under section 5119.36 of the 7117
Revised Code and that is interested in receiving amounts from 7118
the surplus in the fund declared under division (H) (4) of this 7119
section to the department of mental health and addiction 7120
services in order for the community addiction services provider 7121
to have its alcohol and drug addiction services certified by the 7122
department. The department shall keep a record of applicant 7123
referrals received pursuant to this division and shall submit a 7124
report on the referrals each year to the general assembly. If a 7125
community addiction services provider interested in having its 7126
alcohol and drug addiction services certified makes an 7127
application pursuant to section 5119.36 of the Revised Code, the 7128
community addiction services provider is eligible to receive 7129
surplus funds as long as the application is pending with the 7130
department. The department of mental health and addiction 7131
services must offer technical assistance to the applicant. If 7132
the interested community addiction services provider withdraws 7133
the certification application, the department must notify the 7134

court, and the court shall not provide the interested community 7135
addiction services provider with any further surplus funds. 7136

(7) (a) Each alcohol and drug addiction services board and 7137
board of alcohol, drug addiction, and mental health services 7138
established pursuant to section 340.02 or 340.021 of the Revised 7139
Code shall submit to the department of mental health and 7140
addiction services an annual report for each indigent drivers 7141
alcohol treatment fund in that board's area. 7142

(b) The report, which shall be submitted not later than 7143
sixty days after the end of the state fiscal year, shall provide 7144
the total payment that was made from the fund, including the 7145
number of indigent consumers that received treatment services 7146
and the number of indigent consumers that received an alcohol 7147
monitoring device. The report shall identify the treatment 7148
program and expenditure for an alcohol monitoring device for 7149
which that payment was made. The report shall include the fiscal 7150
year balance of each indigent drivers alcohol treatment fund 7151
located in that board's area. In the event that a surplus is 7152
declared in the fund pursuant to division (H) (4) of this 7153
section, the report also shall provide the total payment that 7154
was made from the surplus moneys and identify the authorized 7155
purpose for which that payment was made. 7156

(c) If a board is unable to obtain adequate information to 7157
develop the report to submit to the department for a particular 7158
indigent drivers alcohol treatment fund, the board shall submit 7159
a report detailing the effort made in obtaining the information. 7160

(I) (1) Each county shall establish an indigent drivers 7161
interlock and alcohol monitoring fund and a juvenile indigent 7162
drivers interlock and alcohol treatment fund. Each municipal 7163
corporation in which there is a municipal court shall establish 7164

an indigent drivers interlock and alcohol monitoring fund. All 7165
revenue that the general assembly appropriates to the indigent 7166
drivers interlock and alcohol monitoring fund for transfer to a 7167
county indigent drivers interlock and alcohol monitoring fund, a 7168
county juvenile indigent drivers interlock and alcohol 7169
monitoring fund, or a municipal indigent drivers interlock and 7170
alcohol monitoring fund, all portions of license reinstatement 7171
fees that are paid under division (F) (2) of this section and 7172
that are credited under that division to the indigent drivers 7173
interlock and alcohol monitoring fund in the state treasury, and 7174
all portions of fines that are paid under division (G) of 7175
section 4511.19 of the Revised Code and that are credited by 7176
division (G) (5) (e) of that section to the indigent drivers 7177
interlock and alcohol monitoring fund in the state treasury 7178
shall be deposited in the appropriate fund in accordance with 7179
division (I) (2) of this section. 7180

(2) That portion of the license reinstatement fee that is 7181
paid under division (F) of this section and that portion of the 7182
fine paid under division (G) of section 4511.19 of the Revised 7183
Code and that is credited under either division to the indigent 7184
drivers interlock and alcohol monitoring fund shall be deposited 7185
into a county indigent drivers interlock and alcohol monitoring 7186
fund, a county juvenile indigent drivers interlock and alcohol 7187
monitoring fund, or a municipal indigent drivers interlock and 7188
alcohol monitoring fund as follows: 7189

(a) If the fee or fine is paid by a person who was charged 7190
in a county court with the violation that resulted in the 7191
suspension or fine, the portion shall be deposited into the 7192
county indigent drivers interlock and alcohol monitoring fund 7193
under the control of that court. 7194

(b) If the fee or fine is paid by a person who was charged 7195
in a juvenile court with the violation that resulted in the 7196
suspension or fine, the portion shall be deposited into the 7197
county juvenile indigent drivers interlock and alcohol 7198
monitoring fund established in the county served by the court. 7199

(c) If the fee or fine is paid by a person who was charged 7200
in a municipal court with the violation that resulted in the 7201
suspension, the portion shall be deposited into the municipal 7202
indigent drivers interlock and alcohol monitoring fund under the 7203
control of that court. 7204

(3) If a county, juvenile, or municipal court determines 7205
that the funds in the county indigent drivers interlock and 7206
alcohol monitoring fund, the county juvenile indigent drivers 7207
interlock and alcohol monitoring fund, or the municipal indigent 7208
drivers interlock and alcohol monitoring fund under the control 7209
of that court are more than sufficient to satisfy the purpose 7210
for which the fund was established as specified in division (F) 7211
(2)(h) of this section, the court may declare a surplus in the 7212
fund. The court then may order the transfer of a specified 7213
amount into the county indigent drivers alcohol treatment fund, 7214
the county juvenile indigent drivers alcohol treatment fund, or 7215
the municipal indigent drivers alcohol treatment fund under the 7216
control of that court to be utilized in accordance with division 7217
(H) of this section. 7218

Sec. 4511.192. (A) Except as provided in division (A) (5) 7219
of section 4511.191 of the Revised Code, the arresting law 7220
enforcement officer shall give advice in accordance with this 7221
section to any person under arrest for a violation of division 7222
(A) or (B) of section 4511.19 of the Revised Code, section 7223
4511.194 of the Revised Code or a substantially equivalent 7224

municipal ordinance, or a municipal OVI ordinance. The officer 7225
shall give that advice in a written form that contains the 7226
information described in division (B) of this section and shall 7227
read the advice to the person. The form shall contain a 7228
statement that the form was shown to the person under arrest and 7229
read to the person by the arresting officer. One or more persons 7230
shall witness the arresting officer's reading of the form, and 7231
the witnesses shall certify to this fact by signing the form. 7232
The person must submit to the chemical test or tests, subsequent 7233
to the request of the arresting officer, within two hours of the 7234
time of the alleged violation and, if the person does not submit 7235
to the test or tests within that two-hour time limit, the 7236
failure to submit automatically constitutes a refusal to submit 7237
to the test or tests. 7238

(B) Except as provided in division (A) (5) of section 7239
4511.191 of the Revised Code, if a person is under arrest as 7240
described in division (A) of this section, before the person may 7241
be requested to submit to a chemical test or tests to determine 7242
the alcohol, drug of abuse, controlled substance, metabolite of 7243
a controlled substance, or combination content of the person's 7244
whole blood, blood serum or plasma, breath, oral fluid, or 7245
urine, the arresting officer shall read the following form to 7246
the person: 7247

"You now are under arrest for (specifically state the 7248
offense under state law or a substantially equivalent municipal 7249
ordinance for which the person was arrested - operating a 7250
vehicle under the influence of alcohol, a drug, or a combination 7251
of them; operating a vehicle while under the influence of a 7252
listed controlled substance or a listed metabolite of a 7253
controlled substance; operating a vehicle after underage alcohol 7254
consumption; or having physical control of a vehicle while under 7255

the influence). 7256

If you refuse to take any chemical test required by law, 7257
your Ohio driving privileges will be suspended immediately, and 7258
you will have to pay a fee to have the privileges reinstated. If 7259
you have a prior conviction of OVI or operating a vehicle while 7260
under the influence of a listed controlled substance or a listed 7261
metabolite of a controlled substance under state or municipal 7262
law within the preceding twenty years, you now are under arrest 7263
for state OVI, and, if you refuse to take a chemical test, you 7264
will face increased penalties if you subsequently are convicted 7265
of the state OVI. 7266

(Read this part unless the person is under arrest for 7267
solely having physical control of a vehicle while under the 7268
influence.) If you take any chemical test required by law and 7269
are found to be at or over the prohibited amount of alcohol, a 7270
controlled substance, or a metabolite of a controlled substance 7271
in your whole blood, blood serum or plasma, breath, or urine as 7272
set by law, your Ohio driving privileges will be suspended 7273
immediately, and you will have to pay a fee to have the 7274
privileges reinstated. 7275

If you take a chemical test, you may have an independent 7276
chemical test taken at your own expense." 7277

(C) If the arresting law enforcement officer does not ask 7278
a person under arrest as described in division (A) of this 7279
section or division (A) (5) of section 4511.191 of the Revised 7280
Code to submit to a chemical test or tests under section 7281
4511.191 of the Revised Code, the arresting officer shall seize 7282
the Ohio or out-of-state driver's or commercial driver's license 7283
or permit of the person and immediately forward it to the court 7284
in which the arrested person is to appear on the charge. If the 7285

arrested person is not in possession of the person's license or 7286
permit or it is not in the person's vehicle, the officer shall 7287
order the person to surrender it to the law enforcement agency 7288
that employs the officer within twenty-four hours after the 7289
arrest, and, upon the surrender, the agency immediately shall 7290
forward the license or permit to the court in which the person 7291
is to appear on the charge. Upon receipt of the license or 7292
permit, the court shall retain it pending the arrested person's 7293
initial appearance and any action taken under section 4511.196 7294
of the Revised Code. 7295

(D) (1) If a law enforcement officer asks a person under 7296
arrest as described in division (A) (5) of section 4511.191 of 7297
the Revised Code to submit to a chemical test or tests under 7298
that section and the test results indicate a prohibited 7299
concentration of alcohol, a controlled substance, or a 7300
metabolite of a controlled substance in the person's whole 7301
blood, blood serum or plasma, breath, or urine at the time of 7302
the alleged offense, or if a law enforcement officer asks a 7303
person under arrest as described in division (A) of this section 7304
to submit to a chemical test or tests under section 4511.191 of 7305
the Revised Code, the officer advises the person in accordance 7306
with this section of the consequences of the person's refusal or 7307
submission, and either the person refuses to submit to the test 7308
or tests or, unless the arrest was for a violation of section 7309
4511.194 of the Revised Code or a substantially equivalent 7310
municipal ordinance, the person submits to the test or tests and 7311
the test results indicate a prohibited concentration of alcohol, 7312
a controlled substance, or a metabolite of a controlled 7313
substance in the person's whole blood, blood serum or plasma, 7314
breath, or urine at the time of the alleged offense, the 7315
arresting officer shall do all of the following: 7316

(a) On behalf of the registrar of motor vehicles, notify 7317
the person that, independent of any penalties or sanctions 7318
imposed upon the person, the person's Ohio driver's or 7319
commercial driver's license or permit or nonresident operating 7320
privilege is suspended immediately, that the suspension will 7321
last at least until the person's initial appearance on the 7322
charge, which will be held within five days after the date of 7323
the person's arrest or the issuance of a citation to the person, 7324
and that the person may appeal the suspension at the initial 7325
appearance or during the period of time ending thirty days after 7326
that initial appearance; 7327

(b) Seize the driver's or commercial driver's license or 7328
permit of the person and immediately forward it to the 7329
registrar. If the arrested person is not in possession of the 7330
person's license or permit or it is not in the person's vehicle, 7331
the officer shall order the person to surrender it to the law 7332
enforcement agency that employs the officer within twenty-four 7333
hours after the person is given notice of the suspension, and, 7334
upon the surrender, the officer's employing agency immediately 7335
shall forward the license or permit to the registrar. 7336

(c) Verify the person's current residence and, if it 7337
differs from that on the person's driver's or commercial 7338
driver's license or permit, notify the registrar of the change; 7339

(d) Send to the registrar, within forty-eight hours after 7340
the arrest of the person, a sworn report that includes all of 7341
the following statements: 7342

(i) That the officer had reasonable grounds to believe 7343
that, at the time of the arrest, the arrested person was 7344
operating a vehicle, streetcar, or trackless trolley in 7345
violation of division (A) or (B) of section 4511.19 of the 7346

Revised Code or a municipal OVI ordinance or for being in 7347
physical control of a stationary vehicle, streetcar, or 7348
trackless trolley in violation of section 4511.194 of the 7349
Revised Code or a substantially equivalent municipal ordinance; 7350

(ii) That the person was arrested and charged with a 7351
violation of division (A) or (B) of section 4511.19 of the 7352
Revised Code, section 4511.194 of the Revised Code or a 7353
substantially equivalent municipal ordinance, or a municipal OVI 7354
ordinance; 7355

(iii) Unless division (D) (1) (d) (v) of this section 7356
applies, that the officer asked the person to take the 7357
designated chemical test or tests, advised the person in 7358
accordance with this section of the consequences of submitting 7359
to, or refusing to take, the test or tests, and gave the person 7360
the form described in division (B) of this section; 7361

(iv) Unless division (D) (1) (d) (v) of this section applies, 7362
that either the person refused to submit to the chemical test or 7363
tests or, unless the arrest was for a violation of section 7364
4511.194 of the Revised Code or a substantially equivalent 7365
municipal ordinance, the person submitted to the chemical test 7366
or tests and the test results indicate a prohibited 7367
concentration of alcohol, a controlled substance, or a 7368
metabolite of a controlled substance in the person's whole 7369
blood, blood serum or plasma, breath, or urine at the time of 7370
the alleged offense; 7371

(v) If the person was under arrest as described in 7372
division (A) (5) of section 4511.191 of the Revised Code and the 7373
chemical test or tests were performed in accordance with that 7374
division, that the person was under arrest as described in that 7375
division, that the chemical test or tests were performed in 7376

accordance with that division, and that test results indicated a 7377
prohibited concentration of alcohol, a controlled substance, or 7378
a metabolite of a controlled substance in the person's whole 7379
blood, blood serum or plasma, breath, or urine at the time of 7380
the alleged offense. 7381

(2) Division (D)(1) of this section does not apply to a 7382
person who is arrested for a violation of section 4511.194 of 7383
the Revised Code or a substantially equivalent municipal 7384
ordinance, who is asked by a law enforcement officer to submit 7385
to a chemical test or tests under section 4511.191 of the 7386
Revised Code, and who submits to the test or tests, regardless 7387
of the amount of alcohol, a controlled substance, or a 7388
metabolite of a controlled substance that the test results 7389
indicate is present in the person's whole blood, blood serum or 7390
plasma, breath, oral fluid, or urine. 7391

(E) The arresting officer shall give the officer's sworn 7392
report that is completed under this section to the arrested 7393
person at the time of the arrest, or the registrar of motor 7394
vehicles shall send the report to the person by regular first 7395
class mail as soon as possible after receipt of the report, but 7396
not later than fourteen days after receipt of it. An arresting 7397
officer may give an unsworn report to the arrested person at the 7398
time of the arrest provided the report is complete when given to 7399
the arrested person and subsequently is sworn to by the 7400
arresting officer. As soon as possible, but not later than 7401
forty-eight hours after the arrest of the person, the arresting 7402
officer shall send a copy of the sworn report to the court in 7403
which the arrested person is to appear on the charge for which 7404
the person was arrested. 7405

(F) The sworn report of an arresting officer completed 7406

under this section is prima-facie proof of the information and 7407
statements that it contains. It shall be admitted and considered 7408
as prima-facie proof of the information and statements that it 7409
contains in any appeal under section 4511.197 of the Revised 7410
Code relative to any suspension of a person's driver's or 7411
commercial driver's license or permit or nonresident operating 7412
privilege that results from the arrest covered by the report. 7413

Section 2. That existing sections 1547.11, 1547.111, 7414
2317.02, 2317.022, 2925.01, 2925.03, 2925.11, 2929.14, 7415
2941.1422, 3313.60, 3314.03, 3326.11, 3328.24, 3701.143, 7416
3705.08, 4506.17, 4511.19, 4511.191, and 4511.192 of the Revised 7417
Code are hereby repealed. 7418

Section 3. That the version of section 3314.03 of the 7419
Revised Code that is scheduled to take effect January 1, 2025, 7420
be amended to read as follows: 7421

Sec. 3314.03. A copy of every contract entered into under 7422
this section shall be filed with the director of education and 7423
workforce. The department of education and workforce shall make 7424
available on its web site a copy of every approved, executed 7425
contract filed with the director under this section. 7426

(A) Each contract entered into between a sponsor and the 7427
governing authority of a community school shall specify the 7428
following: 7429

(1) That the school shall be established as either of the 7430
following: 7431

(a) A nonprofit corporation established under Chapter 7432
1702. of the Revised Code, if established prior to April 8, 7433
2003; 7434

(b) A public benefit corporation established under Chapter 7435

1702. of the Revised Code, if established after April 8, 2003. 7436

(2) The education program of the school, including the 7437
school's mission, the characteristics of the students the school 7438
is expected to attract, the ages and grades of students, and the 7439
focus of the curriculum; 7440

(3) The academic goals to be achieved and the method of 7441
measurement that will be used to determine progress toward those 7442
goals, which shall include the statewide achievement 7443
assessments; 7444

(4) Performance standards, including but not limited to 7445
all applicable report card measures set forth in section 3302.03 7446
or 3314.017 of the Revised Code, by which the success of the 7447
school will be evaluated by the sponsor; 7448

(5) The admission standards of section 3314.06 of the 7449
Revised Code and, if applicable, section 3314.061 of the Revised 7450
Code; 7451

(6) (a) Dismissal procedures; 7452

(b) A requirement that the governing authority adopt an 7453
attendance policy that includes a procedure for automatically 7454
withdrawing a student from the school if the student without a 7455
legitimate excuse fails to participate in seventy-two 7456
consecutive hours of the learning opportunities offered to the 7457
student. 7458

(7) The ways by which the school will achieve racial and 7459
ethnic balance reflective of the community it serves; 7460

(8) Requirements for financial audits by the auditor of 7461
state. The contract shall require financial records of the 7462
school to be maintained in the same manner as are financial 7463

records of school districts, pursuant to rules of the auditor of 7464
state. Audits shall be conducted in accordance with section 7465
117.10 of the Revised Code. 7466

(9) An addendum to the contract outlining the facilities 7467
to be used that contains at least the following information: 7468

(a) A detailed description of each facility used for 7469
instructional purposes; 7470

(b) The annual costs associated with leasing each facility 7471
that are paid by or on behalf of the school; 7472

(c) The annual mortgage principal and interest payments 7473
that are paid by the school; 7474

(d) The name of the lender or landlord, identified as 7475
such, and the lender's or landlord's relationship to the 7476
operator, if any. 7477

(10) Qualifications of employees, including both of the 7478
following: 7479

(a) A requirement that the school's classroom teachers be 7480
licensed in accordance with sections 3319.22 to 3319.31 of the 7481
Revised Code, except that a community school may engage 7482
noncertificated persons to teach up to twelve hours or forty 7483
hours per week pursuant to section 3319.301 of the Revised Code; 7484

(b) A prohibition against the school employing an 7485
individual described in section 3314.104 of the Revised Code in 7486
any position. 7487

(11) That the school will comply with the following 7488
requirements: 7489

(a) The school will provide learning opportunities to a 7490

minimum of twenty-five students for a minimum of nine hundred 7491
twenty hours per school year. 7492

(b) The governing authority will purchase liability 7493
insurance, or otherwise provide for the potential liability of 7494
the school. 7495

(c) The school will be nonsectarian in its programs, 7496
admission policies, employment practices, and all other 7497
operations, and will not be operated by a sectarian school or 7498
religious institution. 7499

(d) The school will comply with sections 9.90, 9.91, 7500
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 7501
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 7502
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 7503
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 7504
3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 7505
3313.6029, 3313.6030, 3313.6031, 3313.643, 3313.648, 3313.6411, 7506
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 7507
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 7508
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 7509
3313.7112, 3313.7117, 3313.721, 3313.80, 3313.814, 3313.816, 7510
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 7511
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 7512
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 7513
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 7514
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 7515
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 7516
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 7517
4123., 4141., and 4167. of the Revised Code as if it were a 7518
school district and will comply with section 3301.0714 of the 7519
Revised Code in the manner specified in section 3314.17 of the 7520

Revised Code. 7521

(e) The school shall comply with Chapter 102. and section 7522
2921.42 of the Revised Code. 7523

(f) The school will comply with sections 3313.61, 7524
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 7525
Revised Code, except that for students who enter ninth grade for 7526
the first time before July 1, 2010, the requirement in sections 7527
3313.61 and 3313.611 of the Revised Code that a person must 7528
successfully complete the curriculum in any high school prior to 7529
receiving a high school diploma may be met by completing the 7530
curriculum adopted by the governing authority of the community 7531
school rather than the curriculum specified in Title XXXVIII of 7532
the Revised Code or any rules of the department. Beginning with 7533
students who enter ninth grade for the first time on or after 7534
July 1, 2010, the requirement in sections 3313.61 and 3313.611 7535
of the Revised Code that a person must successfully complete the 7536
curriculum of a high school prior to receiving a high school 7537
diploma shall be met by completing the requirements prescribed 7538
in section 3313.6027 and division (C) of section 3313.603 of the 7539
Revised Code, unless the person qualifies under division (D) or 7540
(F) of that section. Each school shall comply with the plan for 7541
awarding high school credit based on demonstration of subject 7542
area competency, and beginning with the 2017-2018 school year, 7543
with the updated plan that permits students enrolled in seventh 7544
and eighth grade to meet curriculum requirements based on 7545
subject area competency adopted by the department under 7546
divisions (J) (1) and (2) of section 3313.603 of the Revised 7547
Code. Beginning with the 2018-2019 school year, the school shall 7548
comply with the framework for granting units of high school 7549
credit to students who demonstrate subject area competency 7550
through work-based learning experiences, internships, or 7551

cooperative education developed by the department under division 7552
(J) (3) of section 3313.603 of the Revised Code. 7553

(g) The school governing authority will submit within four 7554
months after the end of each school year a report of its 7555
activities and progress in meeting the goals and standards of 7556
divisions (A) (3) and (4) of this section and its financial 7557
status to the sponsor and the parents of all students enrolled 7558
in the school. 7559

(h) The school, unless it is an internet- or computer- 7560
based community school, will comply with section 3313.801 of the 7561
Revised Code as if it were a school district. 7562

(i) If the school is the recipient of moneys from a grant 7563
awarded under the federal race to the top program, Division (A), 7564
Title XIV, Sections 14005 and 14006 of the "American Recovery 7565
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 7566
the school will pay teachers based upon performance in 7567
accordance with section 3317.141 and will comply with section 7568
3319.111 of the Revised Code as if it were a school district. 7569

(j) If the school operates a preschool program that is 7570
licensed by the department under sections 3301.52 to 3301.59 of 7571
the Revised Code, the school shall comply with sections 3301.50 7572
to 3301.59 of the Revised Code and the minimum standards for 7573
preschool programs prescribed in rules adopted by the department 7574
of children and youth under section 3301.53 of the Revised Code. 7575

(k) The school will comply with sections 3313.6021 and 7576
3313.6023 of the Revised Code as if it were a school district 7577
unless it is either of the following: 7578

(i) An internet- or computer-based community school; 7579

(ii) A community school in which a majority of the 7580

enrolled students are children with disabilities as described in 7581
division (A) (4) (b) of section 3314.35 of the Revised Code. 7582

(1) The school will comply with section 3321.191 of the 7583
Revised Code, unless it is an internet- or computer-based 7584
community school that is subject to section 3314.261 of the 7585
Revised Code. 7586

(12) Arrangements for providing health and other benefits 7587
to employees; 7588

(13) The length of the contract, which shall begin at the 7589
beginning of an academic year. No contract shall exceed five 7590
years unless such contract has been renewed pursuant to division 7591
(E) of this section. 7592

(14) The governing authority of the school, which shall be 7593
responsible for carrying out the provisions of the contract; 7594

(15) A financial plan detailing an estimated school budget 7595
for each year of the period of the contract and specifying the 7596
total estimated per pupil expenditure amount for each such year. 7597

(16) Requirements and procedures regarding the disposition 7598
of employees of the school in the event the contract is 7599
terminated or not renewed pursuant to section 3314.07 of the 7600
Revised Code; 7601

(17) Whether the school is to be created by converting all 7602
or part of an existing public school or educational service 7603
center building or is to be a new start-up school, and if it is 7604
a converted public school or service center building, 7605
specification of any duties or responsibilities of an employer 7606
that the board of education or service center governing board 7607
that operated the school or building before conversion is 7608
delegating to the governing authority of the community school 7609

with respect to all or any specified group of employees provided 7610
the delegation is not prohibited by a collective bargaining 7611
agreement applicable to such employees; 7612

(18) Provisions establishing procedures for resolving 7613
disputes or differences of opinion between the sponsor and the 7614
governing authority of the community school; 7615

(19) A provision requiring the governing authority to 7616
adopt a policy regarding the admission of students who reside 7617
outside the district in which the school is located. That policy 7618
shall comply with the admissions procedures specified in 7619
sections 3314.06 and 3314.061 of the Revised Code and, at the 7620
sole discretion of the authority, shall do one of the following: 7621

(a) Prohibit the enrollment of students who reside outside 7622
the district in which the school is located; 7623

(b) Permit the enrollment of students who reside in 7624
districts adjacent to the district in which the school is 7625
located; 7626

(c) Permit the enrollment of students who reside in any 7627
other district in the state. 7628

(20) A provision recognizing the authority of the 7629
department to take over the sponsorship of the school in 7630
accordance with the provisions of division (C) of section 7631
3314.015 of the Revised Code; 7632

(21) A provision recognizing the sponsor's authority to 7633
assume the operation of a school under the conditions specified 7634
in division (B) of section 3314.073 of the Revised Code; 7635

(22) A provision recognizing both of the following: 7636

(a) The authority of public health and safety officials to 7637

inspect the facilities of the school and to order the facilities 7638
closed if those officials find that the facilities are not in 7639
compliance with health and safety laws and regulations; 7640

(b) The authority of the department as the community 7641
school oversight body to suspend the operation of the school 7642
under section 3314.072 of the Revised Code if the department has 7643
evidence of conditions or violations of law at the school that 7644
pose an imminent danger to the health and safety of the school's 7645
students and employees and the sponsor refuses to take such 7646
action. 7647

(23) A description of the learning opportunities that will 7648
be offered to students including both classroom-based and non- 7649
classroom-based learning opportunities that is in compliance 7650
with criteria for student participation established by the 7651
department under division (H) (2) of section 3314.08 of the 7652
Revised Code; 7653

(24) The school will comply with sections 3302.04 and 7654
3302.041 of the Revised Code, except that any action required to 7655
be taken by a school district pursuant to those sections shall 7656
be taken by the sponsor of the school. 7657

(25) Beginning in the 2006-2007 school year, the school 7658
will open for operation not later than the thirtieth day of 7659
September each school year, unless the mission of the school as 7660
specified under division (A) (2) of this section is solely to 7661
serve dropouts. In its initial year of operation, if the school 7662
fails to open by the thirtieth day of September, or within one 7663
year after the adoption of the contract pursuant to division (D) 7664
of section 3314.02 of the Revised Code if the mission of the 7665
school is solely to serve dropouts, the contract shall be void. 7666

(26) Whether the school's governing authority is planning 7667
to seek designation for the school as a STEM school equivalent 7668
under section 3326.032 of the Revised Code; 7669

(27) That the school's attendance and participation 7670
policies will be available for public inspection; 7671

(28) That the school's attendance and participation 7672
records shall be made available to the department, auditor of 7673
state, and school's sponsor to the extent permitted under and in 7674
accordance with the "Family Educational Rights and Privacy Act 7675
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 7676
regulations promulgated under that act, and section 3319.321 of 7677
the Revised Code; 7678

(29) If a school operates using the blended learning 7679
model, as defined in section 3301.079 of the Revised Code, all 7680
of the following information: 7681

(a) An indication of what blended learning model or models 7682
will be used; 7683

(b) A description of how student instructional needs will 7684
be determined and documented; 7685

(c) The method to be used for determining competency, 7686
granting credit, and promoting students to a higher grade level; 7687

(d) The school's attendance requirements, including how 7688
the school will document participation in learning 7689
opportunities; 7690

(e) A statement describing how student progress will be 7691
monitored; 7692

(f) A statement describing how private student data will 7693
be protected; 7694

(g) A description of the professional development 7695
activities that will be offered to teachers. 7696

(30) A provision requiring that all moneys the school's 7697
operator loans to the school, including facilities loans or cash 7698
flow assistance, must be accounted for, documented, and bear 7699
interest at a fair market rate; 7700

(31) A provision requiring that, if the governing 7701
authority contracts with an attorney, accountant, or entity 7702
specializing in audits, the attorney, accountant, or entity 7703
shall be independent from the operator with which the school has 7704
contracted. 7705

(32) A provision requiring the governing authority to 7706
adopt an enrollment and attendance policy that requires a 7707
student's parent to notify the community school in which the 7708
student is enrolled when there is a change in the location of 7709
the parent's or student's primary residence. 7710

(33) A provision requiring the governing authority to 7711
adopt a student residence and address verification policy for 7712
students enrolling in or attending the school. 7713

(B) The community school shall also submit to the sponsor 7714
a comprehensive plan for the school. The plan shall specify the 7715
following: 7716

(1) The process by which the governing authority of the 7717
school will be selected in the future; 7718

(2) The management and administration of the school; 7719

(3) If the community school is a currently existing public 7720
school or educational service center building, alternative 7721
arrangements for current public school students who choose not 7722

to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 7723
7724

(4) The instructional program and educational philosophy of the school; 7725
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(5) Internal financial controls. 7727

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school. 7728
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(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. 7732
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(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following: 7742
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(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract; 7746
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(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis; 7749
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7751

(3) Report on an annual basis the results of the 7752
evaluation conducted under division (D) (2) of this section to 7753
the department and to the parents of students enrolled in the 7754
community school; 7755

(4) Provide technical assistance to the community school 7756
in complying with laws applicable to the school and terms of the 7757
contract; 7758

(5) Take steps to intervene in the school's operation to 7759
correct problems in the school's overall performance, declare 7760
the school to be on probationary status pursuant to section 7761
3314.073 of the Revised Code, suspend the operation of the 7762
school pursuant to section 3314.072 of the Revised Code, or 7763
terminate the contract of the school pursuant to section 3314.07 7764
of the Revised Code as determined necessary by the sponsor; 7765

(6) Have in place a plan of action to be undertaken in the 7766
event the community school experiences financial difficulties or 7767
closes prior to the end of a school year. 7768

(E) Upon the expiration of a contract entered into under 7769
this section, the sponsor of a community school may, with the 7770
approval of the governing authority of the school, renew that 7771
contract for a period of time determined by the sponsor, but not 7772
ending earlier than the end of any school year, if the sponsor 7773
finds that the school's compliance with applicable laws and 7774
terms of the contract and the school's progress in meeting the 7775
academic goals prescribed in the contract have been 7776
satisfactory. Any contract that is renewed under this division 7777
remains subject to the provisions of sections 3314.07, 3314.072, 7778
and 3314.073 of the Revised Code. 7779

(F) If a community school fails to open for operation 7780

within one year after the contract entered into under this 7781
section is adopted pursuant to division (D) of section 3314.02 7782
of the Revised Code or permanently closes prior to the 7783
expiration of the contract, the contract shall be void and the 7784
school shall not enter into a contract with any other sponsor. A 7785
school shall not be considered permanently closed because the 7786
operations of the school have been suspended pursuant to section 7787
3314.072 of the Revised Code. 7788

Section 4. That the existing version of section 3314.03 of 7789
the Revised Code that is scheduled to take effect January 1, 7790
2025, is hereby repealed. 7791

Section 5. Sections 3 and 4 of this act take effect on 7792
January 1, 2025. 7793

Section 6. Section 2925.01 of the Revised Code is 7794
presented in this act as a composite of the section as amended 7795
by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General 7796
Assembly. The General Assembly, applying the principle stated in 7797
division (B) of section 1.52 of the Revised Code that amendments 7798
are to be harmonized if reasonably capable of simultaneous 7799
operation, finds that the composite is the resulting version of 7800
the section in effect prior to the effective date of the section 7801
as presented in this act. 7802