

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 624**

**Representative Lipps**

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**A BILL**

To amend sections 9.45, 2925.01, 4710.01, 4710.02, 1  
4710.03, 4710.04, 4712.01, and 4712.99; to 2  
amend, for the purpose of adopting new section 3  
numbers as indicated in parentheses, sections 4  
4710.01 (4712.50), 4710.02 (4712.51), 4710.03 5  
(4712.52), and 4710.04 (4712.53); to enact 6  
sections 4712.502, 4712.54, and 4712.55; and to 7  
repeal section 4710.99 of the Revised Code 8  
regarding debt adjusting. 9

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

**Section 1.** That sections 9.45, 2925.01, 4710.01, 4710.02, 10  
4710.03, 4710.04, 4712.01, and 4712.99 be amended; sections 11  
4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 12  
4710.04 (4712.53) be amended for the purpose of adopting new 13  
section numbers as indicated in parentheses; and sections 14  
4712.502, 4712.54, and 4712.55 of the Revised Code be enacted to 15  
read as follows: 16

**Sec. 9.45.** Notwithstanding section 1321.32 of the Revised 17  
Code, the state and any of its political subdivisions or 18  
instrumentalities may deduct from the wages or salaries of a 19

public employee, as defined in section 9.40 of the Revised Code, 20  
such amounts as are authorized in writing by the employee to a 21  
nonprofit debt pooling company operating pursuant to ~~Chapter~~ 22  
~~4710.~~ sections 4712.50 to 4712.55 of the Revised Code, or a 23  
nonprofit budget and debt counseling service, for payment or 24  
compromise of any account, note, or other indebtedness. Such 25  
authorization may be revoked at any time prior to final payment 26  
by written notice from the employee to the employer. 27

**Sec. 2925.01.** As used in this chapter: 28

(A) "Administer," "controlled substance," "controlled 29  
substance analog," "dispense," "distribute," "hypodermic," 30  
"manufacturer," "official written order," "person," 31  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 32  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 33  
have the same meanings as in section 3719.01 of the Revised 34  
Code. 35

(B) "Drug of abuse" and "person with a drug dependency" 36  
have the same meanings as in section 3719.011 of the Revised 37  
Code. 38

(C) "Drug," "dangerous drug," "licensed health 39  
professional authorized to prescribe drugs," and "prescription" 40  
have the same meanings as in section 4729.01 of the Revised 41  
Code. 42

(D) "Bulk amount" of a controlled substance means any of 43  
the following: 44

(1) For any compound, mixture, preparation, or substance 45  
included in schedule I, schedule II, or schedule III, with the 46  
exception of any controlled substance analog, marihuana, 47  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 48

hashish and except as provided in division (D) (2), (5), or (6) 49  
of this section, whichever of the following is applicable: 50

(a) An amount equal to or exceeding ten grams or twenty- 51  
five unit doses of a compound, mixture, preparation, or 52  
substance that is or contains any amount of a schedule I opiate 53  
or opium derivative; 54

(b) An amount equal to or exceeding ten grams of a 55  
compound, mixture, preparation, or substance that is or contains 56  
any amount of raw or gum opium; 57

(c) An amount equal to or exceeding thirty grams or ten 58  
unit doses of a compound, mixture, preparation, or substance 59  
that is or contains any amount of a schedule I hallucinogen 60  
other than tetrahydrocannabinol or lysergic acid amide, or a 61  
schedule I stimulant or depressant; 62

(d) An amount equal to or exceeding twenty grams or five 63  
times the maximum daily dose in the usual dose range specified 64  
in a standard pharmaceutical reference manual of a compound, 65  
mixture, preparation, or substance that is or contains any 66  
amount of a schedule II opiate or opium derivative; 67

(e) An amount equal to or exceeding five grams or ten unit 68  
doses of a compound, mixture, preparation, or substance that is 69  
or contains any amount of phencyclidine; 70

(f) An amount equal to or exceeding one hundred twenty 71  
grams or thirty times the maximum daily dose in the usual dose 72  
range specified in a standard pharmaceutical reference manual of 73  
a compound, mixture, preparation, or substance that is or 74  
contains any amount of a schedule II stimulant that is in a 75  
final dosage form manufactured by a person authorized by the 76  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 77

U.S.C.A. 301, as amended, and the federal drug abuse control 78  
laws, as defined in section 3719.01 of the Revised Code, that is 79  
or contains any amount of a schedule II depressant substance or 80  
a schedule II hallucinogenic substance; 81

(g) An amount equal to or exceeding three grams of a 82  
compound, mixture, preparation, or substance that is or contains 83  
any amount of a schedule II stimulant, or any of its salts or 84  
isomers, that is not in a final dosage form manufactured by a 85  
person authorized by the Federal Food, Drug, and Cosmetic Act 86  
and the federal drug abuse control laws. 87

(2) An amount equal to or exceeding one hundred twenty 88  
grams or thirty times the maximum daily dose in the usual dose 89  
range specified in a standard pharmaceutical reference manual of 90  
a compound, mixture, preparation, or substance that is or 91  
contains any amount of a schedule III or IV substance other than 92  
an anabolic steroid or a schedule III opiate or opium 93  
derivative; 94

(3) An amount equal to or exceeding twenty grams or five 95  
times the maximum daily dose in the usual dose range specified 96  
in a standard pharmaceutical reference manual of a compound, 97  
mixture, preparation, or substance that is or contains any 98  
amount of a schedule III opiate or opium derivative; 99

(4) An amount equal to or exceeding two hundred fifty 100  
milliliters or two hundred fifty grams of a compound, mixture, 101  
preparation, or substance that is or contains any amount of a 102  
schedule V substance; 103

(5) An amount equal to or exceeding two hundred solid 104  
dosage units, sixteen grams, or sixteen milliliters of a 105  
compound, mixture, preparation, or substance that is or contains 106

any amount of a schedule III anabolic steroid; 107

(6) For any compound, mixture, preparation, or substance 108  
that is a combination of a fentanyl-related compound and any 109  
other compound, mixture, preparation, or substance included in 110  
schedule III, schedule IV, or schedule V, if the defendant is 111  
charged with a violation of section 2925.11 of the Revised Code 112  
and the sentencing provisions set forth in divisions (C) (10) (b) 113  
and (C) (11) of that section will not apply regarding the 114  
defendant and the violation, the bulk amount of the controlled 115  
substance for purposes of the violation is the amount specified 116  
in division (D) (1), (2), (3), (4), or (5) of this section for 117  
the other schedule III, IV, or V controlled substance that is 118  
combined with the fentanyl-related compound. 119

(E) "Unit dose" means an amount or unit of a compound, 120  
mixture, or preparation containing a controlled substance that 121  
is separately identifiable and in a form that indicates that it 122  
is the amount or unit by which the controlled substance is 123  
separately administered to or taken by an individual. 124

(F) "Cultivate" includes planting, watering, fertilizing, 125  
or tilling. 126

(G) "Drug abuse offense" means any of the following: 127

(1) A violation of division (A) of section 2913.02 that 128  
constitutes theft of drugs, or a violation of section 2925.02, 129  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 130  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 131  
or 2925.37 of the Revised Code; 132

(2) A violation of an existing or former law of this or 133  
any other state or of the United States that is substantially 134  
equivalent to any section listed in division (G) (1) of this 135

section;	136
(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;	137 138 139 140 141 142 143
(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section.	144 145 146
(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.	147 148 149
(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:	150 151
(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:	152 153 154 155 156 157
(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	158 159 160 161
(b) Any aerosol propellant;	162
(c) Any fluorocarbon refrigerant;	163

(d) Any anesthetic gas.	164
(2) Gamma Butyrolactone;	165
(3) 1,4 Butanediol.	166
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	167 168 169 170 171 172
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	173 174 175 176
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	177 178 179 180 181 182
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	183 184 185
(N) "Juvenile" means a person under eighteen years of age.	186
(O) "Counterfeit controlled substance" means any of the following:	187 188
(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,	189 190 191

trade name, or identifying mark;	192
(2) Any unmarked or unlabeled substance that is	193
represented to be a controlled substance manufactured,	194
processed, packed, or distributed by a person other than the	195
person that manufactured, processed, packed, or distributed it;	196
(3) Any substance that is represented to be a controlled	197
substance but is not a controlled substance or is a different	198
controlled substance;	199
(4) Any substance other than a controlled substance that a	200
reasonable person would believe to be a controlled substance	201
because of its similarity in shape, size, and color, or its	202
markings, labeling, packaging, distribution, or the price for	203
which it is sold or offered for sale.	204
(P) An offense is "committed in the vicinity of a school"	205
if the offender commits the offense on school premises, in a	206
school building, or within one thousand feet of the boundaries	207
of any school premises, regardless of whether the offender knows	208
the offense is being committed on school premises, in a school	209
building, or within one thousand feet of the boundaries of any	210
school premises.	211
(Q) "School" means any school operated by a board of	212
education, any community school established under Chapter 3314.	213
of the Revised Code, or any nonpublic school for which the	214
director of education and workforce prescribes minimum standards	215
under section 3301.07 of the Revised Code, whether or not any	216
instruction, extracurricular activities, or training provided by	217
the school is being conducted at the time a criminal offense is	218
committed.	219
(R) "School premises" means either of the following:	220



(1) The parcel of real property on which any school is 221  
situated, whether or not any instruction, extracurricular 222  
activities, or training provided by the school is being 223  
conducted on the premises at the time a criminal offense is 224  
committed; 225

(2) Any other parcel of real property that is owned or 226  
leased by a board of education of a school, the governing 227  
authority of a community school established under Chapter 3314. 228  
of the Revised Code, or the governing body of a nonpublic school 229  
for which the director of education and workforce prescribes 230  
minimum standards under section 3301.07 of the Revised Code and 231  
on which some of the instruction, extracurricular activities, or 232  
training of the school is conducted, whether or not any 233  
instruction, extracurricular activities, or training provided by 234  
the school is being conducted on the parcel of real property at 235  
the time a criminal offense is committed. 236

(S) "School building" means any building in which any of 237  
the instruction, extracurricular activities, or training 238  
provided by a school is conducted, whether or not any 239  
instruction, extracurricular activities, or training provided by 240  
the school is being conducted in the school building at the time 241  
a criminal offense is committed. 242

(T) "Disciplinary counsel" means the disciplinary counsel 243  
appointed by the board of commissioners on grievances and 244  
discipline of the supreme court under the Rules for the 245  
Government of the Bar of Ohio. 246

(U) "Certified grievance committee" means a duly 247  
constituted and organized committee of the Ohio state bar 248  
association or of one or more local bar associations of the 249  
state of Ohio that complies with the criteria set forth in Rule 250

V, section 6 of the Rules for the Government of the Bar of Ohio.	251
(V) "Professional license" means any license, permit,	252
certificate, registration, qualification, admission, temporary	253
license, temporary permit, temporary certificate, or temporary	254
registration that is described in divisions (W) (1) to (37) of	255
this section and that qualifies a person as a professionally	256
licensed person.	257
(W) "Professionally licensed person" means any of the	258
following:	259
(1) A person who has received a certificate or temporary	260
certificate as a certified public accountant or who has	261
registered as a public accountant under Chapter 4701. of the	262
Revised Code and who holds an Ohio permit issued under that	263
chapter;	264
(2) A person who holds a certificate of qualification to	265
practice architecture issued or renewed and registered under	266
Chapter 4703. of the Revised Code;	267
(3) A person who is registered as a landscape architect	268
under Chapter 4703. of the Revised Code or who holds a permit as	269
a landscape architect issued under that chapter;	270
(4) A person licensed under Chapter 4707. of the Revised	271
Code;	272
(5) A person who has been issued a certificate of	273
registration as a registered barber under Chapter 4709. of the	274
Revised Code;	275
(6) A person <del>licensed and regulated</del> <u>registered</u> to engage	276
in the business of a debt pooling company <del>by a legislative</del>	277
<del>authority, under authority of Chapter 4710. <u>sections 4712.50 to</u></del>	278

<u>4712.55</u> of the Revised Code;	279
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	280 281 282 283 284 285 286 287 288 289 290
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	291 292 293 294 295
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	296 297 298 299 300
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	301 302 303 304
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	305 306 307

(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	308 309
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	310 311
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	312 313 314 315
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	316 317 318 319 320
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	321 322
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	323 324 325 326 327
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	328 329 330
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	331 332 333
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	334 335

(21) A person licensed to act as a real estate broker or	336
real estate salesperson under Chapter 4735. of the Revised Code;	337
(22) A person registered as a registered environmental	338
health specialist under Chapter 3776. of the Revised Code;	339
(23) A person licensed to operate or maintain a junkyard	340
under Chapter 4737. of the Revised Code;	341
(24) A person who has been issued a motor vehicle salvage	342
dealer's license under Chapter 4738. of the Revised Code;	343
(25) A person who has been licensed to act as a steam	344
engineer under Chapter 4739. of the Revised Code;	345
(26) A person who has been issued a license or temporary	346
permit to practice veterinary medicine or any of its branches,	347
or who is registered as a graduate animal technician under	348
Chapter 4741. of the Revised Code;	349
(27) A person who has been issued a hearing aid dealer's	350
or fitter's license or trainee permit under Chapter 4747. of the	351
Revised Code;	352
(28) A person who has been issued a class A, class B, or	353
class C license or who has been registered as an investigator or	354
security guard employee under Chapter 4749. of the Revised Code;	355
(29) A person licensed to practice as a nursing home	356
administrator under Chapter 4751. of the Revised Code;	357
(30) A person licensed to practice as a speech-language	358
pathologist or audiologist under Chapter 4753. of the Revised	359
Code;	360
(31) A person issued a license as an occupational	361
therapist or physical therapist under Chapter 4755. of the	362

Revised Code;	363
(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;	364 365 366 367 368 369
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	370 371
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	372 373 374
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	375 376
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	377 378
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	379 380 381
(X) "Cocaine" means any of the following:	382
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	383 384
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	385 386 387 388
(3) A salt, compound, derivative, or preparation of a	389

substance identified in division (X) (1) or (2) of this section 390  
that is chemically equivalent to or identical with any of those 391  
substances, except that the substances shall not include 392  
decocainized coca leaves or extraction of coca leaves if the 393  
extractions do not contain cocaine or ecgonine. 394

(Y) "L.S.D." means lysergic acid diethylamide. 395

(Z) "Hashish" means a resin or a preparation of a resin to 396  
which both of the following apply: 397

(1) It is contained in or derived from any part of the 398  
plant of the genus cannabis, whether in solid form or in a 399  
liquid concentrate, liquid extract, or liquid distillate form. 400

(2) It has a delta-9 tetrahydrocannabinol concentration of 401  
more than three-tenths per cent. 402

"Hashish" does not include a hemp byproduct in the 403  
possession of a licensed hemp processor under Chapter 928. of 404  
the Revised Code, provided that the hemp byproduct is being 405  
produced, stored, and disposed of in accordance with rules 406  
adopted under section 928.03 of the Revised Code. 407

(AA) "Marihuana" has the same meaning as in section 408  
3719.01 of the Revised Code, except that it does not include 409  
hashish. 410

(BB) An offense is "committed in the vicinity of a 411  
juvenile" if the offender commits the offense within one hundred 412  
feet of a juvenile or within the view of a juvenile, regardless 413  
of whether the offender knows the age of the juvenile, whether 414  
the offender knows the offense is being committed within one 415  
hundred feet of or within view of the juvenile, or whether the 416  
juvenile actually views the commission of the offense. 417

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

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

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

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

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

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

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

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

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

(JJ) "Deception" has the same meaning as in section



2913.01 of the Revised Code.	446
(KK) "Fentanyl-related compound" means any of the following:	447
	448
(1) Fentanyl;	449
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	450
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(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	453
	454
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	455
	456
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	457
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(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	460
	461
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	462
	463
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	464
	465
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	466
	467
(10) Alfentanil;	468
(11) Carfentanil;	469
(12) Remifentanil;	470
(13) Sufentanil;	471

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 472  
473
- (15) Any compound that meets all of the following fentanyl 474  
pharmacophore requirements to bind at the mu receptor, as 475  
identified by a report from an established forensic laboratory, 476  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 477  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 478  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 479  
fluorofentanyl: 480
- (a) A chemical scaffold consisting of both of the 481  
following: 482
- (i) A five, six, or seven member ring structure containing 483  
a nitrogen, whether or not further substituted; 484
- (ii) An attached nitrogen to the ring, whether or not that 485  
nitrogen is enclosed in a ring structure, including an attached 486  
aromatic ring or other lipophilic group to that nitrogen. 487
- (b) A polar functional group attached to the chemical 488  
scaffold, including but not limited to a hydroxyl, ketone, 489  
amide, or ester; 490
- (c) An alkyl or aryl substitution off the ring nitrogen of 491  
the chemical scaffold; and 492
- (d) The compound has not been approved for medical use by 493  
the United States food and drug administration. 494
- (LL) "First degree felony mandatory prison term" means one 495  
of the definite prison terms prescribed in division (A) (1) (b) of 496  
section 2929.14 of the Revised Code for a felony of the first 497  
degree, except that if the violation for which sentence is being 498  
imposed is committed on or after March 22, 2019, it means one of 499

the minimum prison terms prescribed in division (A) (1) (a) of 500  
that section for a felony of the first degree. 501

(MM) "Second degree felony mandatory prison term" means 502  
one of the definite prison terms prescribed in division (A) (2) 503  
(b) of section 2929.14 of the Revised Code for a felony of the 504  
second degree, except that if the violation for which sentence 505  
is being imposed is committed on or after March 22, 2019, it 506  
means one of the minimum prison terms prescribed in division (A) 507  
(2) (a) of that section for a felony of the second degree. 508

(NN) "Maximum first degree felony mandatory prison term" 509  
means the maximum definite prison term prescribed in division 510  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 511  
the first degree, except that if the violation for which 512  
sentence is being imposed is committed on or after March 22, 513  
2019, it means the longest minimum prison term prescribed in 514  
division (A) (1) (a) of that section for a felony of the first 515  
degree. 516

(OO) "Maximum second degree felony mandatory prison term" 517  
means the maximum definite prison term prescribed in division 518  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 519  
the second degree, except that if the violation for which 520  
sentence is being imposed is committed on or after March 22, 521  
2019, it means the longest minimum prison term prescribed in 522  
division (A) (2) (a) of that section for a felony of the second 523  
degree. 524

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 525  
as in section 928.01 of the Revised Code. 526

(QQ) An offense is "committed in the vicinity of a 527  
substance addiction services provider or a recovering addict" if 528

either of the following apply: 529

(1) The offender commits the offense on the premises of a 530  
substance addiction services provider's facility, including a 531  
facility licensed prior to June 29, 2019, under section 5119.391 532  
of the Revised Code to provide methadone treatment or an opioid 533  
treatment program licensed on or after that date under section 534  
5119.37 of the Revised Code, or within five hundred feet of the 535  
premises of a substance addiction services provider's facility 536  
and the offender knows or should know that the offense is being 537  
committed within the vicinity of the substance addiction 538  
services provider's facility. 539

(2) The offender sells, offers to sell, delivers, or 540  
distributes the controlled substance or controlled substance 541  
analog to a person who is receiving treatment at the time of the 542  
commission of the offense, or received treatment within thirty 543  
days prior to the commission of the offense, from a substance 544  
addiction services provider and the offender knows that the 545  
person is receiving or received that treatment. 546

(RR) "Substance addiction services provider" means an 547  
agency, association, corporation or other legal entity, 548  
individual, or program that provides one or more of the 549  
following at a facility: 550

(1) Either alcohol addiction services, or drug addiction 551  
services, or both such services that are certified by the 552  
director of mental health and addiction services under section 553  
5119.36 of the Revised Code; 554

(2) Recovery supports that are related to either alcohol 555  
addiction services, or drug addiction services, or both such 556  
services and paid for with federal, state, or local funds 557

administered by the department of mental health and addiction 558  
services or a board of alcohol, drug addiction, and mental 559  
health services. 560

(SS) "Premises of a substance addiction services 561  
provider's facility" means the parcel of real property on which 562  
any substance addiction service provider's facility is situated. 563

(TT) "Alcohol and drug addiction services" has the same 564  
meaning as in section 5119.01 of the Revised Code. 565

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 566  
the Revised Code: 567

(A) "Buyer" means an individual who is solicited to 568  
purchase or who purchases the services of a credit services 569  
organization for purposes other than obtaining a business loan 570  
as described in division (B) (6) of section 1343.01 of the 571  
Revised Code. 572

(B) "Consumer reporting agency" has the same meaning as in 573  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 574  
1681a, as amended. 575

(C) (1) "Credit services organization" means any person 576  
that, in return for the payment of money or other valuable 577  
consideration readily convertible into money for the following 578  
services, sells, provides, or performs, or represents that the 579  
person can or will sell, provide, or perform, one or more of the 580  
following services: 581

(a) Improving a buyer's credit record, history, or rating; 582

(b) Obtaining an extension of credit by others for a 583  
buyer; 584

(c) Providing advice or assistance to a buyer in 585

connection with division (C) (1) (a) or (b) of this section; 586

(d) Removing ~~adverse credit information that is accurate~~ 587  
~~and not inaccurate or obsolete information~~ from the buyer's 588  
credit record, history, or rating; 589

(e) Altering the buyer's identification to prevent the 590  
display of the buyer's credit record, history, or rating. 591

(2) "Credit services organization" does not include any of 592  
the following: 593

(a) A person that makes or collects loans, to the extent 594  
these activities are subject to licensure or registration by 595  
this state; 596

(b) A mortgage broker, as defined in section 1322.01 of 597  
the Revised Code, that holds a valid certificate of registration 598  
under Chapter 1322. of the Revised Code; 599

(c) A lender approved by the United States secretary of 600  
housing and urban development for participation in a mortgage 601  
insurance program under the "National Housing Act," 48 Stat. 602  
1246 (1934), 12 U.S.C.A. 1701, as amended; 603

(d) A bank, savings bank, or savings and loan association, 604  
or a subsidiary or an affiliate of a bank, savings bank, or 605  
savings and loan association. For purposes of division (C) (2) (d) 606  
of this section, "affiliate" has the same meaning as in division 607  
(A) of section 1101.01 of the Revised Code and "bank," as used 608  
in division (A) of section 1101.01 of the Revised Code, is 609  
deemed to include a savings bank or savings and loan 610  
association. 611

(e) A credit union organized and qualified under Chapter 612  
1733. of the Revised Code or the "Federal Credit Union Act," 84 613

Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 614

(f) A budget and debt counseling service, as defined in 615  
division (D) of section 2716.03 of the Revised Code, provided 616  
that the service is a nonprofit organization exempt from 617  
taxation under section 501(c)(3) of the "Internal Revenue Code 618  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 619  
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 620  
to 4712.55 of the Revised Code; 621

(g) A consumer reporting agency that is in substantial 622  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 623  
15 U.S.C.A. 1681a, as amended. 624

(h) A mortgage banker; 625

(i) Any political subdivision, or any governmental or 626  
other public entity, corporation, or agency, in or of the United 627  
States or any state of the United States; 628

(j) A college or university, or controlled entity of a 629  
college or university, as defined in section 1713.05 of the 630  
Revised Code; 631

(k) A motor vehicle dealer licensed pursuant to Chapter 632  
4517. of the Revised Code acting within the scope and authority 633  
of that license or a motor vehicle auction owner licensed 634  
pursuant to Chapters 4517. and 4707. of the Revised Code acting 635  
within the scope and authority of that license; 636

(l) An attorney at law admitted to the practice of law in 637  
this state who offers, provides, or performs a legal service 638  
that is privileged by reason of the attorney-client 639  
relationship, provided that the service is not a service 640  
described in division (C)(1)(b) or (e) of this section. 641

(D) "Extension of credit" means the right to defer payment 642  
of debt, or to incur debt and defer its payment, offered or 643  
granted primarily for personal, family, or household purposes. 644  
"Extension of credit" does not include a mortgage. 645

(E) "Mortgage" means any indebtedness secured by a deed of 646  
trust, security deed, or other lien on real property. 647

(F) "Mortgage banker" means any person that makes, 648  
services, or buys and sells mortgage loans and is approved by 649  
the United States department of housing and urban development, 650  
the United States department of veterans affairs, the federal 651  
national mortgage association, or the federal home loan mortgage 652  
corporation. 653

(G) "Superintendent of financial institutions" includes 654  
the deputy superintendent for consumer finance as provided in 655  
section 1181.21 of the Revised Code. 656

**Sec. ~~4710.01~~ 4712.50.** As used in ~~this chapter~~ sections 657  
4712.50 to 4712.55 of the Revised Code: 658

(A) "Person" includes individuals, partnerships, 659  
associations, corporations, trusts, and other legal entities. 660

~~(B)~~ (1) "Debt adjusting" means doing business in debt 661  
adjusting, budget counseling, debt management, or debt pooling 662  
service, or holding oneself out, by words of similar import, as 663  
providing services to debtors in the management, reduction, or 664  
elimination of the amount or repayment terms of their debts, to 665  
do either of the following: 666

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 667  
of any account, note, or other indebtedness of the debtor, to 668  
obtain any of the following: 669



(i) An adjustment of an interest rate on a debt owed by a debtor to a creditor; 670  
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(ii) A waiver or reduction of fees or charges; 672

(iii) A discharge of a debt by reducing the principal balance of the debt. 673  
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~~(2)~~ (b) To receive from the debtor and disburse to the debtor's creditors any money or other thing of value. 675  
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(2) "Debt adjusting" does not include any of the activities of a debt collector, as defined in 15 U.S.C. 1692a(6), collecting or attempting to collect a debt owed or due another. 677  
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(C) "Resides" means to live in a particular place on a temporary or a permanent basis. 681  
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**Sec. 4712.502.** (A) No person shall engage in debt adjusting in this state without first registering with the attorney general as prescribed by the attorney general pursuant to rules adopted under this section. 683  
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(B) The attorney general shall adopt rules pursuant to Chapter 119. of the Revised Code relating to registration, oversight, and enforcement of sections 4712.50 to 4712.55 of the Revised Code, including any rules to expand registration requirements under those sections. 687  
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(C) The application for registration and the application for registration renewal shall be in a form prescribed by the attorney general, signed under oath and shall contain such information as the attorney general shall reasonably require. The attorney general shall evaluate an applicant's financial responsibility and general fitness. A registration to provide 692  
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debt adjusting services shall be for a period of two years from 698  
the date of issuance. Any adjudication by the attorney general 699  
relating to the registration requirement under division (A) of 700  
this section shall follow the procedures in Chapter 119. of the 701  
Revised Code. 702

(D) The following items shall be submitted with or 703  
required in any application for a registration under sections 704  
4712.50 to 4712.55 of the Revised Code: 705

(1) An unexpired certificate from the tax commissioner 706  
verifying that the applicant is not subject to any assessment or 707  
enforcement action for unpaid tax, interest, or penalties 708  
imposed under Chapter 5751. of the Revised Code. The 709  
commissioner shall provide this certificate to the applicant, if 710  
so entitled, not later than fourteen days after receiving the 711  
applicant's request for it. The certificate expires ninety days 712  
after the date of its issuance. 713

(2) Proof that the applicant is in compliance with any 714  
requirement imposed by the secretary of state for an entity to 715  
engage in business in this state; 716

(3) The applicant's name, principal business address and 717  
telephone number, all business addresses in this state, the 718  
principal electronic mail address for the business, and the 719  
principal internet web site address to be used for the business; 720

(4) The name and home address of each executive officer 721  
and director of the applicant and each person that owns, 722  
directly or indirectly, more than twenty per cent of the voting 723  
interests of the applicant; 724

(5) A statement describing, to the extent it is known or 725  
should be known by the applicant, any material civil or criminal 726

judgment in any jurisdiction, or any material administrative or 727  
enforcement action by a governmental agency, in each case 728  
relating to financial fraud or misuse, against the applicant, 729  
any of its executive officers, directors, or owners; 730

(6) A copy of each form of agreement and the schedule of 731  
fees and charges that the applicant will use with consumers who 732  
reside in this state. 733

(E) The attorney general may participate in a multi-state 734  
licensing system for the sharing of regulatory information and 735  
for the registration and application, by electronic or other 736  
means, of entities engaged in the business of debt adjusting. 737  
The attorney general may establish requirements for 738  
participation by an applicant in a multi-state licensing system, 739  
which may vary from the provisions set out in sections 4712.50 740  
to 4712.55 of the Revised Code. 741

(F) An applicant or registrant shall notify the attorney 742  
general within thirty days after a material change in any of the 743  
information submitted in connection with any application or 744  
renewal application for a registration under sections 4712.50 to 745  
4712.55 of the Revised Code, including but not limited to any of 746  
the following: 747

(1) A change in the applicant's or registrant's home or 748  
business address; 749

(2) A merger or dissolution relative to the registration; 750

(3) When a registrant pleads guilty or is convicted of any 751  
felony in a court of competent jurisdiction. 752

(G) The attorney general may deny a registration if any of 753  
the following applies: 754

- (1) The applicant does not satisfy the criteria set forth 755  
in this section. 756
- (2) The application contains information that is 757  
materially erroneous or incomplete. 758
- (3) The applicant fails to provide in a timely manner such 759  
information as the attorney general may reasonably request. 760
- (4) Either of the following apply to an executive officer, 761  
director, managing member, or principal of the applicant: 762
- (a) The person has been convicted of or pleaded nolo 763  
contendere to a felony; 764
- (b) The person has committed an act involving fraud, 765  
deceit, or dishonesty. 766
- (5) An executive officer, director, managing member, or 767  
principal of the applicant has had a professional license or 768  
registration revoked, suspended, or subjected to administrative 769  
action in any jurisdiction, and such license or registration has 770  
not been reinstated. 771
- (6) The applicant's license or registration was revoked or 772  
suspended in another jurisdiction and has not been reinstated. 773
- (H) Not later than twenty days after a registration 774  
application denial, the attorney general shall provide to the 775  
applicant a written decision and findings containing the reasons 776  
supporting a registration denial. Not later than thirty days 777  
after the date of the notice, the applicant may appeal the 778  
denial pursuant to Chapter 119. of the Revised Code. 779
- (I) (1) The attorney general may suspend, revoke, or deny 780  
renewal of a registration if any of the following applies: 781

(a) A registrant has materially violated sections 4712.50 782  
to 4712.55 of the Revised Code or any rule adopted by the 783  
attorney general or any other law applicable to the conduct of 784  
its business. 785

(b) A fact or condition exists that, if it had existed 786  
when the registrant applied for a registration, would have 787  
warranted the attorney general to refuse the registration. 788

(c) The registrant does not satisfy the application 789  
criteria required under this section. 790

(d) The registrant has refused to permit the attorney 791  
general to examine the registrant's books and records. 792

(e) The registrant has not responded within a reasonable 793  
time and in an appropriate manner to the attorney general's 794  
communications. 795

(2) If the attorney general suspends, revokes, or denies 796  
renewal of a registration, the attorney general may seek a court 797  
order to seize the registrant's books and records with respect 798  
to any consumers in this state that are being serviced by the 799  
registrant. 800

(3) A registrant may deliver a written notice to the 801  
attorney general to surrender its registration, provided, 802  
however, that if a registrant surrenders its registration, its 803  
civil or criminal liability for acts committed before the 804  
surrender is not affected. 805

(4) Upon submission of a renewal application for a 806  
registration and until such time as such renewal application is 807  
approved or denied, the registrant may continue to provide debt 808  
adjusting services, but a denial of such registration terminates 809  
any right to provide debt adjusting services in this state 810

unless approved by the attorney general. 811

(J) The attorney general shall adopt rules related to both 812  
of the following: 813

(1) Reasonable registration fees, any subsequent increase 814  
of which shall be approved by the general assembly through the 815  
biennial operating appropriations act; 816

(2) Penalties for any violation of sections 4712.50 to 817  
4712.55 of the Revised Code, which may include any of the 818  
following: 819

(a) Fines; 820

(b) Suspension of registration for up to five years; 821

(c) Indefinite barring from registration. 822

(K) Except as described in divisions (C) and (H) of this 823  
section, any person subject to an enforcement action taken by 824  
the attorney general under sections 4712.50 to 4712.55 of the 825  
Revised Code may appeal such decision to the court of common 826  
pleas of the county in which the place of business of the 827  
registrant is located or the county in which the registrant is a 828  
resident. 829

**Sec. ~~4710.02~~ 4712.51.** (A) Subject to division (C) of this 830  
section, a person engaged in debt adjusting shall do all of the 831  
following: 832

(1) Unless specifically instructed otherwise by a debtor, 833  
disburse to the appropriate creditors all funds received from 834  
the debtor, less any contributions not prohibited by division 835  
(B) of this section, within thirty days of receipt of the funds 836  
from the debtor; 837

(2) Maintain a separate trust account for the receipt of	838
any funds from debtors and the disbursement of the funds to	839
creditors on behalf of the debtors;	840
(3) Charge or accept only reasonable fees or contributions	841
in accordance with division (B) of this section;	842
(4) Establish and implement a policy that allows for the	843
waiver or discontinuation of fees or contributions not	844
prohibited by division (B) of this section if the debtor is	845
unable to pay such fees or contributions;	846
<u>(5) Comply with federal law and regulations as it relates</u>	847
<u>to debt adjusting and with the federal telemarketing sales rule</u>	848
<u>under 16 C.F.R. part 310.</u>	849
(B) If fees or contributions for providing debt adjusting	850
services are charged or accepted, directly or indirectly, no	851
person providing or engaged in debt adjusting shall do any of	852
the following:	853
(1) Charge or accept a fee or contribution exceeding	854
seventy-five dollars from a debtor residing in this state for an	855
initial consultation or initial set up of a debt management plan	856
or similar plan;	857
(2) Charge or accept consultation fees or contributions	858
exceeding one hundred dollars per calendar year from a debtor	859
residing in this state;	860
(3) Charge or accept a periodic fee or contribution from a	861
debtor residing in this state for administering a debt	862
management plan or similar plan, which fee or contribution	863
exceeds eight and one-half per cent of the amount paid by the	864
debtor each month for distribution to the debtor's creditors or	865
thirty dollars, whichever is greater.	866

(C) Division (A) or (B) of this section does not prohibit 867  
a person engaged in debt adjusting for a debtor who is residing 868  
in this state from charging the debtor a reasonable fee for 869  
insufficient funds transactions that is in addition to fees or 870  
contributions not prohibited by division (B) of this section. 871

(D) Any person that engages in debt adjusting, annually, 872  
shall arrange for and undergo an audit conducted by an 873  
independent, third party, certified public accountant of the 874  
person's business, including any trust funds deposited and 875  
distributed to creditors on behalf of debtors. Both of the 876  
following apply to an audit described in this division: 877

(1) The person shall file the results of the audit and the 878  
auditor's opinion with the consumer protection division of the 879  
attorney general. 880

(2) The attorney general shall make available a summary of 881  
the results of the audit and the auditor's opinion upon written 882  
request of a person and payment of a fee not exceeding the cost 883  
of copying the summary and opinion. 884

(E) A person engaged in debt adjusting shall obtain and 885  
maintain at all times insurance coverage for employee 886  
dishonesty, depositor's forgery, and computer fraud in the 887  
amount of ten per cent of the monthly average for the immediate 888  
preceding six months of the aggregate amount of all deposits 889  
made with the person by all debtors. The insurance coverage 890  
shall comply with all of the following: 891

(1) The insurance coverage is not less than one hundred 892  
thousand dollars. 893

(2) The insurance coverage includes a deductible that does 894  
not exceed ten per cent of the face amount of the policy 895



coverage.	896
(3) The insurance coverage is issued by an insurer rated at least A- or its equivalent by a nationally recognized rating organization.	897 898 899
(4) The insurance coverage provides that thirty days advance written notice be given to the consumer protection division of the attorney general before coverage is terminated.	900 901 902
(F) (1) No person engaged in debt adjusting shall fail to comply with division (A) of this section or shall violate division (B) of this section.	903 904 905
(2) No person engaged in debt adjusting shall fail to comply with divisions (D) and (E) of this section.	906 907
<b>Sec. <del>4710.03</del> <u>4712.52</u>.</b> Nothing in <del>this chapter sections</del> <u>4712.50 to 4712.55 of the Revised Code</u> applies to any of the following:	908 909 910
(A) The federal national mortgage association; the federal home loan mortgage corporation; a bank, bank holding company, trust company, savings and loan association, credit union, savings bank, or credit card bank, that is regulated by the office of the comptroller of currency, federal reserve, federal deposit insurance corporation, national credit union administration, or division of financial institutions; or to subsidiaries of any of these entities;	911 912 913 914 915 916 917 918
(B) Debt adjusting incurred in the practice of law in this state;	919 920
(C) A person that incidentally engages in debt adjusting to adjust the indebtedness owed to that person;	921 922
(D) A registrant as defined in section 1321.51 of the	923

Revised Code; 924

(E) A registrant or licensee as both are defined in 925  
section 1322.01 of the Revised Code. 926

**Sec. ~~4710.04~~ 4712.53.** (A) Any violation of ~~division (F)(1)~~ 927  
~~of section 4710.02~~ sections 4712.50 to 4712.55 of the Revised 928  
Code is deemed an unfair or deceptive act or practice in 929  
violation of section 1345.02 of the Revised Code. A person 930  
injured by a violation of that division has a cause of action 931  
and is entitled to the same relief available to a consumer under 932  
section 1345.09 of the Revised Code, and all the powers and 933  
remedies available to the attorney general to enforce sections 934  
1345.01 to 1345.13 of the Revised Code are available to the 935  
attorney general to enforce ~~division (F)(1) of section 4710.02~~ 936  
sections 4712.50 to 4712.55 of the Revised Code. 937

(B) Any person who violates division (F)(2) of section 938  
~~4710.02~~ 4712.51 of the Revised Code, in addition to the 939  
penalties imposed by division (C) of section 4710.99 ~~4712.99~~ of 940  
the Revised Code, shall be fined not more than ten thousand 941  
dollars for each violation. 942

**Sec. 4712.54.** A person engaged in debt adjusting and 943  
operating in compliance with federal laws or regulations, 944  
including regulations adopted under 16 C.F.R. part 310, is not 945  
subject to division (B) of section 4712.51 of the Revised Code. 946

**Sec. 4712.55.** (A) No person engaging in debt adjusting 947  
shall send a cease and desist letter or a similar letter to any 948  
creditor on behalf of a debtor. 949

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 950  
Code shall be construed as permitting the unauthorized practice 951  
of law by any person engaged in debt adjusting. 952

**Sec. 4712.99.** (A) Whoever violates division (J) of section 4712.02, division (E) of section 4712.04, division (D) or (E) of section 4712.05, division (A) of section 4712.06, section 4712.07 or 4712.08, or division (A) of section 4712.09 of the Revised Code is guilty of a felony of the fifth degree.

(B) (1) Whoever violates section 4712.071 of the Revised Code is guilty of a minor misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars.

(2) The offense established under section 4712.071 of the Revised Code is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of the Revised Code, is not a strict liability offense.

(C) Whoever recklessly violates division (F) of section 4712.51 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

**Section 2.** That existing sections 9.45, 2925.01, 4710.01, 4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised Code are hereby repealed.

**Section 3.** That section 4710.99 of the Revised Code is hereby repealed.