

As Reported by the House Criminal Justice Committee

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Sub. S. B. No. 100

Senators Manning, Antonio

Cosponsors: Senators Kunze, Blessing, Brenner, Cirino, Craig, DeMora, Dolan, Gavarone, Hackett, Hicks-Hudson, Huffman, S., Ingram, Johnson, Landis, Reineke, Reynolds, Roegner, Romanchuk, Rulli, Schaffer, Smith, Sykes, Wilkin, Wilson

Representatives Abrams, Hillyer

A BILL

To amend sections 1547.11, 1547.111, 2317.02, 1
2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 2
4506.17, 4511.19, 4511.191, and 4511.192 and to 3
enact section 2903.216 of the Revised Code to 4
generally prohibit a person from knowingly 5
installing a tracking device or application on 6
another person's property without the other 7
person's consent or failing to remove or ensure 8
removal of such a device or application from 9
another person's property if the other person 10
gave consent and subsequently revokes it, to 11
authorize collecting oral fluid as evidence in 12
suspected OVI cases, and to increase fines for 13
repeatedly selling tobacco products to minors 14
and to apply the public nuisance law to places 15
where such sales occur. 16

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

Section 1. That sections 1547.11, 1547.111, 2317.02, 2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 4506.17, 4511.19, 4511.191, and 4511.192 be amended and section 2903.216 of the Revised Code be enacted to read as follows:

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

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

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

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

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

(5) The person has a concentration of eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.

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

(a) The person has a concentration of amphetamine in the 45
person's urine of at least five hundred nanograms of amphetamine 46
per milliliter of the person's urine or has a concentration of 47
amphetamine in the person's whole blood or blood serum or plasma 48
of at least one hundred nanograms of amphetamine per milliliter 49
of the person's whole blood or blood serum or plasma. 50

(b) The person has a concentration of cocaine in the 51
person's urine of at least one hundred fifty nanograms of 52
cocaine per milliliter of the person's urine or has a 53
concentration of cocaine in the person's whole blood or blood 54
serum or plasma of at least fifty nanograms of cocaine per 55
milliliter of the person's whole blood or blood serum or plasma. 56

(c) The person has a concentration of cocaine metabolite 57
in the person's urine of at least one hundred fifty nanograms of 58
cocaine metabolite per milliliter of the person's urine or has a 59
concentration of cocaine metabolite in the person's whole blood 60
or blood serum or plasma of at least fifty nanograms of cocaine 61
metabolite per milliliter of the person's whole blood or blood 62
serum or plasma. 63

(d) The person has a concentration of heroin in the 64
person's urine of at least two thousand nanograms of heroin per 65
milliliter of the person's urine or has a concentration of 66
heroin in the person's whole blood or blood serum or plasma of 67
at least fifty nanograms of heroin per milliliter of the 68
person's whole blood or blood serum or plasma. 69

(e) The person has a concentration of heroin metabolite 70
(6-monoacetyl morphine) in the person's urine of at least ten 71
nanograms of heroin metabolite (6-monoacetyl morphine) per 72
milliliter of the person's urine or has a concentration of 73
heroin metabolite (6-monoacetyl morphine) in the person's whole 74

blood or blood serum or plasma of at least ten nanograms of 75
heroin metabolite (6-monoacetyl morphine) per milliliter of the 76
person's whole blood or blood serum or plasma. 77

(f) The person has a concentration of L.S.D. in the 78
person's urine of at least twenty-five nanograms of L.S.D. per 79
milliliter of the person's urine or has a concentration of 80
L.S.D. in the person's whole blood or blood serum or plasma of 81
at least ten nanograms of L.S.D. per milliliter of the person's 82
whole blood or blood serum or plasma. 83

(g) The person has a concentration of marihuana in the 84
person's urine of at least ten nanograms of marihuana per 85
milliliter of the person's urine or has a concentration of 86
marihuana in the person's whole blood or blood serum or plasma 87
of at least two nanograms of marihuana per milliliter of the 88
person's whole blood or blood serum or plasma. 89

(h) The state board of pharmacy has adopted a rule 90
pursuant to section 4729.041 of the Revised Code that specifies 91
the amount of salvia divinorum and the amount of salvinorin A 92
that constitute concentrations of salvia divinorum and 93
salvinorin A in a person's urine, in a person's whole blood, or 94
in a person's blood serum or plasma at or above which the person 95
is impaired for purposes of operating or being in physical 96
control of any vessel underway or manipulating any water skis, 97
aquaplane, or similar device on the waters of this state, the 98
rule is in effect, and the person has a concentration of salvia 99
divinorum or salvinorin A of at least that amount so specified 100
by rule in the person's urine, in the person's whole blood, or 101
in the person's blood serum or plasma. 102

(i) Either of the following applies: 103

(i) The person is under the influence of alcohol, a drug 104
of abuse, or a combination of them, and, as measured by gas 105
chromatography mass spectrometry, the person has a concentration 106
of marihuana metabolite in the person's urine of at least 107
fifteen nanograms of marihuana metabolite per milliliter of the 108
person's urine or has a concentration of marihuana metabolite in 109
the person's whole blood or blood serum or plasma of at least 110
five nanograms of marihuana metabolite per milliliter of the 111
person's whole blood or blood serum or plasma. 112

(ii) As measured by gas chromatography mass spectrometry, 113
the person has a concentration of marihuana metabolite in the 114
person's urine of at least thirty-five nanograms of marihuana 115
metabolite per milliliter of the person's urine or has a 116
concentration of marihuana metabolite in the person's whole 117
blood or blood serum or plasma of at least fifty nanograms of 118
marihuana metabolite per milliliter of the person's whole blood 119
or blood serum or plasma. 120

(j) The person has a concentration of methamphetamine in 121
the person's urine of at least five hundred nanograms of 122
methamphetamine per milliliter of the person's urine or has a 123
concentration of methamphetamine in the person's whole blood or 124
blood serum or plasma of at least one hundred nanograms of 125
methamphetamine per milliliter of the person's whole blood or 126
blood serum or plasma. 127

(k) The person has a concentration of phencyclidine in the 128
person's urine of at least twenty-five nanograms of 129
phencyclidine per milliliter of the person's urine or has a 130
concentration of phencyclidine in the person's whole blood or 131
blood serum or plasma of at least ten nanograms of phencyclidine 132
per milliliter of the person's whole blood or blood serum or 133

plasma.	134
(B) No person under twenty-one years of age shall operate	135
or be in physical control of any vessel underway or shall	136
manipulate any water skis, aquaplane, or similar device on the	137
waters in this state if, at the time of the operation, control,	138
or manipulation, any of the following applies:	139
(1) The person has a concentration of at least two-	140
hundredths of one per cent, but less than eight-hundredths of	141
one per cent by weight per unit volume of alcohol in the	142
person's whole blood.	143
(2) The person has a concentration of at least three-	144
hundredths of one per cent but less than ninety-six-thousandths	145
of one per cent by weight per unit volume of alcohol in the	146
person's blood serum or plasma.	147
(3) The person has a concentration of at least twenty-	148
eight one-thousandths of one gram, but less than eleven-	149
hundredths of one gram by weight of alcohol per one hundred	150
milliliters of the person's urine.	151
(4) The person has a concentration of at least two-	152
hundredths of one gram, but less than eight-hundredths of one	153
gram by weight of alcohol per two hundred ten liters of the	154
person's breath.	155
(C) In any proceeding arising out of one incident, a	156
person may be charged with a violation of division (A) (1) and a	157
violation of division (B) (1), (2), (3), or (4) of this section,	158
but the person shall not be convicted of more than one violation	159
of those divisions.	160
(D) (1) (a) In any criminal prosecution or juvenile court	161
proceeding for a violation of division (A) or (B) of this	162

section or for an equivalent offense that is watercraft-related, 163
the result of any test of any blood, oral fluid, or urine 164
withdrawn and analyzed at any health care provider, as defined 165
in section 2317.02 of the Revised Code, may be admitted with 166
expert testimony to be considered with any other relevant and 167
competent evidence in determining the guilt or innocence of the 168
defendant. 169

(b) In any criminal prosecution or juvenile court 170
proceeding for a violation of division (A) or (B) of this 171
section or for an equivalent offense that is watercraft-related, 172
the court may admit evidence on the presence and concentration 173
of alcohol, drugs of abuse, controlled substances, metabolites 174
of a controlled substance, or a combination of them in the 175
defendant's or child's whole blood, blood serum or plasma, 176
urine, oral fluid, or breath at the time of the alleged 177
violation as shown by chemical analysis of the substance 178
withdrawn, or specimen taken within three hours of the time of 179
the alleged violation. The three-hour time limit specified in 180
this division regarding the admission of evidence does not 181
extend or affect the two-hour time limit specified in division 182
(C) of section 1547.111 of the Revised Code as the maximum 183
period of time during which a person may consent to a chemical 184
test or tests as described in that section. The court may admit 185
evidence on the presence and concentration of alcohol, drugs of 186
abuse, or a combination of them as described in this division 187
when a person submits to a blood, breath, urine, oral fluid, or 188
other bodily substance test at the request of a law enforcement 189
officer under section 1547.111 of the Revised Code or a blood or 190
urine sample is obtained pursuant to a search warrant. Only a 191
physician, a registered nurse, an emergency medical technician- 192
intermediate, an emergency medical technician-paramedic, or a 193

qualified technician, chemist, or phlebotomist shall withdraw 194
blood for the purpose of determining the alcohol, drug, 195
controlled substance, metabolite of a controlled substance, or 196
combination content of the whole blood, blood serum, or blood 197
plasma. This limitation does not apply to the taking of breath, 198
oral fluid, or urine specimens. A person authorized to withdraw 199
blood under this division may refuse to withdraw blood under 200
this division if, in that person's opinion, the physical welfare 201
of the defendant or child would be endangered by withdrawing 202
blood. 203

The whole blood, blood serum or plasma, urine, oral fluid, 204
or breath withdrawn under division (D) (1) (b) of this section 205
shall be analyzed in accordance with methods approved by the 206
director of health by an individual possessing a valid permit 207
issued by the director pursuant to section 3701.143 of the 208
Revised Code. 209

(2) In a criminal prosecution or juvenile court proceeding 210
for a violation of division (A) of this section or for an 211
equivalent offense that is watercraft-related, if there was at 212
the time the bodily substance was taken a concentration of less 213
than the applicable concentration of alcohol specified for a 214
violation of division (A) (2), (3), (4), or (5) of this section 215
or less than the applicable concentration of a listed controlled 216
substance or a listed metabolite of a controlled substance 217
specified for a violation of division (A) (6) of this section, 218
that fact may be considered with other competent evidence in 219
determining the guilt or innocence of the defendant or in making 220
an adjudication for the child. This division does not limit or 221
affect a criminal prosecution or juvenile court proceeding for a 222
violation of division (B) of this section or for a violation of 223
a prohibition that is substantially equivalent to that division. 224

(3) Upon the request of the person who was tested, the 225
results of the chemical test shall be made available to the 226
person or the person's attorney immediately upon completion of 227
the test analysis. 228

If the chemical test was administered pursuant to division 229
(D) (1) (b) of this section, the person tested may have a 230
physician, a registered nurse, or a qualified technician, 231
chemist, or phlebotomist of the person's own choosing administer 232
a chemical test or tests in addition to any administered at the 233
direction of a law enforcement officer, and shall be so advised. 234
The failure or inability to obtain an additional test by a 235
person shall not preclude the admission of evidence relating to 236
the test or tests taken at the direction of a law enforcement 237
officer. 238

(E) (1) In any criminal prosecution or juvenile court 239
proceeding for a violation of division (A) or (B) of this 240
section, of a municipal ordinance relating to operating or being 241
in physical control of any vessel underway or to manipulating 242
any water skis, aquaplane, or similar device on the waters of 243
this state while under the influence of alcohol, a drug of 244
abuse, or a combination of them, or of a municipal ordinance 245
relating to operating or being in physical control of any vessel 246
underway or to manipulating any water skis, aquaplane, or 247
similar device on the waters of this state with a prohibited 248
concentration of alcohol, a controlled substance, or a 249
metabolite of a controlled substance in the whole blood, blood 250
serum or plasma, breath, oral fluid, or urine, if a law 251
enforcement officer has administered a field sobriety test to 252
the operator or person found to be in physical control of the 253
vessel underway involved in the violation or the person 254
manipulating the water skis, aquaplane, or similar device 255

involved in the violation and if it is shown by clear and 256
convincing evidence that the officer administered the test in 257
substantial compliance with the testing standards for reliable, 258
credible, and generally accepted field sobriety tests for 259
vehicles that were in effect at the time the tests were 260
administered, including, but not limited to, any testing 261
standards then in effect that have been set by the national 262
highway traffic safety administration, that by their nature are 263
not clearly inapplicable regarding the operation or physical 264
control of vessels underway or the manipulation of water skis, 265
aquaplanes, or similar devices, all of the following apply: 266

(a) The officer may testify concerning the results of the 267
field sobriety test so administered. 268

(b) The prosecution may introduce the results of the field 269
sobriety test so administered as evidence in any proceedings in 270
the criminal prosecution or juvenile court proceeding. 271

(c) If testimony is presented or evidence is introduced 272
under division (E)(1)(a) or (b) of this section and if the 273
testimony or evidence is admissible under the Rules of Evidence, 274
the court shall admit the testimony or evidence, and the trier 275
of fact shall give it whatever weight the trier of fact 276
considers to be appropriate. 277

(2) Division (E)(1) of this section does not limit or 278
preclude a court, in its determination of whether the arrest of 279
a person was supported by probable cause or its determination of 280
any other matter in a criminal prosecution or juvenile court 281
proceeding of a type described in that division, from 282
considering evidence or testimony that is not otherwise 283
disallowed by division (E)(1) of this section. 284

(F) (1) Subject to division (F) (3) of this section, in any 285
criminal prosecution or juvenile court proceeding for a 286
violation of division (A) or (B) of this section or for an 287
equivalent offense that is substantially equivalent to either of 288
those divisions, the court shall admit as prima-facie evidence a 289
laboratory report from any laboratory personnel issued a permit 290
by the department of health authorizing an analysis as described 291
in this division that contains an analysis of the whole blood, 292
blood serum or plasma, breath, urine, or other bodily substance 293
tested and that contains all of the information specified in 294
this division. The laboratory report shall contain all of the 295
following: 296

(a) The signature, under oath, of any person who performed 297
the analysis; 298

(b) Any findings as to the identity and quantity of 299
alcohol, a drug of abuse, a controlled substance, a metabolite 300
of a controlled substance, or a combination of them that was 301
found; 302

(c) A copy of a notarized statement by the laboratory 303
director or a designee of the director that contains the name of 304
each certified analyst or test performer involved with the 305
report, the analyst's or test performer's employment 306
relationship with the laboratory that issued the report, and a 307
notation that performing an analysis of the type involved is 308
part of the analyst's or test performer's regular duties; 309

(d) An outline of the analyst's or test performer's 310
education, training, and experience in performing the type of 311
analysis involved and a certification that the laboratory 312
satisfies appropriate quality control standards in general and, 313
in this particular analysis, under rules of the department of 314

health. 315

(2) Notwithstanding any other provision of law regarding 316
the admission of evidence, a report of the type described in 317
division (F)(1) of this section is not admissible against the 318
defendant or child to whom it pertains in any proceeding, other 319
than a preliminary hearing or a grand jury proceeding, unless 320
the prosecutor has served a copy of the report on the 321
defendant's or child's attorney or, if the defendant or child 322
has no attorney, on the defendant or child. 323

(3) A report of the type described in division (F)(1) of 324
this section shall not be prima-facie evidence of the contents, 325
identity, or amount of any substance if, within seven days after 326
the defendant or child to whom the report pertains or the 327
defendant's or child's attorney receives a copy of the report, 328
the defendant or child or the defendant's or child's attorney 329
demands the testimony of the person who signed the report. The 330
judge in the case may extend the seven-day time limit in the 331
interest of justice. 332

(G) Except as otherwise provided in this division, any 333
physician, registered nurse, emergency medical technician- 334
intermediate, emergency medical technician-paramedic, or 335
qualified technician, chemist, or phlebotomist who withdraws 336
blood from a person pursuant to this section or section 1547.111 337
of the Revised Code, and a hospital, first-aid station, or 338
clinic at which blood is withdrawn from a person pursuant to 339
this section or section 1547.111 of the Revised Code, is immune 340
from criminal and civil liability based upon a claim of assault 341
and battery or any other claim that is not a claim of 342
malpractice, for any act performed in withdrawing blood from the 343
person. The immunity provided in this division also extends to 344

an emergency medical service organization that employs an 345
emergency medical technician-intermediate or an emergency 346
medical technician-paramedic who withdraws blood under this 347
section. The immunity provided in this division is not available 348
to a person who withdraws blood if the person engages in willful 349
or wanton misconduct. 350

(H) Division (A) (6) of this section does not apply to a 351
person who operates or is in physical control of a vessel 352
underway or manipulates any water skis, aquaplane, or similar 353
device while the person has a concentration of a listed 354
controlled substance or a listed metabolite of a controlled 355
substance in the person's whole blood, blood serum or plasma, or 356
urine that equals or exceeds the amount specified in that 357
division, if both of the following apply: 358

(1) The person obtained the controlled substance pursuant 359
to a prescription issued by a licensed health professional 360
authorized to prescribe drugs. 361

(2) The person injected, ingested, or inhaled the 362
controlled substance in accordance with the health 363
professional's directions. 364

(I) As used in this section and section 1547.111 of the 365
Revised Code: 366

(1) "Equivalent offense" has the same meaning as in 367
section 4511.181 of the Revised Code. 368

(2) "National highway traffic safety administration" has 369
the same meaning as in section 4511.19 of the Revised Code. 370

(3) "Operate" means that a vessel is being used on the 371
waters in this state when the vessel is not securely affixed to 372
a dock or to shore or to any permanent structure to which the 373

vessel has the right to affix or that a vessel is not anchored 374
in a designated anchorage area or boat camping area that is 375
established by the United States coast guard, this state, or a 376
political subdivision and in which the vessel has the right to 377
anchor. 378

(4) "Controlled substance" and "marihuana" have the same 379
meanings as in section 3719.01 of the Revised Code. 380

(5) "Cocaine" and "L.S.D." have the same meanings as in 381
section 2925.01 of the Revised Code. 382

(6) "Equivalent offense that is watercraft-related" means 383
an equivalent offense that is one of the following: 384

(a) A violation of division (A) of this section; 385

(b) A violation of a municipal ordinance prohibiting a 386
person from operating or being in physical control of any vessel 387
underway or from manipulating any water skis, aquaplane, or 388
similar device on the waters of this state while under the 389
influence of alcohol, a drug of abuse, or a combination of them 390
or prohibiting a person from operating or being in physical 391
control of any vessel underway or from manipulating any water 392
skis, aquaplane, or similar device on the waters of this state 393
with a prohibited concentration of alcohol, a controlled 394
substance, or a metabolite of a controlled substance in the 395
whole blood, blood serum or plasma, breath, or urine; 396

(c) A violation of an existing or former municipal 397
ordinance, law of another state, or law of the United States 398
that is substantially equivalent to division (A) of this 399
section; 400

(d) A violation of a former law of this state that was 401
substantially equivalent to division (A) of this section. 402

(7) "Emergency medical technician-intermediate" and 403
"emergency medical technician-paramedic" have the same meanings 404
as in section 4765.01 of the Revised Code. 405

Sec. 1547.111. (A) (1) (a) Any person who operates or is in 406
physical control of a vessel or manipulates any water skis, 407
aquaplane, or similar device upon any waters in this state shall 408
be deemed to have given consent to a chemical test or tests to 409
determine the alcohol, drug of abuse, controlled substance, 410
metabolite of a controlled substance, or combination content of 411
the person's whole blood, blood serum or plasma, breath, oral 412
fluid, or urine if arrested for operating or being in physical 413
control of a vessel or manipulating any water skis, aquaplane, 414
or similar device in violation of section 1547.11 of the Revised 415
Code or a substantially equivalent municipal ordinance. 416

(b) The test or tests under division (A) (1) of this 417
section shall be administered at the request of a law 418
enforcement officer having reasonable grounds to believe the 419
person was operating or in physical control of a vessel or 420
manipulating any water skis, aquaplane, or similar device in 421
violation of section 1547.11 of the Revised Code or a 422
substantially equivalent municipal ordinance. The law 423
enforcement agency by which the officer is employed shall 424
designate which test or tests shall be administered. 425

(2) Any person who is dead or unconscious or who otherwise 426
is in a condition rendering the person incapable of refusal 427
shall be deemed to have consented as provided in division (A) (1) 428
of this section, and the test or tests may be administered, 429
subject to sections 313.12 to 313.16 of the Revised Code. 430

(B) (1) If a law enforcement officer arrests a person for 431
operating or being in physical control of a vessel or 432

manipulating any water skis, aquaplane, or similar device in 433
violation of section 1547.11 of the Revised Code or a 434
substantially equivalent municipal ordinance and if the person 435
previously has been convicted of or pleaded guilty to two or 436
more violations of division (A) of section 1547.11 of the 437
Revised Code or other equivalent offenses, the law enforcement 438
officer shall request the person to submit, and the person shall 439
submit, to a chemical test or tests of the person's whole blood, 440
blood serum or plasma, breath, oral fluid, or urine for the 441
purpose of determining the alcohol, drug of abuse, controlled 442
substance, metabolite of a controlled substance, or combination 443
content of the person's whole blood, blood serum or plasma, 444
breath, oral fluid, or urine. A law enforcement officer who 445
makes a request pursuant to this division that a person submit 446
to a chemical test or tests is not required to advise the person 447
of the consequences of refusing to submit to the test or tests 448
and is not required to give the person the form described in 449
division (C) of this section, but the officer shall advise the 450
person at the time of the arrest that if the person refuses to 451
take a chemical test the officer may employ whatever reasonable 452
means are necessary to ensure that the person submits to a 453
chemical test of the person's whole blood or blood serum or 454
plasma. The officer shall also advise the person at the time of 455
the arrest that the person may have an independent chemical test 456
taken at the person's own expense. The advice shall be in 457
written form prescribed by the chief of the division of parks 458
and watercraft and shall be read to the person. The form shall 459
contain a statement that the form was shown to the person under 460
arrest and read to the person by the arresting officer. The 461
reading of the form shall be witnessed by one or more persons, 462
and the witnesses shall certify to this fact by signing the 463
form. Divisions (A) (1) (b) and (A) (2) of this section apply to 464

the administration of a chemical test or tests pursuant to this 465
division. 466

(2) If a person refuses to submit to a chemical test upon 467
a request made pursuant to division (B)(1) of this section, the 468
law enforcement officer who made the request may employ whatever 469
reasonable means are necessary to ensure that the person submits 470
to a chemical test of the person's whole blood or blood serum or 471
plasma. A law enforcement officer who acts pursuant to this 472
division to ensure that a person submits to a chemical test of 473
the person's whole blood or blood serum or plasma is immune from 474
criminal and civil liability based upon a claim for assault and 475
battery or any other claim for the acts, unless the officer so 476
acted with malicious purpose, in bad faith, or in a wanton or 477
reckless manner. 478

(C) Except as provided in division (B) of this section, 479
any person under arrest for violating section 1547.11 of the 480
Revised Code or a substantially equivalent municipal ordinance 481
shall be advised of the consequences of refusing to submit to a 482
chemical test or tests designated as provided in division (A) of 483
this section. The advice shall be in a written form prescribed 484
by the chief of the division of parks and watercraft and shall 485
be read to the person. The form shall contain a statement that 486
the form was shown to the person under arrest and read to the 487
person by the arresting officer. The reading of the form shall 488
be witnessed by one or more persons, and the witnesses shall 489
certify to this fact by signing the form. The person must submit 490
to the chemical test or tests, subsequent to the request of the 491
arresting officer, within two hours of the time of the alleged 492
violation, and if the person does not submit to the test or 493
tests within that two-hour time limit, the failure to submit 494
automatically constitutes a refusal to submit to the test or 495

tests. 496

(D) Except as provided in division (B) of this section, if 497
a law enforcement officer asks a person under arrest for 498
violating section 1547.11 of the Revised Code or a substantially 499
equivalent municipal ordinance to submit to a chemical test or 500
tests as provided in division (A) of this section, if the 501
arresting officer advises the person of the consequences of the 502
person's refusal as provided in division (C) of this section, 503
and if the person refuses to submit, no chemical test shall be 504
given. Upon receipt of a sworn statement of the officer that the 505
arresting law enforcement officer had reasonable grounds to 506
believe the arrested person violated section 1547.11 of the 507
Revised Code or a substantially equivalent municipal ordinance 508
and that the person refused to submit to the chemical test upon 509
the request of the officer, and upon receipt of the form as 510
provided in division (C) of this section certifying that the 511
arrested person was advised of the consequences of the refusal, 512
the chief of the division of parks and watercraft shall inform 513
the person by written notice that the person is prohibited from 514
operating or being in physical control of a vessel, from 515
manipulating any water skis, aquaplane, or similar device, and 516
from registering any watercraft in accordance with section 517
1547.54 of the Revised Code, for one year following the date of 518
the alleged violation. The suspension of these operation, 519
physical control, manipulation, and registration privileges 520
shall continue for the entire one-year period, subject to review 521
as provided in this section. 522

If the person under arrest is the owner of the vessel 523
involved in the alleged violation, the law enforcement officer 524
who arrested the person shall seize the watercraft registration 525
certificate and tags from the vessel involved in the violation 526

and forward them to the chief. The chief shall retain the 527
impounded registration certificate and tags and shall impound 528
all other registration certificates and tags issued to the 529
person in accordance with sections 1547.54 and 1547.57 of the 530
Revised Code, for a period of one year following the date of the 531
alleged violation, subject to review as provided in this 532
section. 533

If the arrested person fails to surrender the registration 534
certificate because it is not on the person of the arrested 535
person or in the watercraft, the law enforcement officer who 536
made the arrest shall order the person to surrender it within 537
twenty-four hours to the law enforcement officer or the law 538
enforcement agency that employs the law enforcement officer. If 539
the person fails to do so, the law enforcement officer shall 540
notify the chief of that fact in the statement the officer 541
submits to the chief under this division. 542

(E) Upon suspending a person's operation, physical 543
control, manipulation, and registration privileges in accordance 544
with division (D) of this section, the chief shall notify the 545
person in writing, at the person's last known address, and 546
inform the person that the person may petition for a hearing in 547
accordance with division (F) of this section. If a person whose 548
operation, physical control, manipulation, and registration 549
privileges have been suspended petitions for a hearing or 550
appeals any adverse decision, the suspension shall begin at the 551
termination of any hearing or appeal unless the hearing or 552
appeal results in a decision favorable to the person. 553

(F) Any person who has been notified by the chief that the 554
person is prohibited from operating or being in physical control 555
of a vessel or manipulating any water skis, aquaplane, or 556

similar device and from registering any watercraft in accordance 557
with section 1547.54 of the Revised Code, or who has had the 558
registration certificate and tags of the person's watercraft 559
impounded pursuant to division (D) of this section, within 560
twenty days of the notification or impoundment, may file a 561
petition in the municipal court or the county court, or if the 562
person is a minor in juvenile court, with jurisdiction over the 563
place at which the arrest occurred, agreeing to pay the cost of 564
the proceedings and alleging error in the action taken by the 565
chief under division (D) of this section or alleging one or more 566
of the matters within the scope of the hearing as provided in 567
this section, or both. The petitioner shall notify the chief of 568
the filing of the petition and send the chief a copy of the 569
petition. 570

The scope of the hearing is limited to the issues of 571
whether the law enforcement officer had reasonable grounds to 572
believe the petitioner was operating or in physical control of a 573
vessel or manipulating any water skis, aquaplane, or similar 574
device in violation of section 1547.11 of the Revised Code or a 575
substantially equivalent municipal ordinance, whether the 576
petitioner was placed under arrest, whether the petitioner 577
refused to submit to the chemical test upon request of the 578
officer, and whether the petitioner was advised of the 579
consequences of the petitioner's refusal. 580

(G) (1) The chief shall furnish the court a copy of the 581
affidavit as provided in division (C) of this section and any 582
other relevant information requested by the court. 583

(2) In hearing the matter and in determining whether the 584
person has shown error in the decision taken by the chief as 585
provided in division (D) of this section, the court shall decide 586

the issue upon the relevant, competent, and material evidence 587
submitted by the chief or the person whose operation, physical 588
control, manipulation, and registration privileges have been 589
suspended. 590

In the proceedings, the chief shall be represented by the 591
prosecuting attorney of the county in which the petition is 592
filed if the petition is filed in a county court or juvenile 593
court, except that if the arrest occurred within a city or 594
village within the jurisdiction of the county court in which the 595
petition is filed, the city director of law or village solicitor 596
of that city or village shall represent the chief. If the 597
petition is filed in the municipal court, the chief shall be 598
represented as provided in section 1901.34 of the Revised Code. 599

(3) If the court finds from the evidence submitted that 600
the person has failed to show error in the action taken by the 601
chief under division (D) of this section or in one or more of 602
the matters within the scope of the hearing as provided in 603
division (F) of this section, or both, the court shall assess 604
the cost of the proceeding against the person and shall uphold 605
the suspension of the operation, physical control, use, and 606
registration privileges provided in division (D) of this 607
section. If the court finds that the person has shown error in 608
the action taken by the chief under division (D) of this section 609
or in one or more of the matters within the scope of the hearing 610
as provided in division (F) of this section, or both, the cost 611
of the proceedings shall be paid out of the county treasury of 612
the county in which the proceedings were held, the chief shall 613
reinstate the operation, physical control, manipulation, and 614
registration privileges of the person without charge, and the 615
chief shall return the registration certificate and tags, if 616
impounded, without charge. 617

(4) The court shall give information in writing of any 618
action taken under this section to the chief. 619

(H) At the end of any period of suspension or impoundment 620
imposed under this section, and upon request of the person whose 621
operation, physical control, use, and registration privileges 622
were suspended or whose registration certificate and tags were 623
impounded, the chief shall reinstate the person's operation, 624
physical control, manipulation, and registration privileges by 625
written notice and return the certificate and tags. 626

(I) No person who has received written notice from the 627
chief that the person is prohibited from operating or being in 628
physical control of a vessel, from manipulating any water skis, 629
aquaplane, or similar device, and from registering a watercraft, 630
or who has had the registration certificate and tags of the 631
person's watercraft impounded, in accordance with division (D) 632
of this section, shall operate or be in physical control of a 633
vessel or manipulate any water skis, aquaplane, or similar 634
device for a period of one year following the date of the 635
person's alleged violation of section 1547.11 of the Revised 636
Code or the substantially equivalent municipal ordinance. 637

Sec. 2317.02. The following persons shall not testify in 638
certain respects: 639

(A) (1) An attorney, concerning a communication made to the 640
attorney by a client in that relation or concerning the 641
attorney's advice to a client, except that the attorney may 642
testify by express consent of the client or, if the client is 643
deceased, by the express consent of the surviving spouse or the 644
executor or administrator of the estate of the deceased client. 645
However, if the client voluntarily reveals the substance of 646
attorney-client communications in a nonprivileged context or is 647

deemed by section 2151.421 of the Revised Code to have waived 648
any testimonial privilege under this division, the attorney may 649
be compelled to testify on the same subject. 650

The testimonial privilege established under this division 651
does not apply concerning either of the following: 652

(a) A communication between a client in a capital case, as 653
defined in section 2901.02 of the Revised Code, and the client's 654
attorney if the communication is relevant to a subsequent 655
ineffective assistance of counsel claim by the client alleging 656
that the attorney did not effectively represent the client in 657
the case; 658

(b) A communication between a client who has since died 659
and the deceased client's attorney if the communication is 660
relevant to a dispute between parties who claim through that 661
deceased client, regardless of whether the claims are by testate 662
or intestate succession or by inter vivos transaction, and the 663
dispute addresses the competency of the deceased client when the 664
deceased client executed a document that is the basis of the 665
dispute or whether the deceased client was a victim of fraud, 666
undue influence, or duress when the deceased client executed a 667
document that is the basis of the dispute. 668

(2) An attorney, concerning a communication made to the 669
attorney by a client in that relationship or the attorney's 670
advice to a client, except that if the client is an insurance 671
company, the attorney may be compelled to testify, subject to an 672
in camera inspection by a court, about communications made by 673
the client to the attorney or by the attorney to the client that 674
are related to the attorney's aiding or furthering an ongoing or 675
future commission of bad faith by the client, if the party 676
seeking disclosure of the communications has made a prima-facie 677

showing of bad faith, fraud, or criminal misconduct by the 678
client. 679

(B) (1) A physician, advanced practice registered nurse, or 680
dentist concerning a communication made to the physician, 681
advanced practice registered nurse, or dentist by a patient in 682
that relation or the advice of a physician, advanced practice 683
registered nurse, or dentist given to a patient, except as 684
otherwise provided in this division, division (B) (2), and 685
division (B) (3) of this section, and except that, if the patient 686
is deemed by section 2151.421 of the Revised Code to have waived 687
any testimonial privilege under this division, the physician or 688
advanced practice registered nurse may be compelled to testify 689
on the same subject. 690

The testimonial privilege established under this division 691
does not apply, and a physician, advanced practice registered 692
nurse, or dentist may testify or may be compelled to testify, in 693
any of the following circumstances: 694

(a) In any civil action, in accordance with the discovery 695
provisions of the Rules of Civil Procedure in connection with a 696
civil action, or in connection with a claim under Chapter 4123. 697
of the Revised Code, under any of the following circumstances: 698

(i) If the patient or the guardian or other legal 699
representative of the patient gives express consent; 700

(ii) If the patient is deceased, the spouse of the patient 701
or the executor or administrator of the patient's estate gives 702
express consent; 703

(iii) If a medical claim, dental claim, chiropractic 704
claim, or optometric claim, as defined in section 2305.113 of 705
the Revised Code, an action for wrongful death, any other type 706

of civil action, or a claim under Chapter 4123. of the Revised 707
Code is filed by the patient, the personal representative of the 708
estate of the patient if deceased, or the patient's guardian or 709
other legal representative. 710

(b) In any civil action concerning court-ordered treatment 711
or services received by a patient, if the court-ordered 712
treatment or services were ordered as part of a case plan 713
journalized under section 2151.412 of the Revised Code or the 714
court-ordered treatment or services are necessary or relevant to 715
dependency, neglect, or abuse or temporary or permanent custody 716
proceedings under Chapter 2151. of the Revised Code. 717

(c) In any criminal action concerning any test or the 718
results of any test that determines the presence or 719
concentration of alcohol, a drug of abuse, a combination of 720
them, a controlled substance, or a metabolite of a controlled 721
substance in the patient's whole blood, blood serum or plasma, 722
breath, urine, oral fluid, or other bodily substance at any time 723
relevant to the criminal offense in question. 724

(d) In any criminal action against a physician, advanced 725
practice registered nurse, or dentist. In such an action, the 726
testimonial privilege established under this division does not 727
prohibit the admission into evidence, in accordance with the 728
Rules of Evidence, of a patient's medical or dental records or 729
other communications between a patient and the physician, 730
advanced practice registered nurse, or dentist that are related 731
to the action and obtained by subpoena, search warrant, or other 732
lawful means. A court that permits or compels a physician, 733
advanced practice registered nurse, or dentist to testify in 734
such an action or permits the introduction into evidence of 735
patient records or other communications in such an action shall 736

require that appropriate measures be taken to ensure that the 737
confidentiality of any patient named or otherwise identified in 738
the records is maintained. Measures to ensure confidentiality 739
that may be taken by the court include sealing its records or 740
deleting specific information from its records. 741

(e) (i) If the communication was between a patient who has 742
since died and the deceased patient's physician, advanced 743
practice registered nurse, or dentist, the communication is 744
relevant to a dispute between parties who claim through that 745
deceased patient, regardless of whether the claims are by 746
testate or intestate succession or by inter vivos transaction, 747
and the dispute addresses the competency of the deceased patient 748
when the deceased patient executed a document that is the basis 749
of the dispute or whether the deceased patient was a victim of 750
fraud, undue influence, or duress when the deceased patient 751
executed a document that is the basis of the dispute. 752

(ii) If neither the spouse of a patient nor the executor 753
or administrator of that patient's estate gives consent under 754
division (B) (1) (a) (ii) of this section, testimony or the 755
disclosure of the patient's medical records by a physician, 756
advanced practice registered nurse, dentist, or other health 757
care provider under division (B) (1) (e) (i) of this section is a 758
permitted use or disclosure of protected health information, as 759
defined in 45 C.F.R. 160.103, and an authorization or 760
opportunity to be heard shall not be required. 761

(iii) Division (B) (1) (e) (i) of this section does not 762
require a mental health professional to disclose psychotherapy 763
notes, as defined in 45 C.F.R. 164.501. 764

(iv) An interested person who objects to testimony or 765
disclosure under division (B) (1) (e) (i) of this section may seek 766

a protective order pursuant to Civil Rule 26. 767

(v) A person to whom protected health information is 768
disclosed under division (B) (1) (e) (i) of this section shall not 769
use or disclose the protected health information for any purpose 770
other than the litigation or proceeding for which the 771
information was requested and shall return the protected health 772
information to the covered entity or destroy the protected 773
health information, including all copies made, at the conclusion 774
of the litigation or proceeding. 775

(2) (a) If any law enforcement officer submits a written 776
statement to a health care provider that states that an official 777
criminal investigation has begun regarding a specified person or 778
that a criminal action or proceeding has been commenced against 779
a specified person, that requests the provider to supply to the 780
officer copies of any records the provider possesses that 781
pertain to any test or the results of any test administered to 782
the specified person to determine the presence or concentration 783
of alcohol, a drug of abuse, a combination of them, a controlled 784
substance, or a metabolite of a controlled substance in the 785
person's whole blood, blood serum or plasma, breath, oral fluid, 786
or urine at any time relevant to the criminal offense in 787
question, and that conforms to section 2317.022 of the Revised 788
Code, the provider, except to the extent specifically prohibited 789
by any law of this state or of the United States, shall supply 790
to the officer a copy of any of the requested records the 791
provider possesses. If the health care provider does not possess 792
any of the requested records, the provider shall give the 793
officer a written statement that indicates that the provider 794
does not possess any of the requested records. 795

(b) If a health care provider possesses any records of the 796

type described in division (B) (2) (a) of this section regarding 797
the person in question at any time relevant to the criminal 798
offense in question, in lieu of personally testifying as to the 799
results of the test in question, the custodian of the records 800
may submit a certified copy of the records, and, upon its 801
submission, the certified copy is qualified as authentic 802
evidence and may be admitted as evidence in accordance with the 803
Rules of Evidence. Division (A) of section 2317.422 of the 804
Revised Code does not apply to any certified copy of records 805
submitted in accordance with this division. Nothing in this 806
division shall be construed to limit the right of any party to 807
call as a witness the person who administered the test to which 808
the records pertain, the person under whose supervision the test 809
was administered, the custodian of the records, the person who 810
made the records, or the person under whose supervision the 811
records were made. 812

(3) (a) If the testimonial privilege described in division 813
(B) (1) of this section does not apply as provided in division 814
(B) (1) (a) (iii) of this section, a physician, advanced practice 815
registered nurse, or dentist may be compelled to testify or to 816
submit to discovery under the Rules of Civil Procedure only as 817
to a communication made to the physician, advanced practice 818
registered nurse, or dentist by the patient in question in that 819
relation, or the advice of the physician, advanced practice 820
registered nurse, or dentist given to the patient in question, 821
that related causally or historically to physical or mental 822
injuries that are relevant to issues in the medical claim, 823
dental claim, chiropractic claim, or optometric claim, action 824
for wrongful death, other civil action, or claim under Chapter 825
4123. of the Revised Code. 826

(b) If the testimonial privilege described in division (B) 827

(1) of this section does not apply to a physician, advanced practice registered nurse, or dentist as provided in division (B) (1) (c) of this section, the physician, advanced practice registered nurse, or dentist, in lieu of personally testifying as to the results of the test in question, may submit a certified copy of those results, and, upon its submission, the certified copy is qualified as authentic evidence and may be admitted as evidence in accordance with the Rules of Evidence. Division (A) of section 2317.422 of the Revised Code does not apply to any certified copy of results submitted in accordance with this division. Nothing in this division shall be construed to limit the right of any party to call as a witness the person who administered the test in question, the person under whose supervision the test was administered, the custodian of the results of the test, the person who compiled the results, or the person under whose supervision the results were compiled.

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

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

statement, diagnosis, or prognosis. 859

(b) As used in division (B)(2) of this section, "health 860
care provider" means a hospital, ambulatory care facility, long- 861
term care facility, pharmacy, emergency facility, or health care 862
practitioner. 863

(c) As used in division (B)(5)(b) of this section: 864

(i) "Ambulatory care facility" means a facility that 865
provides medical, diagnostic, or surgical treatment to patients 866
who do not require hospitalization, including a dialysis center, 867
ambulatory surgical facility, cardiac catheterization facility, 868
diagnostic imaging center, extracorporeal shock wave lithotripsy 869
center, home health agency, inpatient hospice, birthing center, 870
radiation therapy center, emergency facility, and an urgent care 871
center. "Ambulatory health care facility" does not include the 872
private office of a physician, advanced practice registered 873
nurse, or dentist, whether the office is for an individual or 874
group practice. 875

(ii) "Emergency facility" means a hospital emergency 876
department or any other facility that provides emergency medical 877
services. 878

(iii) "Health care practitioner" has the same meaning as 879
in section 4769.01 of the Revised Code. 880

(iv) "Hospital" has the same meaning as in section 3727.01 881
of the Revised Code. 882

(v) "Long-term care facility" means a nursing home, 883
residential care facility, or home for the aging, as those terms 884
are defined in section 3721.01 of the Revised Code; a 885
residential facility licensed under section 5119.34 of the 886
Revised Code that provides accommodations, supervision, and 887

personal care services for three to sixteen unrelated adults; a 888
nursing facility, as defined in section 5165.01 of the Revised 889
Code; a skilled nursing facility, as defined in section 5165.01 890
of the Revised Code; and an intermediate care facility for 891
individuals with intellectual disabilities, as defined in 892
section 5124.01 of the Revised Code. 893

(vi) "Pharmacy" has the same meaning as in section 4729.01 894
of the Revised Code. 895

(d) As used in divisions (B) (1) and (2) of this section, 896
"drug of abuse" has the same meaning as in section 4506.01 of 897
the Revised Code. 898

(6) Divisions (B) (1), (2), (3), (4), and (5) of this 899
section apply to doctors of medicine, doctors of osteopathic 900
medicine, doctors of podiatry, advanced practice registered 901
nurses, and dentists. 902

(7) Nothing in divisions (B) (1) to (6) of this section 903
affects, or shall be construed as affecting, the immunity from 904
civil liability conferred by section 307.628 of the Revised Code 905
or the immunity from civil liability conferred by section 906
2305.33 of the Revised Code upon physicians or advanced practice 907
registered nurses who report an employee's use of a drug of 908
abuse, or a condition of an employee other than one involving 909
the use of a drug of abuse, to the employer of the employee in 910
accordance with division (B) of that section. As used in 911
division (B) (7) of this section, "employee," "employer," and 912
"physician" have the same meanings as in section 2305.33 of the 913
Revised Code and "advanced practice registered nurse" has the 914
same meaning as in section 4723.01 of the Revised Code. 915

(C) (1) A cleric, when the cleric remains accountable to 916

the authority of that cleric's church, denomination, or sect, 917
concerning a confession made, or any information confidentially 918
communicated, to the cleric for a religious counseling purpose 919
in the cleric's professional character. The cleric may testify 920
by express consent of the person making the communication, 921
except when the disclosure of the information is in violation of 922
a sacred trust and except that, if the person voluntarily 923
testifies or is deemed by division (A) (4) (c) of section 2151.421 924
of the Revised Code to have waived any testimonial privilege 925
under this division, the cleric may be compelled to testify on 926
the same subject except when disclosure of the information is in 927
violation of a sacred trust. 928

(2) As used in division (C) of this section: 929

(a) "Cleric" means a member of the clergy, rabbi, priest, 930
Christian Science practitioner, or regularly ordained, 931
accredited, or licensed minister of an established and legally 932
cognizable church, denomination, or sect. 933

(b) "Sacred trust" means a confession or confidential 934
communication made to a cleric in the cleric's ecclesiastical 935
capacity in the course of discipline enjoined by the church to 936
which the cleric belongs, including, but not limited to, the 937
Catholic Church, if both of the following apply: 938

(i) The confession or confidential communication was made 939
directly to the cleric. 940

(ii) The confession or confidential communication was made 941
in the manner and context that places the cleric specifically 942
and strictly under a level of confidentiality that is considered 943
inviolable by canon law or church doctrine. 944

(D) Husband or wife, concerning any communication made by 945

one to the other, or an act done by either in the presence of 946
the other, during coverture, unless the communication was made, 947
or act done, in the known presence or hearing of a third person 948
competent to be a witness; and such rule is the same if the 949
marital relation has ceased to exist; 950

(E) A person who assigns a claim or interest, concerning 951
any matter in respect to which the person would not, if a party, 952
be permitted to testify; 953

(F) A person who, if a party, would be restricted under 954
section 2317.03 of the Revised Code, when the property or thing 955
is sold or transferred by an executor, administrator, guardian, 956
trustee, heir, devisee, or legatee, shall be restricted in the 957
same manner in any action or proceeding concerning the property 958
or thing. 959

(G) (1) A school guidance counselor who holds a valid 960
educator license from the state board of education as provided 961
for in section 3319.22 of the Revised Code, a person licensed 962
under Chapter 4757. of the Revised Code as a licensed 963
professional clinical counselor, licensed professional 964
counselor, social worker, independent social worker, marriage 965
and family therapist or independent marriage and family 966
therapist, or registered under Chapter 4757. of the Revised Code 967
as a social work assistant concerning a confidential 968
communication received from a client in that relation or the 969
person's advice to a client unless any of the following applies: 970

(a) The communication or advice indicates clear and 971
present danger to the client or other persons. For the purposes 972
of this division, cases in which there are indications of 973
present or past child abuse or neglect of the client constitute 974
a clear and present danger. 975

(b) The client gives express consent to the testimony.	976
(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.	977 978 979
(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.	980 981 982 983
(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.	984 985 986 987
(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.	988 989 990 991
(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient 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.	992 993 994 995 996 997 998
(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.	999 1000 1001 1002 1003
(H) A mediator acting under a mediation order issued under	1004

division (A) of section 3109.052 of the Revised Code or 1005
otherwise issued in any proceeding for divorce, dissolution, 1006
legal separation, annulment, or the allocation of parental 1007
rights and responsibilities for the care of children, in any 1008
action or proceeding, other than a criminal, delinquency, child 1009
abuse, child neglect, or dependent child action or proceeding, 1010
that is brought by or against either parent who takes part in 1011
mediation in accordance with the order and that pertains to the 1012
mediation process, to any information discussed or presented in 1013
the mediation process, to the allocation of parental rights and 1014
responsibilities for the care of the parents' children, or to 1015
the awarding of parenting time rights in relation to their 1016
children; 1017

(I) A communications assistant, acting within the scope of 1018
the communication assistant's authority, when providing 1019
telecommunications relay service pursuant to section 4931.06 of 1020
the Revised Code or Title II of the "Communications Act of 1021
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1022
communication made through a telecommunications relay service. 1023
Nothing in this section shall limit the obligation of a 1024
communications assistant to divulge information or testify when 1025
mandated by federal law or regulation or pursuant to subpoena in 1026
a criminal proceeding. 1027

Nothing in this section shall limit any immunity or 1028
privilege granted under federal law or regulation. 1029

(J) (1) A chiropractor in a civil proceeding concerning a 1030
communication made to the chiropractor by a patient in that 1031
relation or the chiropractor's advice to a patient, except as 1032
otherwise provided in this division. The testimonial privilege 1033
established under this division does not apply, and a 1034

chiropractor may testify or may be compelled to testify, in any 1035
civil action, in accordance with the discovery provisions of the 1036
Rules of Civil Procedure in connection with a civil action, or 1037
in connection with a claim under Chapter 4123. of the Revised 1038
Code, under any of the following circumstances: 1039

(a) If the patient or the guardian or other legal 1040
representative of the patient gives express consent. 1041

(b) If the patient is deceased, the spouse of the patient 1042
or the executor or administrator of the patient's estate gives 1043
express consent. 1044

(c) If a medical claim, dental claim, chiropractic claim, 1045
or optometric claim, as defined in section 2305.113 of the 1046
Revised Code, an action for wrongful death, any other type of 1047
civil action, or a claim under Chapter 4123. of the Revised Code 1048
is filed by the patient, the personal representative of the 1049
estate of the patient if deceased, or the patient's guardian or 1050
other legal representative. 1051

(2) If the testimonial privilege described in division (J) 1052
(1) of this section does not apply as provided in division (J) 1053
(1)(c) of this section, a chiropractor may be compelled to 1054
testify or to submit to discovery under the Rules of Civil 1055
Procedure only as to a communication made to the chiropractor by 1056
the patient in question in that relation, or the chiropractor's 1057
advice to the patient in question, that related causally or 1058
historically to physical or mental injuries that are relevant to 1059
issues in the medical claim, dental claim, chiropractic claim, 1060
or optometric claim, action for wrongful death, other civil 1061
action, or claim under Chapter 4123. of the Revised Code. 1062

(3) The testimonial privilege established under this 1063

division does not apply, and a chiropractor may testify or be 1064
compelled to testify, in any criminal action or administrative 1065
proceeding. 1066

(4) As used in this division, "communication" means 1067
acquiring, recording, or transmitting any information, in any 1068
manner, concerning any facts, opinions, or statements necessary 1069
to enable a chiropractor to diagnose, treat, or act for a 1070
patient. A communication may include, but is not limited to, any 1071
chiropractic, office, or hospital communication such as a 1072
record, chart, letter, memorandum, laboratory test and results, 1073
x-ray, photograph, financial statement, diagnosis, or prognosis. 1074

(K) (1) Except as provided under division (K) (2) of this 1075
section, a critical incident stress management team member 1076
concerning a communication received from an individual who 1077
receives crisis response services from the team member, or the 1078
team member's advice to the individual, during a debriefing 1079
session. 1080

(2) The testimonial privilege established under division 1081
(K) (1) of this section does not apply if any of the following 1082
are true: 1083

(a) The communication or advice indicates clear and 1084
present danger to the individual who receives crisis response 1085
services or to other persons. For purposes of this division, 1086
cases in which there are indications of present or past child 1087
abuse or neglect of the individual constitute a clear and 1088
present danger. 1089

(b) The individual who received crisis response services 1090
gives express consent to the testimony. 1091

(c) If the individual who received crisis response 1092

services is deceased, the surviving spouse or the executor or 1093
administrator of the estate of the deceased individual gives 1094
express consent. 1095

(d) The individual who received crisis response services 1096
voluntarily testifies, in which case the team member may be 1097
compelled to testify on the same subject. 1098

(e) The court in camera determines that the information 1099
communicated by the individual who received crisis response 1100
services is not germane to the relationship between the 1101
individual and the team member. 1102

(f) The communication or advice pertains or is related to 1103
any criminal act. 1104

(3) As used in division (K) of this section: 1105

(a) "Crisis response services" means consultation, risk 1106
assessment, referral, and on-site crisis intervention services 1107
provided by a critical incident stress management team to 1108
individuals affected by crisis or disaster. 1109

(b) "Critical incident stress management team member" or 1110
"team member" means an individual specially trained to provide 1111
crisis response services as a member of an organized community 1112
or local crisis response team that holds membership in the Ohio 1113
critical incident stress management network. 1114

(c) "Debriefing session" means a session at which crisis 1115
response services are rendered by a critical incident stress 1116
management team member during or after a crisis or disaster. 1117

(L) (1) Subject to division (L) (2) of this section and 1118
except as provided in division (L) (3) of this section, an 1119
employee assistance professional, concerning a communication 1120

made to the employee assistance professional by a client in the 1121
employee assistance professional's official capacity as an 1122
employee assistance professional. 1123

(2) Division (L)(1) of this section applies to an employee 1124
assistance professional who meets either or both of the 1125
following requirements: 1126

(a) Is certified by the employee assistance certification 1127
commission to engage in the employee assistance profession; 1128

(b) Has education, training, and experience in all of the 1129
following: 1130

(i) Providing workplace-based services designed to address 1131
employer and employee productivity issues; 1132

(ii) Providing assistance to employees and employees' 1133
dependents in identifying and finding the means to resolve 1134
personal problems that affect the employees or the employees' 1135
performance; 1136

(iii) Identifying and resolving productivity problems 1137
associated with an employee's concerns about any of the 1138
following matters: health, marriage, family, finances, substance 1139
abuse or other addiction, workplace, law, and emotional issues; 1140

(iv) Selecting and evaluating available community 1141
resources; 1142

(v) Making appropriate referrals; 1143

(vi) Local and national employee assistance agreements; 1144

(vii) Client confidentiality. 1145

(3) Division (L)(1) of this section does not apply to any 1146
of the following: 1147

(a) A criminal action or proceeding involving an offense	1148
under sections 2903.01 to 2903.06 of the Revised Code if the	1149
employee assistance professional's disclosure or testimony	1150
relates directly to the facts or immediate circumstances of the	1151
offense;	1152
(b) A communication made by a client to an employee	1153
assistance professional that reveals the contemplation or	1154
commission of a crime or serious, harmful act;	1155
(c) A communication that is made by a client who is an	1156
unemancipated minor or an adult adjudicated to be incompetent	1157
and indicates that the client was the victim of a crime or	1158
abuse;	1159
(d) A civil proceeding to determine an individual's mental	1160
competency or a criminal action in which a plea of not guilty by	1161
reason of insanity is entered;	1162
(e) A civil or criminal malpractice action brought against	1163
the employee assistance professional;	1164
(f) When the employee assistance professional has the	1165
express consent of the client or, if the client is deceased or	1166
disabled, the client's legal representative;	1167
(g) When the testimonial privilege otherwise provided by	1168
division (L)(1) of this section is abrogated under law.	1169
Sec. 2317.022. (A) As used in this section:	1170
(1) "Health care provider" has the same meaning as in	1171
section 2317.02 of the Revised Code.	1172
(2) "Drug of abuse" has the same meaning as in section	1173
4506.01 of the Revised Code.	1174

(B) If an official criminal investigation has begun 1175
regarding a person or if a criminal action or proceeding is 1176
commenced against a person, any law enforcement officer who 1177
wishes to obtain from any health care provider a copy of any 1178
records the provider possesses that pertain to any test or the 1179
result of any test administered to the person to determine the 1180
presence or concentration of alcohol, a drug of abuse, or 1181
alcohol and a drug of abuse in the person's blood, breath, oral 1182
fluid, or urine at any time relevant to the criminal offense in 1183
question shall submit to the health care facility a written 1184
statement in the following form: 1185

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1186

To: _____ (insert name of the health care 1187
provider in question). 1188

I hereby state that an official criminal investigation has 1189
begun regarding, or a criminal action or proceeding has been 1190
commenced against, _____ (insert the name of the 1191
person in question), and that I believe that one or more tests 1192
has been administered to that person by this health care 1193
provider to determine the presence or concentration of alcohol, 1194
a drug of abuse, a combination of them, a controlled substance, 1195
or a metabolite of a controlled substance in that person's whole 1196
blood, blood serum or plasma, breath, oral fluid, or urine at a 1197
time relevant to the criminal offense in question. Therefore, I 1198
hereby request that, pursuant to division (B) (2) of section 1199
2317.02 of the Revised Code, this health care provider supply me 1200
with copies of any records the provider possesses that pertain 1201
to any test or the results of any test administered to the 1202
person specified above to determine the presence or 1203
concentration of alcohol, a drug of abuse, a combination of 1204

them, a controlled substance, or a metabolite of a controlled
substance in that person's whole blood, blood serum or plasma,
breath, oral fluid, or urine at any time relevant to the
criminal offense in question.

_____ 1209

(Name of officer) 1210

_____ 1211

(Officer's title) 1212

_____ 1213

(Officer's employing agency) 1214

_____ 1215

(Officer's telephone number) 1216

_____ 1217

_____ 1218

_____ 1219

(Agency's address) 1220

_____ 1221

(Date written statement submitted)" 1222

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

Sec. 2903.216. (A) As used in this section: 1227

(1) "Business entity" means any form of corporation, 1228

partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state. 1229
1230
1231

(2) "Business of private investigation" and "private investigator" have the same meanings as in section 4749.01 of the Revised Code. 1232
1233
1234

(3) "Disabled adult" and "elderly person" have the same meanings as in section 2913.01 of the Revised Code. 1235
1236

(4) "Electronic monitoring" and "electronic monitoring device" have the same meanings as in section 2929.01 of the Revised Code. 1237
1238
1239

(5) "Law enforcement agency" means any organization or unit comprised of law enforcement officers, and also includes any federal or military law enforcement agency. 1240
1241
1242

(6) "Person" means an individual, but does not include a business entity. 1243
1244

(7) "Ohio protection order" means a protection order filed or issued or a consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, a protection order filed or issued pursuant to section 2151.34, 2903.213, or 2903.214 of the Revised Code, or a no contact order issued as any of the following: 1245
1246
1247
1248
1249
1250

(a) As part of a person's sentence under a community control sanction imposed under section 2929.16, 2929.17, 2929.26, or 2929.27 of the Revised Code; 1251
1252
1253

(b) As a term or condition of a person's release under section 2929.20 of the Revised Code; 1254
1255

(c) As a post-release control sanction imposed as a 1256

<u>condition of a person's post-release control under section</u>	1257
<u>2967.28 of the Revised Code;</u>	1258
<u>(d) As a term of supervision for a person transferred to</u>	1259
<u>transitional control under section 2967.26 of the Revised Code;</u>	1260
<u>(e) As a term or condition of the intervention plan of a</u>	1261
<u>person granted intervention in lieu of conviction under section</u>	1262
<u>2951.041 of the Revised Code.</u>	1263
<u>(8) "Protection order issued by a court of another state"</u>	1264
<u>has the same meaning as in section 2919.27 of the Revised Code.</u>	1265
<u>(9) "Tracking application" means any software program that</u>	1266
<u>permits a person to remotely determine or track the position or</u>	1267
<u>movement of another person or another person's property.</u>	1268
<u>(10) "Tracking device" means an electronic or mechanical</u>	1269
<u>device that permits a person to remotely determine or track the</u>	1270
<u>position or movement of another person or another person's</u>	1271
<u>property, including an electronic monitoring device.</u>	1272
<u>(B) Except as otherwise provided in division (D) of this</u>	1273
<u>section, no person shall knowingly do either of the following:</u>	1274
<u>(1) Install a tracking device or tracking application on</u>	1275
<u>another person's property without the other person's consent or</u>	1276
<u>cause a tracking device or tracking application to track the</u>	1277
<u>position or movement of another person or another person's</u>	1278
<u>property without the other person's consent;</u>	1279
<u>(2) If the person installed a tracking device or tracking</u>	1280
<u>application on another's property with the other person's</u>	1281
<u>consent and the other person subsequently revokes that consent,</u>	1282
<u>fail to remove or ensure the removal of the device or</u>	1283
<u>application after the other person revokes the consent.</u>	1284

(C) (1) For purposes of this section, if a person has given 1285
consent for another to install a tracking device or tracking 1286
application on the consenting person's property, it is presumed 1287
that the consenting person has revoked that consent if any of 1288
the following applies: 1289

(a) The consenting person and the person to whom consent 1290
was given are lawfully married and one of them files a complaint 1291
for divorce or a petition for dissolution of marriage from the 1292
other. Not later than seventy-two hours after being served with 1293
a complaint for divorce or a petition for dissolution of 1294
marriage, the person to whom consent was given shall lawfully 1295
uninstall or discontinue use of the tracking device or tracking 1296
application. If the person to whom consent was given cannot 1297
lawfully uninstall or discontinue use of the tracking device or 1298
tracking application, the person to whom consent was given shall 1299
notify the court in which the complaint for divorce or the 1300
petition for dissolution of marriage was filed in writing. 1301

(b) The consenting person or the person to whom consent 1302
was given files an Ohio protection order against the other 1303
person or an Ohio protection order is issued against the other 1304
person, and the person to be protected under the order is the 1305
consenting person. Not later than seventy-two hours after being 1306
served with the Ohio protection order, the person to whom 1307
consent was given shall lawfully uninstall or discontinue use of 1308
the tracking device or tracking application. If the person to 1309
whom consent was given cannot lawfully uninstall or discontinue 1310
use of the tracking device or tracking application, the person 1311
to whom consent was given shall notify the court that issued the 1312
Ohio protection order in writing that the person to whom consent 1313
was given has installed or is using a tracking device or 1314
tracking application on the previously consenting person's 1315

person or the person's property and cannot uninstall or 1316
discontinue its use without violating the Ohio protection order. 1317

(2) Revocation of consent under this division is effective 1318
upon the service of the petition or motion or an Ohio protection 1319
order. 1320

(D) This section does not apply to any of the following: 1321

(1) A law enforcement officer, or any law enforcement 1322
agency, that installs a tracking device or tracking application 1323
on another person's property or causes a tracking device or 1324
tracking application to track the position or movement of 1325
another person or another person's property as part of a 1326
criminal investigation, or a probation officer, parole officer, 1327
or employee of the department of rehabilitation and correction, 1328
a halfway house, or a community-based correctional facility when 1329
engaged in the lawful performance of the officer's or employee's 1330
official duties; 1331

(2) A parent or legal guardian of a minor child who 1332
installs or uses a tracking device or tracking application to 1333
track the minor child if any of the following applies: 1334

(a) The parents or legal guardians of the child are 1335
lawfully married to each other and are not separated or 1336
otherwise living apart, and either of those parents or legal 1337
guardians consents to the installation of the tracking device or 1338
tracking application; 1339

(b) The parent or legal guardian of the child is the sole 1340
surviving parent or legal guardian of the child; 1341

(c) The parent or legal guardian of the child has sole 1342
custody of the child; 1343

(d) The parents or legal guardians of the child are 1344
divorced, separated, or otherwise living apart and neither 1345
parent has sole custody of the child, and both consent to the 1346
installation of the tracking device or tracking application; 1347

(e) The parents or legal guardians of the child are 1348
divorced, separated, or otherwise living apart, neither parent 1349
has sole custody of the child, and either only one parent 1350
consents to the installation of the tracking device or tracking 1351
application or one parent revokes consent, if the consenting 1352
parent only uses the tracking device or tracking application 1353
during that parent's parenting or custodial time and disables or 1354
removes the tracking device or application during the 1355
nonconsenting parent's parenting or custodial time. 1356

(3) A caregiver of an elderly person or disabled adult, if 1357
the elderly person's or disabled adult's treating physician 1358
certifies that the installation of a tracking device or tracking 1359
application onto the elderly person's or disabled adult's 1360
property is necessary to ensure the safety of the elderly person 1361
or disabled adult; 1362

(4) A person acting in good faith on behalf of a business 1363
entity for a legitimate business purpose, provided that this 1364
division does not apply to a private investigator engaged in the 1365
business of private investigation on behalf of another person; 1366

(5) (a) A private investigator or other person licensed 1367
under section 4749.03 of the Revised Code, who is acting in the 1368
normal course of the investigator's business of private 1369
investigation on behalf of another person and who has the 1370
consent of the owner of the property upon which the tracking 1371
device or tracking application is installed, for the purpose of 1372
obtaining information with reference to any of the following: 1373

<u>(i) Criminal offenses committed, threatened, or suspected</u>	1374
<u>against the United States, a territory of the United States, a</u>	1375
<u>state, or any person or legal entity;</u>	1376
<u>(ii) Locating an individual known to be a fugitive from</u>	1377
<u>justice;</u>	1378
<u>(iii) Locating lost or stolen property or other assets</u>	1379
<u>that have been awarded by the court;</u>	1380
<u>(iv) Investigating claims related to workers'</u>	1381
<u>compensation.</u>	1382
<u>(b) This division does not apply if the person on whose</u>	1383
<u>behalf the private investigator is working is the subject of an</u>	1384
<u>Ohio protection order or a protection order issued by a court of</u>	1385
<u>another state or if the private investigator knows or reasonably</u>	1386
<u>should know that the person on whose behalf the private</u>	1387
<u>investigator is working seeks the investigator's services to aid</u>	1388
<u>in the commission of a crime.</u>	1389
<u>(6) An owner or lessee of a motor vehicle who installs, or</u>	1390
<u>directs the installation of, a tracking device or tracking</u>	1391
<u>application on the vehicle during the period of ownership or</u>	1392
<u>lease, if any of the following applies:</u>	1393
<u>(a) The tracking device or tracking application is removed</u>	1394
<u>before the vehicle's title is transferred or the vehicle's lease</u>	1395
<u>expires;</u>	1396
<u>(b) The new owner of the vehicle, in the case of a sale,</u>	1397
<u>or the lessor of the vehicle, in the case of an expired lease,</u>	1398
<u>consents in writing to the non-removal of the tracking device or</u>	1399
<u>tracking application;</u>	1400
<u>(c) The owner of the vehicle at the time of the</u>	1401

installation of the tracking device or tracking application was 1402
the original manufacturer of the vehicle. 1403

(7) A person who installs a tracking device or application 1404
on property in which the person has an ownership or contractual 1405
interest, unless the person is the subject of a protective order 1406
and the property is likely to be used by the person who obtained 1407
the protective order; 1408

(8) A person or business entity that installs a tracking 1409
device or tracking application on any fixed wing aircraft or 1410
rotorcraft operated or managed by the person or business entity 1411
pursuant to 14 C.F.R. part 91 or part 135 to track the position 1412
or movement of the fixed wing aircraft or rotorcraft; 1413

(9) A surety bail bond agent, or any employee or 1414
contractor of a surety bail bond agent, that installs a tracking 1415
device or tracking application on another person's property or 1416
causes a tracking device or tracking application to track the 1417
position or movement of another person or another person's 1418
property as part of the surety bail bond agent's, employee's, or 1419
contractor's official responsibilities or duties. 1420

(E) For purposes of division (D)(1) of this section, a 1421
probation officer, parole officer, or employee of the department 1422
of rehabilitation and correction, a halfway house, or a 1423
community-based correctional facility is engaged in the lawful 1424
performance of the officer's or employee's duties if both of the 1425
following apply: 1426

(1) The court or the department of rehabilitation and 1427
correction imposes electronic monitoring on a person. 1428

(2) The officer or employee installs or uses an electronic 1429
monitoring device on that person in accordance with the court's 1430

or department's imposition of electronic monitoring of that 1431
person. 1432

(F) Whoever violates this section is guilty of illegal use 1433
of a tracking device or application. 1434

(1) Except as otherwise provided in division (F) (2) of 1435
this section, illegal use of a tracking device or application is 1436
a misdemeanor of the first degree. 1437

(2) Illegal use of a tracking device or application is a 1438
felony of the fourth degree if any of the following applies: 1439

(a) The offender previously has been convicted of or 1440
pleaded guilty to a violation of this section or section 1441
2903.211 of the Revised Code. 1442

(b) At the time of the commission of the offense, the 1443
offender was the subject of a protection order issued under 1444
section 2903.213 or 2903.214 of the Revised Code, regardless of 1445
whether the person to be protected under the order is the victim 1446
of the offense or another person. 1447

(c) Prior to committing the offense, the offender had been 1448
determined to represent a substantial risk of physical harm to 1449
others as manifested by evidence of then-recent homicidal or 1450
other violent behavior, evidence of then-recent threats that 1451
placed another in reasonable fear of violent behavior and 1452
serious physical harm, or other evidence of then-present 1453
dangerousness. 1454

(d) The offender has a history of violence toward the 1455
victim or a history of other violent acts towards the victim. 1456

Sec. 2927.02. (A) As used in this section and sections 1457
2927.021 to 2927.024 of the Revised Code: 1458

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is twenty-one years of age or older.

(2) (a) "Alternative nicotine product" means, subject to division (A) (2) (b) of this section, an electronic smoking device, vapor product, or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g) (1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

(3) "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

(4) "Distribute" means to furnish, give, or provide 1487
cigarettes, other tobacco products, alternative nicotine 1488
products, or papers used to roll cigarettes to the ultimate 1489
consumer of the cigarettes, other tobacco products, alternative 1490
nicotine products, or papers used to roll cigarettes. 1491

(5) "Electronic smoking device" means any device that can 1492
be used to deliver aerosolized or vaporized nicotine or any 1493
other substance to the person inhaling from the device including 1494
an electronic cigarette, electronic cigar, electronic hookah, 1495
vaping pen, or electronic pipe. "Electronic smoking device" 1496
includes any component, part, or accessory of such a device, 1497
whether or not sold separately, and includes any substance 1498
intended to be aerosolized or vaporized during the use of the 1499
device. "Electronic smoking device" does not include any product 1500
that is a drug, device, or combination product, as those terms 1501
are defined or described in 21 U.S.C. 321 and 353(g). 1502

(6) "Proof of age" means a driver's license, a commercial 1503
driver's license, a military identification card, a passport, or 1504
an identification card issued under sections 4507.50 to 4507.52 1505
of the Revised Code that shows that a person is twenty-one years 1506
of age or older. 1507

(7) "Tobacco product" means any product that is made or 1508
derived from tobacco or that contains any form of nicotine, if 1509
it is intended for human consumption or is likely to be 1510
consumed, whether smoked, heated, chewed, absorbed, dissolved, 1511
inhaled, or ingested by any other means, including, but not 1512
limited to, a cigarette, an electronic smoking device, a cigar, 1513
pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" 1514
also means any component or accessory used in the consumption of 1515
a tobacco product, such as filters, rolling papers, pipes, blunt 1516

or hemp wraps, and liquids used in electronic smoking devices, 1517
whether or not they contain nicotine. "Tobacco product" does not 1518
include any product that is a drug, device, or combination 1519
product, as those terms are defined or described in 21 U.S.C. 1520
321 and 353(g). 1521

(8) "Vapor product" means a product, other than a 1522
cigarette or other tobacco product as defined in Chapter 5743. 1523
of the Revised Code, that contains or is made or derived from 1524
nicotine and that is intended and marketed for human 1525
consumption, including by smoking, inhaling, snorting, or 1526
sniffing. "Vapor product" includes any component, part, or 1527
additive that is intended for use in an electronic smoking 1528
device, a mechanical heating element, battery, or electronic 1529
circuit and is used to deliver the product. "Vapor product" does 1530
not include any product that is a drug, device, or combination 1531
product, as those terms are defined or described in 21 U.S.C. 1532
321 and 353(g). "Vapor product" includes any product containing 1533
nicotine, regardless of concentration. 1534

(9) "Vending machine" has the same meaning as "coin 1535
machine" in section 2913.01 of the Revised Code. 1536

(B) No manufacturer, producer, distributor, wholesaler, or 1537
retailer of cigarettes, other tobacco products, alternative 1538
nicotine products, or papers used to roll cigarettes, no agent, 1539
employee, or representative of a manufacturer, producer, 1540
distributor, wholesaler, or retailer of cigarettes, other 1541
tobacco products, alternative nicotine products, or papers used 1542
to roll cigarettes, and no other person shall do any of the 1543
following: 1544

(1) Give, sell, or otherwise distribute cigarettes, other 1545
tobacco products, alternative nicotine products, or papers used 1546

to roll cigarettes:	1547
(a) To any person under twenty-one years of age; or	1548
(b) Without first verifying proof of age.	1549
(2) Give away, sell, or distribute cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes in any place that does not have posted in a conspicuous place a legibly printed sign in letters at least one-half inch high stating that giving, selling, or otherwise distributing cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age is prohibited by law;	1550 1551 1552 1553 1554 1555 1556 1557
(3) Knowingly furnish any false information regarding the name, age, or other identification of any person under twenty-one years of age with purpose to obtain cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes for that person;	1558 1559 1560 1561 1562
(4) Manufacture, sell, or distribute in this state any pack or other container of cigarettes containing fewer than twenty cigarettes or any package of roll-your-own tobacco containing less than six-tenths of one ounce of tobacco;	1563 1564 1565 1566
(5) Sell cigarettes or alternative nicotine products in a smaller quantity than that placed in the pack or other container by the manufacturer;	1567 1568 1569
(6) Give, sell, or otherwise distribute alternative nicotine products, papers used to roll cigarettes, or tobacco products other than cigarettes over the internet or through another remote method without age verification;	1570 1571 1572 1573
(7) Allow an employee under eighteen years of age to sell	1574

any tobacco product; 1575

(8) Give away or otherwise distribute free samples of 1576
cigarettes, other tobacco products, alternative nicotine 1577
products, or coupons redeemable for cigarettes, other tobacco 1578
products, or alternative nicotine products. 1579

(C) No person shall sell or offer to sell cigarettes, 1580
other tobacco products, or alternative nicotine products by or 1581
from a vending machine, except in the following locations: 1582

(1) An area within a factory, business, office, or other 1583
place not open to the general public; 1584

(2) An area to which persons under twenty-one years of age 1585
are not generally permitted access; 1586

(3) Any other place not identified in division (C) (1) or 1587
(2) of this section, upon all of the following conditions: 1588

(a) The vending machine is located within the immediate 1589
vicinity, plain view, and control of the person who owns or 1590
operates the place, or an employee of that person, so that all 1591
cigarettes, other tobacco product, and alternative nicotine 1592
product purchases from the vending machine will be readily 1593
observed by the person who owns or operates the place or an 1594
employee of that person. For the purpose of this section, a 1595
vending machine located in any unmonitored area, including an 1596
unmonitored coatroom, restroom, hallway, or outer waiting area, 1597
shall not be considered located within the immediate vicinity, 1598
plain view, and control of the person who owns or operates the 1599
place, or an employee of that person. 1600

(b) The vending machine is inaccessible to the public when 1601
the place is closed. 1602

(c) A clearly visible notice is posted in the area where 1603
the vending machine is located that states the following in 1604
letters that are legibly printed and at least one-half inch 1605
high: 1606

"It is illegal for any person under the age of 21 to 1607
purchase tobacco or alternative nicotine products." 1608

(D) The following are affirmative defenses to a charge 1609
under division (B) (1) of this section: 1610

(1) The person under twenty-one years of age was 1611
accompanied by a parent, spouse who is twenty-one years of age 1612
or older, or legal guardian of the person under twenty-one years 1613
of age. 1614

(2) The person who gave, sold, or distributed cigarettes, 1615
other tobacco products, alternative nicotine products, or papers 1616
used to roll cigarettes to a person under twenty-one years of 1617
age under division (B) (1) of this section is a parent, spouse 1618
who is twenty-one years of age or older, or legal guardian of 1619
the person under twenty-one years of age. 1620

(E) (1) It is not a violation of division (B) (1) or (2) of 1621
this section for a person to give or otherwise distribute to a 1622
person under twenty-one years of age cigarettes, other tobacco 1623
products, alternative nicotine products, or papers used to roll 1624
cigarettes while the person under twenty-one years of age is 1625
participating in a research protocol if all of the following 1626
apply: 1627

(a) The parent, guardian, or legal custodian of the person 1628
under twenty-one years of age has consented in writing to the 1629
person under twenty-one years of age participating in the 1630
research protocol. 1631

(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 1632
1633
1634

(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol. 1635
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(2) It is not a violation of division (B) (1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product. 1638
1639
1640

(F) (1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following: 1641
1642
1643

(a) Alternative nicotine products; 1644

(b) Papers used to roll cigarettes; 1645

(c) Tobacco products other than cigarettes. 1646

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F) (1) (a) to (c) of this section. 1647
1648
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1650

(G) Whoever violates division (B) (1), (2), (4), (5), (6), (7), or (8), (C), or (F) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a 1651
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misdemeanor of the third degree. 1660

~~(H)~~ (H) (1) Notwithstanding division (A) (2) of section 1661
2929.28 of the Revised Code, if an offender is convicted of or 1662
pleads guilty to a violation of division (B) (1) of this section, 1663
the court shall impose a fine in the following amount: 1664

(a) Except as otherwise provided in divisions (H) (1) (b), 1665
(c), (d), and (e) of this section, not more than two hundred 1666
fifty dollars; 1667

(b) Except as otherwise provided in divisions (H) (1) (c), 1668
(d), and (e) of this section, if an offender has previously been 1669
convicted of or pleaded guilty to a violation of division (B) (1) 1670
of this section, not more than five hundred dollars; 1671

(c) Except as otherwise provided in divisions (H) (1) (d) 1672
and (e) of this section, if an offender previously has been 1673
convicted of or pleaded guilty to two or more violations of 1674
division (B) (1) of this section, five hundred dollars; 1675

(d) Except as otherwise provided in division (H) (1) (e) of 1676
this section, if an offender previously has been convicted of or 1677
pleaded guilty to three or more violations of division (B) (1) of 1678
this section, one thousand dollars; 1679

(e) If an offender previously has been convicted of or 1680
pleaded guilty to four or more violations of division (B) (1) of 1681
this section, one thousand five hundred dollars. 1682

(2) The financial sanctions required by division (H) (1) of 1683
this section are in lieu of the financial sanctions described in 1684
division (A) (2) of section 2929.28 of the Revised Code, but are 1685
in addition to any other sanctions or penalties that may apply 1686
to the offender, including other financial sanctions under that 1687
section or a jail term under section 2929.24 of the Revised 1688

Code. 1689

(I) Whoever violates division (B) (3) of this section is 1690
guilty of permitting a person under twenty-one years of age to 1691
use cigarettes, other tobacco products, or alternative nicotine 1692
products. Except as otherwise provided in this division, 1693
permitting a person under twenty-one years of age to use 1694
cigarettes, other tobacco products, or alternative nicotine 1695
products is a misdemeanor of the fourth degree. If the offender 1696
previously has been convicted of a violation of division (B) (3) 1697
of this section, permitting a person under twenty-one years of 1698
age to use cigarettes, other tobacco products, or alternative 1699
nicotine products is a misdemeanor of the third degree. 1700

~~(I)~~ (J) Any cigarettes, other tobacco products, alternative 1701
nicotine products, or papers used to roll cigarettes that are 1702
given, sold, or otherwise distributed to a person under twenty- 1703
one years of age in violation of this section and that are used, 1704
possessed, purchased, or received by a person under twenty-one 1705
years of age in violation of section 2151.87 of the Revised Code 1706
are subject to seizure and forfeiture as contraband under 1707
Chapter 2981. of the Revised Code. 1708

Sec. 3701.143. For purposes of sections 1547.11, 4511.19, 1709
and 4511.194 of the Revised Code, the director of health shall 1710
determine, or cause to be determined, techniques or methods for 1711
chemically analyzing a person's whole blood, blood serum or 1712
plasma, urine, breath, oral fluid, or other bodily substance in 1713
order to ascertain the presence or amount of alcohol, a drug of 1714
abuse, controlled substance, metabolite of a controlled 1715
substance, or combination of them in the person's whole blood, 1716
blood serum or plasma, urine, breath, oral fluid, or other 1717
bodily substance. The director shall approve satisfactory 1718

techniques or methods, ascertain the qualifications of 1719
individuals to conduct such analyses, and issue permits to 1720
qualified persons authorizing them to perform such analyses. 1721
Such permits shall be subject to termination or revocation at 1722
the discretion of the director. 1723

As used in this section, "drug of abuse" has the same 1724
meaning as in section 4506.01 of the Revised Code. 1725

Sec. 3767.01. As used in all sections of the Revised Code 1726
relating to nuisances: 1727

(A) "Place" includes any building, erection, or place or 1728
any separate part or portion thereof or the ground itself; 1729

(B) "Person" includes any individual, corporation, 1730
association, partnership, trustee, lessee, agent, or assignee; 1731

(C) "Nuisance" means any of the following: 1732

(1) That which is defined and declared by statutes to be a 1733
nuisance; 1734

(2) Any place in or upon which lewdness, assignation, or 1735
prostitution is conducted, permitted, continued, or exists, or 1736
any place, in or upon which lewd, indecent, lascivious, or 1737
obscene films or plate negatives, film or plate positives, films 1738
designed to be projected on a screen for exhibition films, or 1739
glass slides either in negative or positive form designed for 1740
exhibition by projection on a screen, are photographed, 1741
manufactured, developed, screened, exhibited, or otherwise 1742
prepared or shown, and the personal property and contents used 1743
in conducting and maintaining any such place for any such 1744
purpose. This chapter shall not affect any newspaper, magazine, 1745
or other publication entered as second class matter by the post- 1746
office department. 1747

(3) Any room, house, building, boat, vehicle, structure, 1748
or place where beer or intoxicating liquor is manufactured, 1749
sold, bartered, possessed, or kept in violation of law and all 1750
property kept and used in maintaining the same, and all property 1751
designed for the unlawful manufacture of beer or intoxicating 1752
liquor and beer or intoxicating liquor contained in the room, 1753
house, building, boat, structure, or place, or the operation of 1754
such a room, house, building, boat, structure, or place as 1755
described in division (C) (3) of this section where the operation 1756
of that place substantially interferes with public decency, 1757
sobriety, peace, and good order. "Violation of law" includes, 1758
but is not limited to, sales to any person under the legal 1759
drinking age as prohibited in division (A) of section 4301.22 or 1760
division (A) of section 4301.69 of the Revised Code and any 1761
violation of section 2913.46 or 2925.03 of the Revised Code. 1762

(4) Any place in which a pattern of continuous or repeated 1763
violations of division (B) (1) of section 2927.02 of the Revised 1764
Code has occurred. 1765

Sec. 4301.74. Any person subject to an injunction, 1766
temporary or permanent, granted pursuant to division (D) or (E) 1767
of section 3767.05 of the Revised Code involving a condition 1768
described in division (C) (3) ~~or (4)~~ of section 3767.01 of the 1769
Revised Code shall obey such injunction. If such person violates 1770
such injunction, the court or in vacation a judge thereof, may 1771
summarily try and punish the violator. The proceedings for 1772
punishment for contempt shall be commenced by filing with the 1773
clerk of the court from which such injunction issued information 1774
under oath setting out the alleged facts constituting the 1775
violation, whereupon the court shall forthwith cause a warrant 1776
to issue under which the defendant shall be arrested. The trial 1777
may be had upon affidavits, or either party may demand the 1778

production and oral examination of the witnesses. 1779

Sec. 4506.17. (A) Both of the following are deemed to have 1780
given consent to a test or tests of the person's whole blood, 1781
blood serum or plasma, breath, oral fluid, or urine for the 1782
purpose of determining the person's alcohol concentration or the 1783
presence of any controlled substance or a metabolite of a 1784
controlled substance: 1785

(1) A person while operating a commercial motor vehicle 1786
that requires a commercial driver's license or commercial 1787
driver's license temporary instruction permit; 1788

(2) A person who holds a commercial driver's license or 1789
commercial driver's license temporary instruction permit while 1790
operating a motor vehicle, including a commercial motor vehicle. 1791

(B) A test or tests as provided in division (A) of this 1792
section may be administered at the direction of a peace officer 1793
having reasonable ground to stop or detain the person and, after 1794
investigating the circumstances surrounding the operation of the 1795
motor vehicle, also having reasonable ground to believe the 1796
person was driving the motor vehicle while having a measurable 1797
or detectable amount of alcohol or of a controlled substance or 1798
a metabolite of a controlled substance in the person's whole 1799
blood, blood serum or plasma, breath, oral fluid, or urine. Any 1800
such test shall be given within two hours of the time of the 1801
alleged violation. 1802

(C) A person requested by a peace officer to submit to a 1803
test under division (A) of this section shall be advised by the 1804
peace officer that a refusal to submit to the test will result 1805
in the person immediately being placed out-of-service for a 1806
period of twenty-four hours and being disqualified from 1807

operating a commercial motor vehicle for a period of not less 1808
than one year, and that the person is required to surrender the 1809
person's commercial driver's license or permit to the peace 1810
officer. 1811

(D) If a person refuses to submit to a test after being 1812
warned as provided in division (C) of this section or submits to 1813
a test that discloses the presence of an amount of alcohol or a 1814
controlled substance prohibited by divisions (A) (1) to (6) of 1815
section 4506.15 of the Revised Code or a metabolite of a 1816
controlled substance, the person immediately shall surrender the 1817
person's commercial driver's license or permit to the peace 1818
officer. The peace officer shall forward the license or permit, 1819
together with a sworn report, to the registrar of motor vehicles 1820
certifying that the test was requested pursuant to division (A) 1821
of this section and that the person either refused to submit to 1822
testing or submitted to a test that disclosed the presence of 1823
one of the prohibited concentrations of a substance listed in 1824
divisions (A) (1) to (6) of section 4506.15 of the Revised Code 1825
or a metabolite of a controlled substance. The form and contents 1826
of the report required by this section shall be established by 1827
the registrar by rule, but shall contain the advice to be read 1828
to the driver and a statement to be signed by the driver 1829
acknowledging that the driver has been read the advice and that 1830
the form was shown to the driver. 1831

(E) Upon receipt of a sworn report from a peace officer as 1832
provided in division (D) of this section, or upon receipt of 1833
notification that a person has been disqualified under a similar 1834
law of another state or foreign jurisdiction, the registrar 1835
shall disqualify the person named in the report from driving a 1836
commercial motor vehicle for the period described below: 1837

(1) Upon a first incident, one year; 1838

(2) Upon an incident of refusal or of a prohibited 1839
concentration of alcohol, a controlled substance, or a 1840
metabolite of a controlled substance after one or more previous 1841
incidents of either refusal or of a prohibited concentration of 1842
alcohol, a controlled substance, or a metabolite of a controlled 1843
substance, the person shall be disqualified for life or such 1844
lesser period as prescribed by rule by the registrar. 1845

(F) A test of a person's whole blood or a person's blood 1846
serum or plasma given under this section shall comply with the 1847
applicable provisions of division (D) of section 4511.19 of the 1848
Revised Code and any physician, registered nurse, emergency 1849
medical technician-intermediate, emergency medical technician- 1850
paramedic, or qualified technician, chemist, or phlebotomist who 1851
withdraws whole blood or blood serum or plasma from a person 1852
under this section, and any hospital, first-aid station, clinic, 1853
or other facility at which whole blood or blood serum or plasma 1854
is withdrawn from a person pursuant to this section, is immune 1855
from criminal liability, and from civil liability that is based 1856
upon a claim of assault and battery or based upon any other 1857
claim of malpractice, for any act performed in withdrawing whole 1858
blood or blood serum or plasma from the person. The immunity 1859
provided in this division also extends to an emergency medical 1860
service organization that employs an emergency medical 1861
technician-intermediate or emergency medical technician- 1862
paramedic who withdraws blood under this section. 1863

(G) When a person submits to a test under this section, 1864
the results of the test, at the person's request, shall be made 1865
available to the person, the person's attorney, or the person's 1866
agent, immediately upon completion of the chemical test 1867

analysis. The person also may have an additional test 1868
administered by a physician, a registered nurse, or a qualified 1869
technician, chemist, or phlebotomist of the person's own 1870
choosing as provided in division (D) of section 4511.19 of the 1871
Revised Code for tests administered under that section, and the 1872
failure to obtain such a test has the same effect as in that 1873
division. 1874

(H) No person shall refuse to immediately surrender the 1875
person's commercial driver's license or permit to a peace 1876
officer when required to do so by this section. 1877

(I) A peace officer issuing an out-of-service order or 1878
receiving a commercial driver's license or permit surrendered 1879
under this section may remove or arrange for the removal of any 1880
commercial motor vehicle affected by the issuance of that order 1881
or the surrender of that license. 1882

(J) (1) Except for civil actions arising out of the 1883
operation of a motor vehicle and civil actions in which the 1884
state is a plaintiff, no peace officer of any law enforcement 1885
agency within this state is liable in compensatory damages in 1886
any civil action that arises under the Revised Code or common 1887
law of this state for an injury, death, or loss to person or 1888
property caused in the performance of official duties under this 1889
section and rules adopted under this section, unless the 1890
officer's actions were manifestly outside the scope of the 1891
officer's employment or official responsibilities, or unless the 1892
officer acted with malicious purpose, in bad faith, or in a 1893
wanton or reckless manner. 1894

(2) Except for civil actions that arise out of the 1895
operation of a motor vehicle and civil actions in which the 1896
state is a plaintiff, no peace officer of any law enforcement 1897

agency within this state is liable in punitive or exemplary 1898
damages in any civil action that arises under the Revised Code 1899
or common law of this state for any injury, death, or loss to 1900
person or property caused in the performance of official duties 1901
under this section of the Revised Code and rules adopted under 1902
this section, unless the officer's actions were manifestly 1903
outside the scope of the officer's employment or official 1904
responsibilities, or unless the officer acted with malicious 1905
purpose, in bad faith, or in a wanton or reckless manner. 1906

(K) When disqualifying a driver, the registrar shall cause 1907
the records of the bureau of motor vehicles to be updated to 1908
reflect the disqualification within ten days after it occurs. 1909

(L) The registrar immediately shall notify a driver who is 1910
subject to disqualification of the disqualification, of the 1911
length of the disqualification, and that the driver may request 1912
a hearing within thirty days of the mailing of the notice to 1913
show cause why the driver should not be disqualified from 1914
operating a commercial motor vehicle. If a request for such a 1915
hearing is not made within thirty days of the mailing of the 1916
notice, the order of disqualification is final. The registrar 1917
may designate hearing examiners who, after affording all parties 1918
reasonable notice, shall conduct a hearing to determine whether 1919
the disqualification order is supported by reliable evidence. 1920
The registrar shall adopt rules to implement this division. 1921

(M) Any person who is disqualified from operating a 1922
commercial motor vehicle under this section may apply to the 1923
registrar for a driver's license to operate a motor vehicle 1924
other than a commercial motor vehicle, provided the person's 1925
commercial driver's license or permit is not otherwise 1926
suspended. A person whose commercial driver's license or permit 1927

is suspended shall not apply to the registrar for or receive a 1928
driver's license under Chapter 4507. of the Revised Code during 1929
the period of suspension. 1930

(N) Whoever violates division (H) of this section is 1931
guilty of a misdemeanor of the first degree. 1932

(O) As used in this section, "emergency medical 1933
technician-intermediate" and "emergency medical technician- 1934
paramedic" have the same meanings as in section 4765.01 of the 1935
Revised Code. 1936

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 1937
streetcar, or trackless trolley within this state, if, at the 1938
time of the operation, any of the following apply: 1939

(a) The person is under the influence of alcohol, a drug 1940
of abuse, or a combination of them. 1941

(b) The person has a concentration of eight-hundredths of 1942
one per cent or more but less than seventeen-hundredths of one 1943
per cent by weight per unit volume of alcohol in the person's 1944
whole blood. 1945

(c) The person has a concentration of ninety-six- 1946
thousandths of one per cent or more but less than two hundred 1947
four-thousandths of one per cent by weight per unit volume of 1948
alcohol in the person's blood serum or plasma. 1949

(d) The person has a concentration of eight-hundredths of 1950
one gram or more but less than seventeen-hundredths of one gram 1951
by weight of alcohol per two hundred ten liters of the person's 1952
breath. 1953

(e) The person has a concentration of eleven-hundredths of 1954
one gram or more but less than two hundred thirty-eight- 1955

thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.	1956 1957
(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.	1958 1959 1960
(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.	1961 1962 1963
(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.	1964 1965 1966
(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.	1967 1968 1969
(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:	1970 1971 1972 1973 1974
(i) The person has a concentration of amphetamine in the person's urine of at least five hundred nanograms of amphetamine per milliliter of the person's urine or has a concentration of amphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of amphetamine per milliliter of the person's whole blood or blood serum or plasma.	1975 1976 1977 1978 1979 1980
(ii) The person has a concentration of cocaine in the person's urine of at least one hundred fifty nanograms of cocaine per milliliter of the person's urine or has a concentration of cocaine in the person's whole blood or blood	1981 1982 1983 1984

serum or plasma of at least fifty nanograms of cocaine per 1985
milliliter of the person's whole blood or blood serum or plasma. 1986

(iii) The person has a concentration of cocaine metabolite 1987
in the person's urine of at least one hundred fifty nanograms of 1988
cocaine metabolite per milliliter of the person's urine or has a 1989
concentration of cocaine metabolite in the person's whole blood 1990
or blood serum or plasma of at least fifty nanograms of cocaine 1991
metabolite per milliliter of the person's whole blood or blood 1992
serum or plasma. 1993

(iv) The person has a concentration of heroin in the 1994
person's urine of at least two thousand nanograms of heroin per 1995
milliliter of the person's urine or has a concentration of 1996
heroin in the person's whole blood or blood serum or plasma of 1997
at least fifty nanograms of heroin per milliliter of the 1998
person's whole blood or blood serum or plasma. 1999

(v) The person has a concentration of heroin metabolite 2000
(6-monoacetyl morphine) in the person's urine of at least ten 2001
nanograms of heroin metabolite (6-monoacetyl morphine) per 2002
milliliter of the person's urine or has a concentration of 2003
heroin metabolite (6-monoacetyl morphine) in the person's whole 2004
blood or blood serum or plasma of at least ten nanograms of 2005
heroin metabolite (6-monoacetyl morphine) per milliliter of the 2006
person's whole blood or blood serum or plasma. 2007

(vi) The person has a concentration of L.S.D. in the 2008
person's urine of at least twenty-five nanograms of L.S.D. per 2009
milliliter of the person's urine or a concentration of L.S.D. in 2010
the person's whole blood or blood serum or plasma of at least 2011
ten nanograms of L.S.D. per milliliter of the person's whole 2012
blood or blood serum or plasma. 2013

(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma.

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(viii) Either of the following applies:

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(I) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and the person has a concentration of marihuana metabolite in the person's urine of at least fifteen nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least five nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

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(II) The person has a concentration of marihuana metabolite in the person's urine of at least thirty-five nanograms of marihuana metabolite per milliliter of the person's urine or has a concentration of marihuana metabolite in the person's whole blood or blood serum or plasma of at least fifty nanograms of marihuana metabolite per milliliter of the person's whole blood or blood serum or plasma.

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(ix) The person has a concentration of methamphetamine in the person's urine of at least five hundred nanograms of methamphetamine per milliliter of the person's urine or has a concentration of methamphetamine in the person's whole blood or blood serum or plasma of at least one hundred nanograms of methamphetamine per milliliter of the person's whole blood or blood serum or plasma.

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(x) The person has a concentration of phencyclidine in the 2043
person's urine of at least twenty-five nanograms of 2044
phencyclidine per milliliter of the person's urine or has a 2045
concentration of phencyclidine in the person's whole blood or 2046
blood serum or plasma of at least ten nanograms of phencyclidine 2047
per milliliter of the person's whole blood or blood serum or 2048
plasma. 2049

(xi) The state board of pharmacy has adopted a rule 2050
pursuant to section 4729.041 of the Revised Code that specifies 2051
the amount of salvia divinorum and the amount of salvinorin A 2052
that constitute concentrations of salvia divinorum and 2053
salvinorin A in a person's urine, in a person's whole blood, or 2054
in a person's blood serum or plasma at or above which the person 2055
is impaired for purposes of operating any vehicle, streetcar, or 2056
trackless trolley within this state, the rule is in effect, and 2057
the person has a concentration of salvia divinorum or salvinorin 2058
A of at least that amount so specified by rule in the person's 2059
urine, in the person's whole blood, or in the person's blood 2060
serum or plasma. 2061

(2) No person who, within twenty years of the conduct 2062
described in division (A) (2) (a) of this section, previously has 2063
been convicted of or pleaded guilty to a violation of this 2064
division, a violation of division (A) (1) of this section, or any 2065
other equivalent offense shall do both of the following: 2066

(a) Operate any vehicle, streetcar, or trackless trolley 2067
within this state while under the influence of alcohol, a drug 2068
of abuse, or a combination of them; 2069

(b) Subsequent to being arrested for operating the 2070
vehicle, streetcar, or trackless trolley as described in 2071
division (A) (2) (a) of this section, being asked by a law 2072

enforcement officer to submit to a chemical test or tests under 2073
section 4511.191 of the Revised Code, and being advised by the 2074
officer in accordance with section 4511.192 of the Revised Code 2075
of the consequences of the person's refusal or submission to the 2076
test or tests, refuse to submit to the test or tests. 2077

(B) No person under twenty-one years of age shall operate 2078
any vehicle, streetcar, or trackless trolley within this state, 2079
if, at the time of the operation, any of the following apply: 2080

(1) The person has a concentration of at least two- 2081
hundredths of one per cent but less than eight-hundredths of one 2082
per cent by weight per unit volume of alcohol in the person's 2083
whole blood. 2084

(2) The person has a concentration of at least three- 2085
hundredths of one per cent but less than ninety-six-thousandths 2086
of one per cent by weight per unit volume of alcohol in the 2087
person's blood serum or plasma. 2088

(3) The person has a concentration of at least two- 2089
hundredths of one gram but less than eight-hundredths of one 2090
gram by weight of alcohol per two hundred ten liters of the 2091
person's breath. 2092

(4) The person has a concentration of at least twenty- 2093
eight one-thousandths of one gram but less than eleven- 2094
hundredths of one gram by weight of alcohol per one hundred 2095
milliliters of the person's urine. 2096

(C) In any proceeding arising out of one incident, a 2097
person may be charged with a violation of division (A) (1) (a) or 2098
(A) (2) and a violation of division (B) (1), (2), or (3) of this 2099
section, but the person may not be convicted of more than one 2100
violation of these divisions. 2101

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

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the presence and concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, oral fluid, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the presence and concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, oral fluid, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate,

an emergency medical technician-paramedic, or a qualified 2133
technician, chemist, or phlebotomist shall withdraw a blood 2134
sample for the purpose of determining the alcohol, drug, 2135
controlled substance, metabolite of a controlled substance, or 2136
combination content of the whole blood, blood serum, or blood 2137
plasma. This limitation does not apply to the taking of breath, 2138
oral fluid, or urine specimens. A person authorized to withdraw 2139
blood under this division may refuse to withdraw blood under 2140
this division, if in that person's opinion, the physical welfare 2141
of the person would be endangered by the withdrawing of blood. 2142

The bodily substance withdrawn under division (D) (1) (b) of 2143
this section shall be analyzed in accordance with methods 2144
approved by the director of health by an individual possessing a 2145
valid permit issued by the director pursuant to section 3701.143 2146
of the Revised Code. 2147

(c) As used in division (D) (1) (b) of this section, 2148
"emergency medical technician-intermediate" and "emergency 2149
medical technician-paramedic" have the same meanings as in 2150
section 4765.01 of the Revised Code. 2151

(2) In a criminal prosecution or juvenile court proceeding 2152
for a violation of division (A) of this section or for an 2153
equivalent offense that is vehicle-related, if there was at the 2154
time the bodily substance was withdrawn a concentration of less 2155
than the applicable concentration of alcohol specified in 2156
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2157
than the applicable concentration of a listed controlled 2158
substance or a listed metabolite of a controlled substance 2159
specified for a violation of division (A) (1) (j) of this section, 2160
that fact may be considered with other competent evidence in 2161
determining the guilt or innocence of the defendant. This 2162

division does not limit or affect a criminal prosecution or 2163
juvenile court proceeding for a violation of division (B) of 2164
this section or for an equivalent offense that is substantially 2165
equivalent to that division. 2166

(3) Upon the request of the person who was tested, the 2167
results of the chemical test shall be made available to the 2168
person or the person's attorney, immediately upon the completion 2169
of the chemical test analysis. 2170

If the chemical test was obtained pursuant to division (D) 2171
(1)(b) of this section, the person tested may have a physician, 2172
a registered nurse, or a qualified technician, chemist, or 2173
phlebotomist of the person's own choosing administer a chemical 2174
test or tests, at the person's expense, in addition to any 2175
administered at the request of a law enforcement officer. If the 2176
person was under arrest as described in division (A)(5) of 2177
section 4511.191 of the Revised Code, the arresting officer 2178
shall advise the person at the time of the arrest that the 2179
person may have an independent chemical test taken at the 2180
person's own expense. If the person was under arrest other than 2181
described in division (A)(5) of section 4511.191 of the Revised 2182
Code, the form to be read to the person to be tested, as 2183
required under section 4511.192 of the Revised Code, shall state 2184
that the person may have an independent test performed at the 2185
person's expense. The failure or inability to obtain an 2186
additional chemical test by a person shall not preclude the 2187
admission of evidence relating to the chemical test or tests 2188
taken at the request of a law enforcement officer. 2189

(4)(a) As used in divisions (D)(4)(b) and (c) of this 2190
section, "national highway traffic safety administration" means 2191
the national highway traffic safety administration established 2192

as an administration of the United States department of 2193
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2194

(b) In any criminal prosecution or juvenile court 2195
proceeding for a violation of division (A) or (B) of this 2196
section, of a municipal ordinance relating to operating a 2197
vehicle while under the influence of alcohol, a drug of abuse, 2198
or alcohol and a drug of abuse, or of a municipal ordinance 2199
relating to operating a vehicle with a prohibited concentration 2200
of alcohol, a controlled substance, or a metabolite of a 2201
controlled substance in the whole blood, blood serum or plasma, 2202
breath, oral fluid, or urine, if a law enforcement officer has 2203
administered a field sobriety test to the operator of the 2204
vehicle involved in the violation and if it is shown by clear 2205
and convincing evidence that the officer administered the test 2206
in substantial compliance with the testing standards for any 2207
reliable, credible, and generally accepted field sobriety tests 2208
that were in effect at the time the tests were administered, 2209
including, but not limited to, any testing standards then in 2210
effect that were set by the national highway traffic safety 2211
administration, all of the following apply: 2212

(i) The officer may testify concerning the results of the 2213
field sobriety test so administered. 2214

(ii) The prosecution may introduce the results of the 2215
field sobriety test so administered as evidence in any 2216
proceedings in the criminal prosecution or juvenile court 2217
proceeding. 2218

(iii) If testimony is presented or evidence is introduced 2219
under division (D) (4) (b) (i) or (ii) of this section and if the 2220
testimony or evidence is admissible under the Rules of Evidence, 2221
the court shall admit the testimony or evidence and the trier of 2222

fact shall give it whatever weight the trier of fact considers 2223
to be appropriate. 2224

(c) Division (D) (4) (b) of this section does not limit or 2225
preclude a court, in its determination of whether the arrest of 2226
a person was supported by probable cause or its determination of 2227
any other matter in a criminal prosecution or juvenile court 2228
proceeding of a type described in that division, from 2229
considering evidence or testimony that is not otherwise 2230
disallowed by division (D) (4) (b) of this section. 2231

(E) (1) Subject to division (E) (3) of this section, in any 2232
criminal prosecution or juvenile court proceeding for a 2233
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 2234
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 2235
an equivalent offense that is substantially equivalent to any of 2236
those divisions, a laboratory report from any laboratory 2237
personnel issued a permit by the department of health 2238
authorizing an analysis as described in this division that 2239
contains an analysis of the whole blood, blood serum or plasma, 2240
breath, urine, or other bodily substance tested and that 2241
contains all of the information specified in this division shall 2242
be admitted as prima-facie evidence of the information and 2243
statements that the report contains. The laboratory report shall 2244
contain all of the following: 2245

(a) The signature, under oath, of any person who performed 2246
the analysis; 2247

(b) Any findings as to the identity and quantity of 2248
alcohol, a drug of abuse, a controlled substance, a metabolite 2249
of a controlled substance, or a combination of them that was 2250
found; 2251

(c) A copy of a notarized statement by the laboratory 2252
director or a designee of the director that contains the name of 2253
each certified analyst or test performer involved with the 2254
report, the analyst's or test performer's employment 2255
relationship with the laboratory that issued the report, and a 2256
notation that performing an analysis of the type involved is 2257
part of the analyst's or test performer's regular duties; 2258

(d) An outline of the analyst's or test performer's 2259
education, training, and experience in performing the type of 2260
analysis involved and a certification that the laboratory 2261
satisfies appropriate quality control standards in general and, 2262
in this particular analysis, under rules of the department of 2263
health. 2264

(2) Notwithstanding any other provision of law regarding 2265
the admission of evidence, a report of the type described in 2266
division (E) (1) of this section is not admissible against the 2267
defendant to whom it pertains in any proceeding, other than a 2268
preliminary hearing or a grand jury proceeding, unless the 2269
prosecutor has served a copy of the report on the defendant's 2270
attorney or, if the defendant has no attorney, on the defendant. 2271

(3) A report of the type described in division (E) (1) of 2272
this section shall not be prima-facie evidence of the contents, 2273
identity, or amount of any substance if, within seven days after 2274
the defendant to whom the report pertains or the defendant's 2275
attorney receives a copy of the report, the defendant or the 2276
defendant's attorney demands the testimony of the person who 2277
signed the report. The judge in the case may extend the seven- 2278
day time limit in the interest of justice. 2279

(F) Except as otherwise provided in this division, any 2280
physician, registered nurse, emergency medical technician- 2281

intermediate, emergency medical technician-paramedic, or 2282
qualified technician, chemist, or phlebotomist who withdraws 2283
blood from a person pursuant to this section or section 4511.191 2284
or 4511.192 of the Revised Code, and any hospital, first-aid 2285
station, or clinic at which blood is withdrawn from a person 2286
pursuant to this section or section 4511.191 or 4511.192 of the 2287
Revised Code, is immune from criminal liability and civil 2288
liability based upon a claim of assault and battery or any other 2289
claim that is not a claim of malpractice, for any act performed 2290
in withdrawing blood from the person. The immunity provided in 2291
this division also extends to an emergency medical service 2292
organization that employs an emergency medical technician- 2293
intermediate or emergency medical technician-paramedic who 2294
withdraws blood under this section. The immunity provided in 2295
this division is not available to a person who withdraws blood 2296
if the person engages in willful or wanton misconduct. 2297

As used in this division, "emergency medical technician- 2298
intermediate" and "emergency medical technician-paramedic" have 2299
the same meanings as in section 4765.01 of the Revised Code. 2300

(G) (1) Whoever violates any provision of divisions (A) (1) 2301
(a) to (i) or (A) (2) of this section is guilty of operating a 2302
vehicle under the influence of alcohol, a drug of abuse, or a 2303
combination of them. Whoever violates division (A) (1) (j) of this 2304
section is guilty of operating a vehicle while under the 2305
influence of a listed controlled substance or a listed 2306
metabolite of a controlled substance. The court shall sentence 2307
the offender for either offense under Chapter 2929. of the 2308
Revised Code, except as otherwise authorized or required by 2309
divisions (G) (1) (a) to (e) of this section: 2310

(a) Except as otherwise provided in division (G) (1) (b), 2311

(c), (d), or (e) of this section, the offender is guilty of a 2312
misdemeanor of the first degree, and the court shall sentence 2313
the offender to all of the following: 2314

(i) If the sentence is being imposed for a violation of 2315
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2316
a mandatory jail term of three consecutive days. As used in this 2317
division, three consecutive days means seventy-two consecutive 2318
hours. The court may sentence an offender to both an 2319
intervention program and a jail term. The court may impose a 2320
jail term in addition to the three-day mandatory jail term or 2321
intervention program. However, in no case shall the cumulative 2322
jail term imposed for the offense exceed six months. 2323

The court may suspend the execution of the three-day jail 2324
term under this division if the court, in lieu of that suspended 2325
term, places the offender under a community control sanction 2326
pursuant to section 2929.25 of the Revised Code and requires the 2327
offender to attend, for three consecutive days, a drivers' 2328
intervention program certified under section 5119.38 of the 2329
Revised Code. The court also may suspend the execution of any 2330
part of the three-day jail term under this division if it places 2331
the offender under a community control sanction pursuant to 2332
section 2929.25 of the Revised Code for part of the three days, 2333
requires the offender to attend for the suspended part of the 2334
term a drivers' intervention program so certified, and sentences 2335
the offender to a jail term equal to the remainder of the three 2336
consecutive days that the offender does not spend attending the 2337
program. The court may require the offender, as a condition of 2338
community control and in addition to the required attendance at 2339
a drivers' intervention program, to attend and satisfactorily 2340
complete any treatment or education programs that comply with 2341
the minimum standards adopted pursuant to Chapter 5119. of the 2342

Revised Code by the director of mental health and addiction 2343
services that the operators of the drivers' intervention program 2344
determine that the offender should attend and to report 2345
periodically to the court on the offender's progress in the 2346
programs. The court also may impose on the offender any other 2347
conditions of community control that it considers necessary. 2348

If the court grants unlimited driving privileges to a 2349
first-time offender under section 4510.022 of the Revised Code, 2350
all penalties imposed upon the offender by the court under 2351
division (G) (1) (a) (i) of this section for the offense apply, 2352
except that the court shall suspend any mandatory or additional 2353
jail term imposed by the court under division (G) (1) (a) (i) of 2354
this section upon granting unlimited driving privileges in 2355
accordance with section 4510.022 of the Revised Code. 2356

(ii) If the sentence is being imposed for a violation of 2357
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 2358
section, except as otherwise provided in this division, a 2359
mandatory jail term of at least three consecutive days and a 2360
requirement that the offender attend, for three consecutive 2361
days, a drivers' intervention program that is certified pursuant 2362
to section 5119.38 of the Revised Code. As used in this 2363
division, three consecutive days means seventy-two consecutive 2364
hours. If the court determines that the offender is not 2365
conducive to treatment in a drivers' intervention program, if 2366
the offender refuses to attend a drivers' intervention program, 2367
or if the jail at which the offender is to serve the jail term 2368
imposed can provide a driver's intervention program, the court 2369
shall sentence the offender to a mandatory jail term of at least 2370
six consecutive days. 2371

If the court grants unlimited driving privileges to a 2372

first-time offender under section 4510.022 of the Revised Code, 2373
all penalties imposed upon the offender by the court under 2374
division (G) (1) (a) (ii) of this section for the offense apply, 2375
except that the court shall suspend any mandatory or additional 2376
jail term imposed by the court under division (G) (1) (a) (ii) of 2377
this section upon granting unlimited driving privileges in 2378
accordance with section 4510.022 of the Revised Code. 2379

The court may require the offender, under a community 2380
control sanction imposed under section 2929.25 of the Revised 2381
Code, to attend and satisfactorily complete any treatment or 2382
education programs that comply with the minimum standards 2383
adopted pursuant to Chapter 5119. of the Revised Code by the 2384
director of mental health and addiction services, in addition to 2385
the required attendance at drivers' intervention program, that 2386
the operators of the drivers' intervention program determine 2387
that the offender should attend and to report periodically to 2388
the court on the offender's progress in the programs. The court 2389
also may impose any other conditions of community control on the 2390
offender that it considers necessary. 2391

(iii) In all cases, a fine of not less than three hundred 2392
seventy-five and not more than one thousand seventy-five 2393
dollars; 2394

(iv) In all cases, a suspension of the offender's driver's 2395
or commercial driver's license or permit or nonresident 2396
operating privilege for a definite period of one to three years. 2397
The court may grant limited driving privileges relative to the 2398
suspension under sections 4510.021 and 4510.13 of the Revised 2399
Code. The court may grant unlimited driving privileges with an 2400
ignition interlock device relative to the suspension and may 2401
reduce the period of suspension as authorized under section 2402

4510.022 of the Revised Code. 2403

(b) Except as otherwise provided in division (G)(1)(e) of 2404
this section, an offender who, within ten years of the offense, 2405
previously has been convicted of or pleaded guilty to one 2406
violation of division (A) of this section or one other 2407
equivalent offense is guilty of a misdemeanor of the first 2408
degree. The court shall sentence the offender to all of the 2409
following: 2410

(i) If the sentence is being imposed for a violation of 2411
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2412
a mandatory jail term of ten consecutive days. The court shall 2413
impose the ten-day mandatory jail term under this division 2414
unless, subject to division (G)(3) of this section, it instead 2415
imposes a sentence under that division consisting of both a jail 2416
term and a term of house arrest with electronic monitoring, with 2417
continuous alcohol monitoring, or with both electronic 2418
monitoring and continuous alcohol monitoring. The court may 2419
impose a jail term in addition to the ten-day mandatory jail 2420
term. The cumulative jail term imposed for the offense shall not 2421
exceed six months. 2422

In addition to the jail term or the term of house arrest 2423
with electronic monitoring or continuous alcohol monitoring or 2424
both types of monitoring and jail term, the court shall require 2425
the offender to be assessed by a community addiction services 2426
provider that is authorized by section 5119.21 of the Revised 2427
Code, subject to division (I) of this section, and shall order 2428
the offender to follow the treatment recommendations of the 2429
services provider. The purpose of the assessment is to determine 2430
the degree of the offender's alcohol usage and to determine 2431
whether or not treatment is warranted. Upon the request of the 2432

court, the services provider shall submit the results of the 2433
assessment to the court, including all treatment recommendations 2434
and clinical diagnoses related to alcohol use. 2435

(ii) If the sentence is being imposed for a violation of 2436
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2437
section, except as otherwise provided in this division, a 2438
mandatory jail term of twenty consecutive days. The court shall 2439
impose the twenty-day mandatory jail term under this division 2440
unless, subject to division (G)(3) of this section, it instead 2441
imposes a sentence under that division consisting of both a jail 2442
term and a term of house arrest with electronic monitoring, with 2443
continuous alcohol monitoring, or with both electronic 2444
monitoring and continuous alcohol monitoring. The court may 2445
impose a jail term in addition to the twenty-day mandatory jail 2446
term. The cumulative jail term imposed for the offense shall not 2447
exceed six months. 2448

In addition to the jail term or the term of house arrest 2449
with electronic monitoring or continuous alcohol monitoring or 2450
both types of monitoring and jail term, the court shall require 2451
the offender to be assessed by a community addiction service 2452
provider that is authorized by section 5119.21 of the Revised 2453
Code, subject to division (I) of this section, and shall order 2454
the offender to follow the treatment recommendations of the 2455
services provider. The purpose of the assessment is to determine 2456
the degree of the offender's alcohol usage and to determine 2457
whether or not treatment is warranted. Upon the request of the 2458
court, the services provider shall submit the results of the 2459
assessment to the court, including all treatment recommendations 2460
and clinical diagnoses related to alcohol use. 2461

(iii) In all cases, notwithstanding the fines set forth in 2462

Chapter 2929. of the Revised Code, a fine of not less than five 2463
hundred twenty-five and not more than one thousand six hundred 2464
twenty-five dollars; 2465

(iv) In all cases, a suspension of the offender's driver's 2466
license, commercial driver's license, temporary instruction 2467
permit, probationary license, or nonresident operating privilege 2468
for a definite period of one to seven years. The court may grant 2469
limited driving privileges relative to the suspension under 2470
sections 4510.021 and 4510.13 of the Revised Code. 2471

(v) In all cases, if the vehicle is registered in the 2472
offender's name, immobilization of the vehicle involved in the 2473
offense for ninety days in accordance with section 4503.233 of 2474
the Revised Code and impoundment of the license plates of that 2475
vehicle for ninety days. 2476

(c) Except as otherwise provided in division (G) (1) (e) of 2477
this section, an offender who, within ten years of the offense, 2478
previously has been convicted of or pleaded guilty to two 2479
violations of division (A) of this section or other equivalent 2480
offenses is guilty of a misdemeanor. The court shall sentence 2481
the offender to all of the following: 2482

(i) If the sentence is being imposed for a violation of 2483
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2484
a mandatory jail term of thirty consecutive days. The court 2485
shall impose the thirty-day mandatory jail term under this 2486
division unless, subject to division (G) (3) of this section, it 2487
instead imposes a sentence under that division consisting of 2488
both a jail term and a term of house arrest with electronic 2489
monitoring, with continuous alcohol monitoring, or with both 2490
electronic monitoring and continuous alcohol monitoring. The 2491
court may impose a jail term in addition to the thirty-day 2492

mandatory jail term. Notwithstanding the jail terms set forth in 2493
sections 2929.21 to 2929.28 of the Revised Code, the additional 2494
jail term shall not exceed one year, and the cumulative jail 2495
term imposed for the offense shall not exceed one year. 2496

(ii) If the sentence is being imposed for a violation of 2497
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2498
section, a mandatory jail term of sixty consecutive days. The 2499
court shall impose the sixty-day mandatory jail term under this 2500
division unless, subject to division (G)(3) of this section, it 2501
instead imposes a sentence under that division consisting of 2502
both a jail term and a term of house arrest with electronic 2503
monitoring, with continuous alcohol monitoring, or with both 2504
electronic monitoring and continuous alcohol monitoring. The 2505
court may impose a jail term in addition to the sixty-day 2506
mandatory jail term. Notwithstanding the jail terms set forth in 2507
sections 2929.21 to 2929.28 of the Revised Code, the additional 2508
jail term shall not exceed one year, and the cumulative jail 2509
term imposed for the offense shall not exceed one year. 2510

(iii) In all cases, notwithstanding the fines set forth in 2511
Chapter 2929. of the Revised Code, a fine of not less than eight 2512
hundred fifty and not more than two thousand seven hundred fifty 2513
dollars; 2514

(iv) In all cases, a suspension of the offender's driver's 2515
license, commercial driver's license, temporary instruction 2516
permit, probationary license, or nonresident operating privilege 2517
for a definite period of two to twelve years. The court may 2518
grant limited driving privileges relative to the suspension 2519
under sections 4510.021 and 4510.13 of the Revised Code. 2520

(v) In all cases, if the vehicle is registered in the 2521
offender's name, criminal forfeiture of the vehicle involved in 2522

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.

(d) Except as otherwise provided in division (G) (1) (e) of this section, an offender who, within ten years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) of this section or other equivalent offenses, an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature, or an offender who previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G) (2) of section

2929.13 of the Revised Code if the offender also is convicted of 2553
or also pleads guilty to a specification of the type described 2554
in section 2941.1413 of the Revised Code or, in the discretion 2555
of the court, either a mandatory term of local incarceration of 2556
sixty consecutive days in accordance with division (G) (1) of 2557
section 2929.13 of the Revised Code or a mandatory prison term 2558
of sixty consecutive days in accordance with division (G) (2) of 2559
that section if the offender is not convicted of and does not 2560
plead guilty to a specification of that type. If the court 2561
imposes a mandatory term of local incarceration, it may impose a 2562
jail term in addition to the sixty-day mandatory term, the 2563
cumulative total of the mandatory term and the jail term for the 2564
offense shall not exceed one year, and, except as provided in 2565
division (A) (1) of section 2929.13 of the Revised Code, no 2566
prison term is authorized for the offense. If the court imposes 2567
a mandatory prison term, notwithstanding division (A) (4) of 2568
section 2929.14 of the Revised Code, it also may sentence the 2569
offender to a definite prison term that shall be not less than 2570
six months and not more than thirty months and the prison terms 2571
shall be imposed as described in division (G) (2) of section 2572
2929.13 of the Revised Code. If the court imposes a mandatory 2573
prison term or mandatory prison term and additional prison term, 2574
in addition to the term or terms so imposed, the court also may 2575
sentence the offender to a community control sanction for the 2576
offense, but the offender shall serve all of the prison terms so 2577
imposed prior to serving the community control sanction. 2578

(ii) If the sentence is being imposed for a violation of 2579
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 2580
section, a mandatory prison term of one, two, three, four, or 2581
five years as required by and in accordance with division (G) (2) 2582
of section 2929.13 of the Revised Code if the offender also is 2583

convicted of or also pleads guilty to a specification of the 2584
type described in section 2941.1413 of the Revised Code or, in 2585
the discretion of the court, either a mandatory term of local 2586
incarceration of one hundred twenty consecutive days in 2587
accordance with division (G) (1) of section 2929.13 of the 2588
Revised Code or a mandatory prison term of one hundred twenty 2589
consecutive days in accordance with division (G) (2) of that 2590
section if the offender is not convicted of and does not plead 2591
guilty to a specification of that type. If the court imposes a 2592
mandatory term of local incarceration, it may impose a jail term 2593
in addition to the one hundred twenty-day mandatory term, the 2594
cumulative total of the mandatory term and the jail term for the 2595
offense shall not exceed one year, and, except as provided in 2596
division (A) (1) of section 2929.13 of the Revised Code, no 2597
prison term is authorized for the offense. If the court imposes 2598
a mandatory prison term, notwithstanding division (A) (4) of 2599
section 2929.14 of the Revised Code, it also may sentence the 2600
offender to a definite prison term that shall be not less than 2601
six months and not more than thirty months and the prison terms 2602
shall be imposed as described in division (G) (2) of section 2603
2929.13 of the Revised Code. If the court imposes a mandatory 2604
prison term or mandatory prison term and additional prison term, 2605
in addition to the term or terms so imposed, the court also may 2606
sentence the offender to a community control sanction for the 2607
offense, but the offender shall serve all of the prison terms so 2608
imposed prior to serving the community control sanction. 2609

(iii) In all cases, notwithstanding section 2929.18 of the 2610
Revised Code, a fine of not less than one thousand three hundred 2611
fifty nor more than ten thousand five hundred dollars; 2612

(iv) In all cases, a class two license suspension of the 2613
offender's driver's license, commercial driver's license, 2614

temporary instruction permit, probationary license, or 2615
nonresident operating privilege from the range specified in 2616
division (A) (2) of section 4510.02 of the Revised Code. The 2617
court may grant limited driving privileges relative to the 2618
suspension under sections 4510.021 and 4510.13 of the Revised 2619
Code. 2620

(v) In all cases, if the vehicle is registered in the 2621
offender's name, criminal forfeiture of the vehicle involved in 2622
the offense in accordance with section 4503.234 of the Revised 2623
Code. Division (G) (6) of this section applies regarding any 2624
vehicle that is subject to an order of criminal forfeiture under 2625
this division. 2626

(vi) In all cases, the court shall order the offender to 2627
participate with a community addiction services provider 2628
authorized by section 5119.21 of the Revised Code, subject to 2629
division (I) of this section, and shall order the offender to 2630
follow the treatment recommendations of the services provider. 2631
The operator of the services provider shall determine and assess 2632
the degree of the offender's alcohol dependency and shall make 2633
recommendations for treatment. Upon the request of the court, 2634
the services provider shall submit the results of the assessment 2635
to the court, including all treatment recommendations and 2636
clinical diagnoses related to alcohol use. 2637

(vii) In all cases, if the court sentences the offender to 2638
a mandatory term of local incarceration, in addition to the 2639
mandatory term, the court, pursuant to section 2929.17 of the 2640
Revised Code, may impose a term of house arrest with electronic 2641
monitoring. The term shall not commence until after the offender 2642
has served the mandatory term of local incarceration. 2643

(e) An offender who previously has been convicted of or 2644

pleaded guilty to a violation of division (A) of this section 2645
that was a felony, regardless of when the violation and the 2646
conviction or guilty plea occurred, is guilty of a felony of the 2647
third degree. The court shall sentence the offender to all of 2648
the following: 2649

(i) If the offender is being sentenced for a violation of 2650
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2651
a mandatory prison term of one, two, three, four, or five years 2652
as required by and in accordance with division (G)(2) of section 2653
2929.13 of the Revised Code if the offender also is convicted of 2654
or also pleads guilty to a specification of the type described 2655
in section 2941.1413 of the Revised Code or a mandatory prison 2656
term of sixty consecutive days in accordance with division (G) 2657
(2) of section 2929.13 of the Revised Code if the offender is 2658
not convicted of and does not plead guilty to a specification of 2659
that type. The court may impose a prison term in addition to the 2660
mandatory prison term. The cumulative total of a sixty-day 2661
mandatory prison term and the additional prison term for the 2662
offense shall not exceed five years. In addition to the 2663
mandatory prison term or mandatory prison term and additional 2664
prison term the court imposes, the court also may sentence the 2665
offender to a community control sanction for the offense, but 2666
the offender shall serve all of the prison terms so imposed 2667
prior to serving the community control sanction. 2668

(ii) If the sentence is being imposed for a violation of 2669
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2670
section, a mandatory prison term of one, two, three, four, or 2671
five years as required by and in accordance with division (G)(2) 2672
of section 2929.13 of the Revised Code if the offender also is 2673
convicted of or also pleads guilty to a specification of the 2674
type described in section 2941.1413 of the Revised Code or a 2675

mandatory prison term of one hundred twenty consecutive days in 2676
accordance with division (G) (2) of section 2929.13 of the 2677
Revised Code if the offender is not convicted of and does not 2678
plead guilty to a specification of that type. The court may 2679
impose a prison term in addition to the mandatory prison term. 2680
The cumulative total of a one hundred twenty-day mandatory 2681
prison term and the additional prison term for the offense shall 2682
not exceed five years. In addition to the mandatory prison term 2683
or mandatory prison term and additional prison term the court 2684
imposes, the court also may sentence the offender to a community 2685
control sanction for the offense, but the offender shall serve 2686
all of the prison terms so imposed prior to serving the 2687
community control sanction. 2688

(iii) In all cases, notwithstanding section 2929.18 of the 2689
Revised Code, a fine of not less than one thousand three hundred 2690
fifty nor more than ten thousand five hundred dollars; 2691

(iv) In all cases, a class two license suspension of the 2692
offender's driver's license, commercial driver's license, 2693
temporary instruction permit, probationary license, or 2694
nonresident operating privilege from the range specified in 2695
division (A) (2) of section 4510.02 of the Revised Code. The 2696
court may grant limited driving privileges relative to the 2697
suspension under sections 4510.021 and 4510.13 of the Revised 2698
Code. 2699

(v) In all cases, if the vehicle is registered in the 2700
offender's name, criminal forfeiture of the vehicle involved in 2701
the offense in accordance with section 4503.234 of the Revised 2702
Code. Division (G) (6) of this section applies regarding any 2703
vehicle that is subject to an order of criminal forfeiture under 2704
this division. 2705

(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 arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring.

As an alternative to a mandatory jail term of ten 2736
consecutive days required by division (G) (1) (b) (i) of this 2737
section, the court, under this division, may sentence the 2738
offender to five consecutive days in jail and not less than 2739
eighteen consecutive days of house arrest with electronic 2740
monitoring, with continuous alcohol monitoring, or with both 2741
electronic monitoring and continuous alcohol monitoring. The 2742
cumulative total of the five consecutive days in jail and the 2743
period of house arrest with electronic monitoring, continuous 2744
alcohol monitoring, or both types of monitoring shall not exceed 2745
six months. The five consecutive days in jail do not have to be 2746
served prior to or consecutively to the period of house arrest. 2747

As an alternative to the mandatory jail term of twenty 2748
consecutive days required by division (G) (1) (b) (ii) of this 2749
section, the court, under this division, may sentence the 2750
offender to ten consecutive days in jail and not less than 2751
thirty-six consecutive days of house arrest with electronic 2752
monitoring, with continuous alcohol monitoring, or with both 2753
electronic monitoring and continuous alcohol monitoring. The 2754
cumulative total of the ten consecutive days in jail and the 2755
period of house arrest with electronic monitoring, continuous 2756
alcohol monitoring, or both types of monitoring shall not exceed 2757
six months. The ten consecutive days in jail do not have to be 2758
served prior to or consecutively to the period of house arrest. 2759

As an alternative to a mandatory jail term of thirty 2760
consecutive days required by division (G) (1) (c) (i) of this 2761
section, the court, under this division, may sentence the 2762
offender to fifteen consecutive days in jail and not less than 2763
fifty-five consecutive days of house arrest with electronic 2764
monitoring, with continuous alcohol monitoring, or with both 2765
electronic monitoring and continuous alcohol monitoring. The 2766

cumulative total of the fifteen consecutive days in jail and the 2767
period of house arrest with electronic monitoring, continuous 2768
alcohol monitoring, or both types of monitoring shall not exceed 2769
one year. The fifteen consecutive days in jail do not have to be 2770
served prior to or consecutively to the period of house arrest. 2771

As an alternative to the mandatory jail term of sixty 2772
consecutive days required by division (G) (1) (c) (ii) of this 2773
section, the court, under this division, may sentence the 2774
offender to thirty consecutive days in jail and not less than 2775
one hundred ten consecutive days of house arrest with electronic 2776
monitoring, with continuous alcohol monitoring, or with both 2777
electronic monitoring and continuous alcohol monitoring. The 2778
cumulative total of the thirty consecutive days in jail and the 2779
period of house arrest with electronic monitoring, continuous 2780
alcohol monitoring, or both types of monitoring shall not exceed 2781
one year. The thirty consecutive days in jail do not have to be 2782
served prior to or consecutively to the period of house arrest. 2783

(4) If an offender's driver's or occupational driver's 2784
license or permit or nonresident operating privilege is 2785
suspended under division (G) of this section and if section 2786
4510.13 of the Revised Code permits the court to grant limited 2787
driving privileges, the court may grant the limited driving 2788
privileges in accordance with that section. If division (A) (7) 2789
of that section requires that the court impose as a condition of 2790
the privileges that the offender must display on the vehicle 2791
that is driven subject to the privileges restricted license 2792
plates that are issued under section 4503.231 of the Revised 2793
Code, except as provided in division (B) of that section, the 2794
court shall impose that condition as one of the conditions of 2795
the limited driving privileges granted to the offender, except 2796
as provided in division (B) of section 4503.231 of the Revised 2797

Code.	2798
(5) Fines imposed under this section for a violation of	2799
division (A) of this section shall be distributed as follows:	2800
(a) Twenty-five dollars of the fine imposed under division	2801
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under	2802
division (G) (1) (b) (iii), one hundred twenty-three dollars of the	2803
fine imposed under division (G) (1) (c) (iii), and two hundred ten	2804
dollars of the fine imposed under division (G) (1) (d) (iii) or (e)	2805
(iii) of this section shall be paid to an enforcement and	2806
education fund established by the legislative authority of the	2807
law enforcement agency in this state that primarily was	2808
responsible for the arrest of the offender, as determined by the	2809
court that imposes the fine. The agency shall use this share to	2810
pay only those costs it incurs in enforcing this section or a	2811
municipal OVI ordinance and in informing the public of the laws	2812
governing the operation of a vehicle while under the influence	2813
of alcohol, the dangers of the operation of a vehicle under the	2814
influence of alcohol, and other information relating to the	2815
operation of a vehicle under the influence of alcohol and the	2816
consumption of alcoholic beverages.	2817
(b) Fifty dollars of the fine imposed under division (G)	2818
(1) (a) (iii) of this section shall be paid to the political	2819
subdivision that pays the cost of housing the offender during	2820
the offender's term of incarceration. If the offender is being	2821
sentenced for a violation of division (A) (1) (a), (b), (c), (d),	2822
(e), or (j) of this section and was confined as a result of the	2823
offense prior to being sentenced for the offense but is not	2824
sentenced to a term of incarceration, the fifty dollars shall be	2825
paid to the political subdivision that paid the cost of housing	2826
the offender during that period of confinement. The political	2827

subdivision shall use the share under this division to pay or 2828
reimburse incarceration or treatment costs it incurs in housing 2829
or providing drug and alcohol treatment to persons who violate 2830
this section or a municipal OVI ordinance, costs of any 2831
immobilizing or disabling device used on the offender's vehicle, 2832
and costs of electronic house arrest equipment needed for 2833
persons who violate this section. 2834

(c) Twenty-five dollars of the fine imposed under division 2835
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 2836
division (G) (1) (b) (iii) of this section shall be deposited into 2837
the county or municipal indigent drivers' alcohol treatment fund 2838
under the control of that court, as created by the county or 2839
municipal corporation under division (F) of section 4511.191 of 2840
the Revised Code. 2841

(d) One hundred fifteen dollars of the fine imposed under 2842
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 2843
the fine imposed under division (G) (1) (c) (iii), and four hundred 2844
forty dollars of the fine imposed under division (G) (1) (d) (iii) 2845
or (e) (iii) of this section shall be paid to the political 2846
subdivision that pays the cost of housing the offender during 2847
the offender's term of incarceration. The political subdivision 2848
shall use this share to pay or reimburse incarceration or 2849
treatment costs it incurs in housing or providing drug and 2850
alcohol treatment to persons who violate this section or a 2851
municipal OVI ordinance, costs for any immobilizing or disabling 2852
device used on the offender's vehicle, and costs of electronic 2853
house arrest equipment needed for persons who violate this 2854
section. 2855

(e) Fifty dollars of the fine imposed under divisions (G) 2856
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 2857

(G) (1) (e) (iii) of this section shall be deposited into the 2858
special projects fund of the court in which the offender was 2859
convicted and that is established under division (E) (1) of 2860
section 2303.201, division (B) (1) of section 1901.26, or 2861
division (B) (1) of section 1907.24 of the Revised Code, to be 2862
used exclusively to cover the cost of immobilizing or disabling 2863
devices, including certified ignition interlock devices, and 2864
remote alcohol monitoring devices for indigent offenders who are 2865
required by a judge to use either of these devices. If the court 2866
in which the offender was convicted does not have a special 2867
projects fund that is established under division (E) (1) of 2868
section 2303.201, division (B) (1) of section 1901.26, or 2869
division (B) (1) of section 1907.24 of the Revised Code, the 2870
fifty dollars shall be deposited into the indigent drivers 2871
interlock and alcohol monitoring fund under division (I) of 2872
section 4511.191 of the Revised Code. 2873

(f) Seventy-five dollars of the fine imposed under 2874
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 2875
fine imposed under division (G) (1) (b) (iii), two hundred fifty 2876
dollars of the fine imposed under division (G) (1) (c) (iii), and 2877
five hundred dollars of the fine imposed under division (G) (1) 2878
(d) (iii) or (e) (iii) of this section shall be transmitted to the 2879
treasurer of state for deposit into the indigent defense support 2880
fund established under section 120.08 of the Revised Code. 2881

(g) The balance of the fine imposed under division (G) (1) 2882
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 2883
section shall be disbursed as otherwise provided by law. 2884

(6) If title to a motor vehicle that is subject to an 2885
order of criminal forfeiture under division (G) (1) (c), (d), or 2886
(e) of this section is assigned or transferred and division (B) 2887

(2) or (3) of section 4503.234 of the Revised Code applies, in 2888
addition to or independent of any other penalty established by 2889
law, the court may fine the offender the value of the vehicle as 2890
determined by publications of the national automobile dealers 2891
association. The proceeds of any fine so imposed shall be 2892
distributed in accordance with division (C)(2) of that section. 2893

(7) In all cases in which an offender is sentenced under 2894
division (G) of this section, the offender shall provide the 2895
court with proof of financial responsibility as defined in 2896
section 4509.01 of the Revised Code. If the offender fails to 2897
provide that proof of financial responsibility, the court, in 2898
addition to any other penalties provided by law, may order 2899
restitution pursuant to section 2929.18 or 2929.28 of the 2900
Revised Code in an amount not exceeding five thousand dollars 2901
for any economic loss arising from an accident or collision that 2902
was the direct and proximate result of the offender's operation 2903
of the vehicle before, during, or after committing the offense 2904
for which the offender is sentenced under division (G) of this 2905
section. 2906

(8) A court may order an offender to reimburse a law 2907
enforcement agency for any costs incurred by the agency with 2908
respect to a chemical test or tests administered to the offender 2909
if all of the following apply: 2910

(a) The offender is convicted of or pleads guilty to a 2911
violation of division (A) of this section. 2912

(b) The test or tests were of the offender's whole blood, 2913
blood serum or plasma, oral fluid, or urine. 2914

(c) The test or tests indicated that the offender had ~~a~~ 2915
one of the following at the time of the offense: 2916

(i) A prohibited concentration of a controlled substance 2917
or a metabolite of a controlled substance in the offender's 2918
whole blood, blood serum or plasma, or urine ~~at the time of the~~ 2919
~~offense;~~ 2920

(ii) A drug of abuse or a metabolite of a drug of abuse in 2921
the offender's oral fluid. 2922

(9) As used in division (G) of this section, "electronic 2923
monitoring," "mandatory prison term," and "mandatory term of 2924
local incarceration" have the same meanings as in section 2925
2929.01 of the Revised Code. 2926

(H) Whoever violates division (B) of this section is 2927
guilty of operating a vehicle after underage alcohol consumption 2928
and shall be punished as follows: 2929

(1) Except as otherwise provided in division (H) (2) of 2930
this section, the offender is guilty of a misdemeanor of the 2931
fourth degree. In addition to any other sanction imposed for the 2932
offense, the court shall impose a class six suspension of the 2933
offender's driver's license, commercial driver's license, 2934
temporary instruction permit, probationary license, or 2935
nonresident operating privilege from the range specified in 2936
division (A) (6) of section 4510.02 of the Revised Code. The 2937
court may grant limited driving privileges relative to the 2938
suspension under sections 4510.021 and 4510.13 of the Revised 2939
Code. The court may grant unlimited driving privileges with an 2940
ignition interlock device relative to the suspension and may 2941
reduce the period of suspension as authorized under section 2942
4510.022 of the Revised Code. If the court grants unlimited 2943
driving privileges under section 4510.022 of the Revised Code, 2944
the court shall suspend any jail term imposed under division (H) 2945
(1) of this section as required under that section. 2946

(2) If, within one year of the offense, the offender 2947
previously has been convicted of or pleaded guilty to one or 2948
more violations of division (A) of this section or other 2949
equivalent offenses, the offender is guilty of a misdemeanor of 2950
the third degree. In addition to any other sanction imposed for 2951
the offense, the court shall impose a class four suspension of 2952
the offender's driver's license, commercial driver's license, 2953
temporary instruction permit, probationary license, or 2954
nonresident operating privilege from the range specified in 2955
division (A)(4) of section 4510.02 of the Revised Code. The 2956
court may grant limited driving privileges relative to the 2957
suspension under sections 4510.021 and 4510.13 of the Revised 2958
Code. 2959

(3) The offender shall provide the court with proof of 2960
financial responsibility as defined in section 4509.01 of the 2961
Revised Code. If the offender fails to provide that proof of 2962
financial responsibility, then, in addition to any other 2963
penalties provided by law, the court may order restitution 2964
pursuant to section 2929.28 of the Revised Code in an amount not 2965
exceeding five thousand dollars for any economic loss arising 2966
from an accident or collision that was the direct and proximate 2967
result of the offender's operation of the vehicle before, 2968
during, or after committing the violation of division (B) of 2969
this section. 2970

(I)(1) No court shall sentence an offender to an alcohol 2971
treatment program under this section unless the treatment 2972
program complies with the minimum standards for alcohol 2973
treatment programs adopted under Chapter 5119. of the Revised 2974
Code by the director of mental health and addiction services. 2975

(2) An offender who stays in a drivers' intervention 2976

program or in an alcohol treatment program under an order issued 2977
under this section shall pay the cost of the stay in the 2978
program. However, if the court determines that an offender who 2979
stays in an alcohol treatment program under an order issued 2980
under this section is unable to pay the cost of the stay in the 2981
program, the court may order that the cost be paid from the 2982
court's indigent drivers' alcohol treatment fund. 2983

(J) If a person whose driver's or commercial driver's 2984
license or permit or nonresident operating privilege is 2985
suspended under this section files an appeal regarding any 2986
aspect of the person's trial or sentence, the appeal itself does 2987
not stay the operation of the suspension. 2988

(K) Division (A) (1) (j) of this section does not apply to a 2989
person who operates a vehicle, streetcar, or trackless trolley 2990
while the person has a concentration of a listed controlled 2991
substance or a listed metabolite of a controlled substance in 2992
the person's whole blood, blood serum or plasma, or urine that 2993
equals or exceeds the amount specified in that division, if both 2994
of the following apply: 2995

(1) The person obtained the controlled substance pursuant 2996
to a prescription issued by a licensed health professional 2997
authorized to prescribe drugs. 2998

(2) The person injected, ingested, or inhaled the 2999
controlled substance in accordance with the health 3000
professional's directions. 3001

(L) The prohibited concentrations of a controlled 3002
substance or a metabolite of a controlled substance listed in 3003
division (A) (1) (j) of this section also apply in a prosecution 3004
of a violation of division (D) of section 2923.16 of the Revised 3005

Code in the same manner as if the offender is being prosecuted 3006
for a prohibited concentration of alcohol. 3007

(M) All terms defined in section 4510.01 of the Revised 3008
Code apply to this section. If the meaning of a term defined in 3009
section 4510.01 of the Revised Code conflicts with the meaning 3010
of the same term as defined in section 4501.01 or 4511.01 of the 3011
Revised Code, the term as defined in section 4510.01 of the 3012
Revised Code applies to this section. 3013

(N) (1) The Ohio Traffic Rules in effect on January 1, 3014
2004, as adopted by the supreme court under authority of section 3015
2937.46 of the Revised Code, do not apply to felony violations 3016
of this section. Subject to division (N) (2) of this section, the 3017
Rules of Criminal Procedure apply to felony violations of this 3018
section. 3019

(2) If, on or after January 1, 2004, the supreme court 3020
modifies the Ohio Traffic Rules to provide procedures to govern 3021
felony violations of this section, the modified rules shall 3022
apply to felony violations of this section. 3023

Sec. 4511.191. (A) (1) As used in this section: 3024

(a) "Physical control" has the same meaning as in section 3025
4511.194 of the Revised Code. 3026

(b) "Alcohol monitoring device" means any device that 3027
provides for continuous alcohol monitoring, any ignition 3028
interlock device, any immobilizing or disabling device other 3029
than an ignition interlock device that is constantly available 3030
to monitor the concentration of alcohol in a person's system, or 3031
any other device that provides for the automatic testing and 3032
periodic reporting of alcohol consumption by a person and that a 3033
court orders a person to use as a sanction imposed as a result 3034

of the person's conviction of or plea of guilty to an offense. 3035

(c) "Community addiction services provider" has the same 3036
meaning as in section 5119.01 of the Revised Code. 3037

(2) Any person who operates a vehicle, streetcar, or 3038
trackless trolley upon a highway or any public or private 3039
property used by the public for vehicular travel or parking 3040
within this state or who is in physical control of a vehicle, 3041
streetcar, or trackless trolley shall be deemed to have given 3042
consent to a chemical test or tests of the person's whole blood, 3043
blood serum or plasma, breath, oral fluid, or urine to determine 3044
the alcohol, drug of abuse, controlled substance, metabolite of 3045
a controlled substance, or combination content of the person's 3046
whole blood, blood serum or plasma, breath, oral fluid, or urine 3047
if arrested for a violation of division (A) or (B) of section 3048
4511.19 of the Revised Code, section 4511.194 of the Revised 3049
Code or a substantially equivalent municipal ordinance, or a 3050
municipal OVI ordinance. 3051

(3) The chemical test or tests under division (A) (2) of 3052
this section shall be administered at the request of a law 3053
enforcement officer having reasonable grounds to believe the 3054
person was operating or in physical control of a vehicle, 3055
streetcar, or trackless trolley in violation of a division, 3056
section, or ordinance identified in division (A) (2) of this 3057
section. The law enforcement agency by which the officer is 3058
employed shall designate which of the tests shall be 3059
administered. 3060

(4) Any person who is dead or unconscious, or who 3061
otherwise is in a condition rendering the person incapable of 3062
refusal, shall be deemed to have consented as provided in 3063
division (A) (2) of this section, and the test or tests may be 3064

administered, subject to sections 313.12 to 313.16 of the 3065
Revised Code. 3066

(5) (a) If a law enforcement officer arrests a person for a 3067
violation of division (A) or (B) of section 4511.19 of the 3068
Revised Code, section 4511.194 of the Revised Code or a 3069
substantially equivalent municipal ordinance, or a municipal OVI 3070
ordinance and if the person if convicted would be required to be 3071
sentenced under division (G) (1) (c), (d), or (e) of section 3072
4511.19 of the Revised Code, the law enforcement officer shall 3073
request the person to submit, and the person shall submit, to a 3074
chemical test or tests of the person's whole blood, blood serum 3075
or plasma, breath, oral fluid, or urine for the purpose of 3076
determining the alcohol, drug of abuse, controlled substance, 3077
metabolite of a controlled substance, or combination content of 3078
the person's whole blood, blood serum or plasma, breath, oral 3079
fluid, or urine. A law enforcement officer who makes a request 3080
pursuant to this division that a person submit to a chemical 3081
test or tests is not required to advise the person of the 3082
consequences of submitting to, or refusing to submit to, the 3083
test or tests and is not required to give the person the form 3084
described in division (B) of section 4511.192 of the Revised 3085
Code, but the officer shall advise the person at the time of the 3086
arrest that if the person refuses to take a chemical test the 3087
officer may employ whatever reasonable means are necessary to 3088
ensure that the person submits to a chemical test of the 3089
person's whole blood or blood serum or plasma. The officer shall 3090
also advise the person at the time of the arrest that the person 3091
may have an independent chemical test taken at the person's own 3092
expense. Divisions (A) (3) and (4) of this section apply to the 3093
administration of a chemical test or tests pursuant to this 3094
division. 3095

(b) If a person refuses to submit to a chemical test upon 3096
a request made pursuant to division (A) (5) (a) of this section, 3097
the law enforcement officer who made the request may employ 3098
whatever reasonable means are necessary to ensure that the 3099
person submits to a chemical test of the person's whole blood or 3100
blood serum or plasma. A law enforcement officer who acts 3101
pursuant to this division to ensure that a person submits to a 3102
chemical test of the person's whole blood or blood serum or 3103
plasma is immune from criminal and civil liability based upon a 3104
claim for assault and battery or any other claim for the acts, 3105
unless the officer so acted with malicious purpose, in bad 3106
faith, or in a wanton or reckless manner. 3107

(B) (1) Upon receipt of the sworn report of a law 3108
enforcement officer who arrested a person for a violation of 3109
division (A) or (B) of section 4511.19 of the Revised Code, 3110
section 4511.194 of the Revised Code or a substantially 3111
equivalent municipal ordinance, or a municipal OVI ordinance 3112
that was completed and sent to the registrar of motor vehicles 3113
and a court pursuant to section 4511.192 of the Revised Code in 3114
regard to a person who refused to take the designated chemical 3115
test, the registrar shall enter into the registrar's records the 3116
fact that the person's driver's or commercial driver's license 3117
or permit or nonresident operating privilege was suspended by 3118
the arresting officer under this division and that section and 3119
the period of the suspension, as determined under this section. 3120
The suspension shall be subject to appeal as provided in section 3121
4511.197 of the Revised Code. The suspension shall be for 3122
whichever of the following periods applies: 3123

(a) Except when division (B) (1) (b), (c), or (d) of this 3124
section applies and specifies a different class or length of 3125
suspension, the suspension shall be a class C suspension for the 3126

period of time specified in division (B) (3) of section 4510.02 3127
of the Revised Code. 3128

(b) If the arrested person, within ten years of the date 3129
on which the person refused the request to consent to the 3130
chemical test, had refused one previous request to consent to a 3131
chemical test or had been convicted of or pleaded guilty to one 3132
violation of division (A) of section 4511.19 of the Revised Code 3133
or one other equivalent offense, the suspension shall be a class 3134
B suspension imposed for the period of time specified in 3135
division (B) (2) of section 4510.02 of the Revised Code. 3136

(c) If the arrested person, within ten years of the date 3137
on which the person refused the request to consent to the 3138
chemical test, had refused two previous requests to consent to a 3139
chemical test, had been convicted of or pleaded guilty to two 3140
violations of division (A) of section 4511.19 of the Revised 3141
Code or other equivalent offenses, or had refused one previous 3142
request to consent to a chemical test and also had been 3143
convicted of or pleaded guilty to one violation of division (A) 3144
of section 4511.19 of the Revised Code or other equivalent 3145
offenses, which violation or offense arose from an incident 3146
other than the incident that led to the refusal, the suspension 3147
shall be a class A suspension imposed for the period of time 3148
specified in division (B) (1) of section 4510.02 of the Revised 3149
Code. 3150

(d) If the arrested person, within ten years of the date 3151
on which the person refused the request to consent to the 3152
chemical test, had refused three or more previous requests to 3153
consent to a chemical test, had been convicted of or pleaded 3154
guilty to three or more violations of division (A) of section 3155
4511.19 of the Revised Code or other equivalent offenses, or had 3156

refused a number of previous requests to consent to a chemical 3157
test and also had been convicted of or pleaded guilty to a 3158
number of violations of division (A) of section 4511.19 of the 3159
Revised Code or other equivalent offenses that cumulatively 3160
total three or more such refusals, convictions, and guilty 3161
pleas, the suspension shall be for five years. 3162

(2) The registrar shall terminate a suspension of the 3163
driver's or commercial driver's license or permit of a resident 3164
or of the operating privilege of a nonresident, or a denial of a 3165
driver's or commercial driver's license or permit, imposed 3166
pursuant to division (B)(1) of this section upon receipt of 3167
notice that the person has entered a plea of guilty to, or that 3168
the person has been convicted after entering a plea of no 3169
contest to, operating a vehicle in violation of section 4511.19 3170
of the Revised Code or in violation of a municipal OVI 3171
ordinance, if the offense for which the conviction is had or the 3172
plea is entered arose from the same incident that led to the 3173
suspension or denial. 3174

The registrar shall credit against any judicial suspension 3175
of a person's driver's or commercial driver's license or permit 3176
or nonresident operating privilege imposed pursuant to section 3177
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3178
the Revised Code for a violation of a municipal OVI ordinance, 3179
any time during which the person serves a related suspension 3180
imposed pursuant to division (B)(1) of this section. 3181

(C)(1) Upon receipt of the sworn report of the law 3182
enforcement officer who arrested a person for a violation of 3183
division (A) or (B) of section 4511.19 of the Revised Code or a 3184
municipal OVI ordinance that was completed and sent to the 3185
registrar and a court pursuant to section 4511.192 of the 3186

Revised Code in regard to a person whose test results indicate 3187
that the person's whole blood, blood serum or plasma, breath, or 3188
urine contained at least the concentration of alcohol specified 3189
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 3190
the Revised Code or at least the concentration of a listed 3191
controlled substance or a listed metabolite of a controlled 3192
substance specified in division (A) (1) (j) of section 4511.19 of 3193
the Revised Code, the registrar shall enter into the registrar's 3194
records the fact that the person's driver's or commercial 3195
driver's license or permit or nonresident operating privilege 3196
was suspended by the arresting officer under this division and 3197
section 4511.192 of the Revised Code and the period of the 3198
suspension, as determined under divisions (C) (1) (a) to (d) of 3199
this section. The suspension shall be subject to appeal as 3200
provided in section 4511.197 of the Revised Code. The suspension 3201
described in this division does not apply to, and shall not be 3202
imposed upon, a person arrested for a violation of section 3203
4511.194 of the Revised Code or a substantially equivalent 3204
municipal ordinance who submits to a designated chemical test. 3205
The suspension shall be for whichever of the following periods 3206
applies: 3207

(a) Except when division (C) (1) (b), (c), or (d) of this 3208
section applies and specifies a different period, the suspension 3209
shall be a class E suspension imposed for the period of time 3210
specified in division (B) (5) of section 4510.02 of the Revised 3211
Code. 3212

(b) The suspension shall be a class C suspension for the 3213
period of time specified in division (B) (3) of section 4510.02 3214
of the Revised Code if the person has been convicted of or 3215
pleaded guilty to, within ten years of the date the test was 3216
conducted, one violation of division (A) of section 4511.19 of 3217

the Revised Code or one other equivalent offense. 3218

(c) If, within ten years of the date the test was 3219
conducted, the person has been convicted of or pleaded guilty to 3220
two violations of a statute or ordinance described in division 3221
(C) (1) (b) of this section, the suspension shall be a class B 3222
suspension imposed for the period of time specified in division 3223
(B) (2) of section 4510.02 of the Revised Code. 3224

(d) If, within ten years of the date the test was 3225
conducted, the person has been convicted of or pleaded guilty to 3226
more than two violations of a statute or ordinance described in 3227
division (C) (1) (b) of this section, the suspension shall be a 3228
class A suspension imposed for the period of time specified in 3229
division (B) (1) of section 4510.02 of the Revised Code. 3230

(2) The registrar shall terminate a suspension of the 3231
driver's or commercial driver's license or permit of a resident 3232
or of the operating privilege of a nonresident, or a denial of a 3233
driver's or commercial driver's license or permit, imposed 3234
pursuant to division (C) (1) of this section upon receipt of 3235
notice that the person has entered a plea of guilty to, or that 3236
the person has been convicted after entering a plea of no 3237
contest to, operating a vehicle in violation of section 4511.19 3238
of the Revised Code or in violation of a municipal OVI 3239
ordinance, if the offense for which the conviction is had or the 3240
plea is entered arose from the same incident that led to the 3241
suspension or denial. 3242

The registrar shall credit against any judicial suspension 3243
of a person's driver's or commercial driver's license or permit 3244
or nonresident operating privilege imposed pursuant to section 3245
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3246
the Revised Code for a violation of a municipal OVI ordinance, 3247

any time during which the person serves a related suspension 3248
imposed pursuant to division (C) (1) of this section. 3249

(D) (1) A suspension of a person's driver's or commercial 3250
driver's license or permit or nonresident operating privilege 3251
under this section for the time described in division (B) or (C) 3252
of this section is effective immediately from the time at which 3253
the arresting officer serves the notice of suspension upon the 3254
arrested person. Any subsequent finding that the person is not 3255
guilty of the charge that resulted in the person being requested 3256
to take the chemical test or tests under division (A) of this 3257
section does not affect the suspension. 3258

(2) If a person is arrested for operating a vehicle, 3259
streetcar, or trackless trolley in violation of division (A) or 3260
(B) of section 4511.19 of the Revised Code or a municipal OVI 3261
ordinance, or for being in physical control of a vehicle, 3262
streetcar, or trackless trolley in violation of section 4511.194 3263
of the Revised Code or a substantially equivalent municipal 3264
ordinance, regardless of whether the person's driver's or 3265
commercial driver's license or permit or nonresident operating 3266
privilege is or is not suspended under division (B) or (C) of 3267
this section or Chapter 4510. of the Revised Code, the person's 3268
initial appearance on the charge resulting from the arrest shall 3269
be held within five days of the person's arrest or the issuance 3270
of the citation to the person, subject to any continuance 3271
granted by the court pursuant to section 4511.197 of the Revised 3272
Code regarding the issues specified in that division. 3273

(E) When it finally has been determined under the 3274
procedures of this section and sections 4511.192 to 4511.197 of 3275
the Revised Code that a nonresident's privilege to operate a 3276
vehicle within this state has been suspended, the registrar 3277

shall give information in writing of the action taken to the 3278
motor vehicle administrator of the state of the person's 3279
residence and of any state in which the person has a license. 3280

(F) At the end of a suspension period under this section, 3281
under section 4511.194, section 4511.196, or division (G) of 3282
section 4511.19 of the Revised Code, or under section 4510.07 of 3283
the Revised Code for a violation of a municipal OVI ordinance 3284
and upon the request of the person whose driver's or commercial 3285
driver's license or permit was suspended and who is not 3286
otherwise subject to suspension, cancellation, or 3287
disqualification, the registrar shall return the driver's or 3288
commercial driver's license or permit to the person upon the 3289
occurrence of all of the conditions specified in divisions (F) 3290
(1) and (2) of this section: 3291

(1) A showing that the person has proof of financial 3292
responsibility, a policy of liability insurance in effect that 3293
meets the minimum standards set forth in section 4509.51 of the 3294
Revised Code, or proof, to the satisfaction of the registrar, 3295
that the person is able to respond in damages in an amount at 3296
least equal to the minimum amounts specified in section 4509.51 3297
of the Revised Code. 3298

(2) Subject to the limitation contained in division (F) (3) 3299
of this section, payment by the person to the registrar or an 3300
eligible deputy registrar of a license reinstatement fee of four 3301
hundred seventy-five dollars, which fee shall be deposited in 3302
the state treasury and credited as follows: 3303

(a) One hundred twelve dollars and fifty cents shall be 3304
credited to the statewide treatment and prevention fund created 3305
by section 4301.30 of the Revised Code. Money credited to the 3306
fund under this section shall be used for purposes identified 3307

under section 5119.22 of the Revised Code. 3308

(b) Seventy-five dollars shall be credited to the 3309
reparations fund created by section 2743.191 of the Revised 3310
Code. 3311

(c) Thirty-seven dollars and fifty cents shall be credited 3312
to the indigent drivers alcohol treatment fund, which is hereby 3313
established in the state treasury. The department of mental 3314
health and addiction services shall distribute the moneys in 3315
that fund to the county indigent drivers alcohol treatment 3316
funds, the county juvenile indigent drivers alcohol treatment 3317
funds, and the municipal indigent drivers alcohol treatment 3318
funds that are required to be established by counties and 3319
municipal corporations pursuant to division (H) of this section 3320
to be used only as provided in division (H) (3) of this section. 3321
Moneys in the fund that are not distributed to a county indigent 3322
drivers alcohol treatment fund, a county juvenile indigent 3323
drivers alcohol treatment fund, or a municipal indigent drivers 3324
alcohol treatment fund under division (H) of this section 3325
because the director of mental health and addiction services 3326
does not have the information necessary to identify the county 3327
or municipal corporation where the offender or juvenile offender 3328
was arrested may be transferred by the director of budget and 3329
management to the statewide treatment and prevention fund 3330
created by section 4301.30 of the Revised Code, upon 3331
certification of the amount by the director of mental health and 3332
addiction services. 3333

(d) Seventy-five dollars shall be credited to the 3334
opportunities for Ohioans with disabilities agency established 3335
by section 3304.15 of the Revised Code, to the services for 3336
rehabilitation fund, which is hereby established. The fund shall 3337

be used to match available federal matching funds where 3338
appropriate or for any other purpose or program of the agency. 3339

(e) Seventy-five dollars shall be deposited into the state 3340
treasury and credited to the drug abuse resistance education 3341
programs fund, which is hereby established, to be used by the 3342
attorney general for the purposes specified in division (F) (4) 3343
of this section. 3344

(f) Thirty dollars shall be credited to the public safety 3345
- highway purposes fund created by section 4501.06 of the 3346
Revised Code. 3347

(g) Twenty dollars shall be credited to the trauma and 3348
emergency medical services fund created by section 4513.263 of 3349
the Revised Code. 3350

(h) Fifty dollars shall be credited to the indigent 3351
drivers interlock and alcohol monitoring fund, which is hereby 3352
established in the state treasury. Moneys in the fund shall be 3353
distributed by the department of public safety to the county 3354
indigent drivers interlock and alcohol monitoring funds, the 3355
county juvenile indigent drivers interlock and alcohol 3356
monitoring funds, and the municipal indigent drivers interlock 3357
and alcohol monitoring funds that are required to be established 3358
by counties and municipal corporations pursuant to this section, 3359
and shall be used only to pay the cost of an immobilizing or 3360
disabling device, including a certified ignition interlock 3361
device, or an alcohol monitoring device used by an offender or 3362
juvenile offender who is ordered to use the device by a county, 3363
juvenile, or municipal court judge and who is determined by the 3364
county, juvenile, or municipal court judge not to have the means 3365
to pay for the person's use of the device. 3366

(3) If a person's driver's or commercial driver's license 3367
or permit is suspended under this section, under section 3368
4511.196 or division (G) of section 4511.19 of the Revised Code, 3369
under section 4510.07 of the Revised Code for a violation of a 3370
municipal OVI ordinance or under any combination of the 3371
suspensions described in division (F)(3) of this section, and if 3372
the suspensions arise from a single incident or a single set of 3373
facts and circumstances, the person is liable for payment of, 3374
and shall be required to pay to the registrar or an eligible 3375
deputy registrar, only one reinstatement fee of four hundred 3376
seventy-five dollars. The reinstatement fee shall be distributed 3377
by the bureau in accordance with division (F)(2) of this 3378
section. 3379

(4) The attorney general shall use amounts in the drug 3380
abuse resistance education programs fund to award grants to law 3381
enforcement agencies to establish and implement drug abuse 3382
resistance education programs in public schools. Grants awarded 3383
to a law enforcement agency under this section shall be used by 3384
the agency to pay for not more than fifty per cent of the amount 3385
of the salaries of law enforcement officers who conduct drug 3386
abuse resistance education programs in public schools. The 3387
attorney general shall not use more than six per cent of the 3388
amounts the attorney general's office receives under division 3389
(F)(2)(e) of this section to pay the costs it incurs in 3390
administering the grant program established by division (F)(2) 3391
(e) of this section and in providing training and materials 3392
relating to drug abuse resistance education programs. 3393

The attorney general shall report to the governor and the 3394
general assembly each fiscal year on the progress made in 3395
establishing and implementing drug abuse resistance education 3396
programs. These reports shall include an evaluation of the 3397

effectiveness of these programs. 3398

(5) In addition to the reinstatement fee under this 3399
section, if the person pays the reinstatement fee to a deputy 3400
registrar, the deputy registrar shall collect a service fee of 3401
ten dollars to compensate the deputy registrar for services 3402
performed under this section. The deputy registrar shall retain 3403
eight dollars of the service fee and shall transmit the 3404
reinstatement fee, plus two dollars of the service fee, to the 3405
registrar in the manner the registrar shall determine. 3406

(G) Suspension of a commercial driver's license under 3407
division (B) or (C) of this section shall be concurrent with any 3408
period of disqualification under section 3123.611 or 4506.16 of 3409
the Revised Code or any period of suspension under section 3410
3123.58 of the Revised Code. No person who is disqualified for 3411
life from holding a commercial driver's license under section 3412
4506.16 of the Revised Code shall be issued a driver's license 3413
under Chapter 4507. of the Revised Code during the period for 3414
which the commercial driver's license was suspended under 3415
division (B) or (C) of this section. No person whose commercial 3416
driver's license is suspended under division (B) or (C) of this 3417
section shall be issued a driver's license under Chapter 4507. 3418
of the Revised Code during the period of the suspension. 3419

(H) (1) Each county shall establish an indigent drivers 3420
alcohol treatment fund and a juvenile indigent drivers alcohol 3421
treatment fund. Each municipal corporation in which there is a 3422
municipal court shall establish an indigent drivers alcohol 3423
treatment fund. All revenue that the general assembly 3424
appropriates to the indigent drivers alcohol treatment fund for 3425
transfer to a county indigent drivers alcohol treatment fund, a 3426
county juvenile indigent drivers alcohol treatment fund, or a 3427

municipal indigent drivers alcohol treatment fund, all portions 3428
of fees that are paid under division (F) of this section and 3429
that are credited under that division to the indigent drivers 3430
alcohol treatment fund in the state treasury for a county 3431
indigent drivers alcohol treatment fund, a county juvenile 3432
indigent drivers alcohol treatment fund, or a municipal indigent 3433
drivers alcohol treatment fund, all portions of additional costs 3434
imposed under section 2949.094 of the Revised Code that are 3435
specified for deposit into a county, county juvenile, or 3436
municipal indigent drivers alcohol treatment fund by that 3437
section, and all portions of fines that are specified for 3438
deposit into a county or municipal indigent drivers alcohol 3439
treatment fund by section 4511.193 of the Revised Code shall be 3440
deposited into that county indigent drivers alcohol treatment 3441
fund, county juvenile indigent drivers alcohol treatment fund, 3442
or municipal indigent drivers alcohol treatment fund. The 3443
portions of the fees paid under division (F) of this section 3444
that are to be so deposited shall be determined in accordance 3445
with division (H) (2) of this section. Additionally, all portions 3446
of fines that are paid for a violation of section 4511.19 of the 3447
Revised Code or of any prohibition contained in Chapter 4510. of 3448
the Revised Code, and that are required under section 4511.19 or 3449
any provision of Chapter 4510. of the Revised Code to be 3450
deposited into a county indigent drivers alcohol treatment fund 3451
or municipal indigent drivers alcohol treatment fund shall be 3452
deposited into the appropriate fund in accordance with the 3453
applicable division of the section or provision. 3454

(2) That portion of the license reinstatement fee that is 3455
paid under division (F) of this section and that is credited 3456
under that division to the indigent drivers alcohol treatment 3457
fund shall be deposited into a county indigent drivers alcohol 3458

treatment fund, a county juvenile indigent drivers alcohol 3459
treatment fund, or a municipal indigent drivers alcohol 3460
treatment fund as follows: 3461

(a) Regarding a suspension imposed under this section, 3462
that portion of the fee shall be deposited as follows: 3463

(i) If the fee is paid by a person who was charged in a 3464
county court with the violation that resulted in the suspension 3465
or in the imposition of the court costs, the portion shall be 3466
deposited into the county indigent drivers alcohol treatment 3467
fund under the control of that court; 3468

(ii) If the fee is paid by a person who was charged in a 3469
juvenile court with the violation that resulted in the 3470
suspension or in the imposition of the court costs, the portion 3471
shall be deposited into the county juvenile indigent drivers 3472
alcohol treatment fund established in the county served by the 3473
court; 3474

(iii) If the fee is paid by a person who was charged in a 3475
municipal court with the violation that resulted in the 3476
suspension or in the imposition of the court costs, the portion 3477
shall be deposited into the municipal indigent drivers alcohol 3478
treatment fund under the control of that court. 3479

(b) Regarding a suspension imposed under section 4511.19 3480
of the Revised Code or under section 4510.07 of the Revised Code 3481
for a violation of a municipal OVI ordinance, that portion of 3482
the fee shall be deposited as follows: 3483

(i) If the fee is paid by a person whose license or permit 3484
was suspended by a county court, the portion shall be deposited 3485
into the county indigent drivers alcohol treatment fund under 3486
the control of that court; 3487

(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;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose

alcohol and drug addiction services are certified under section 3518
5119.36 of the Revised Code; 3519

(iii) To pay the cost of transportation to attend an 3520
assessment as provided under division (H) (3) (b) (i) of this 3521
section or addiction services as provided under division (H) (3) 3522
(b) (ii) of this section. 3523

The alcohol and drug addiction services board or the board 3524
of alcohol, drug addiction, and mental health services 3525
established pursuant to section 340.02 or 340.021 of the Revised 3526
Code and serving the alcohol, drug addiction, and mental health 3527
service district in which the court is located shall administer 3528
the indigent drivers alcohol treatment program of the court. 3529
When a court orders an offender or juvenile traffic offender to 3530
obtain an assessment or attend an alcohol and drug addiction 3531
treatment program, the board shall determine which program is 3532
suitable to meet the needs of the offender or juvenile traffic 3533
offender, and when a suitable program is located and space is 3534
available at the program, the offender or juvenile traffic 3535
offender shall attend the program designated by the board. A 3536
reasonable amount not to exceed five per cent of the amounts 3537
credited to and deposited into the county indigent drivers 3538
alcohol treatment fund, the county juvenile indigent drivers 3539
alcohol treatment fund, or the municipal indigent drivers 3540
alcohol treatment fund serving every court whose program is 3541
administered by that board shall be paid to the board to cover 3542
the costs it incurs in administering those indigent drivers 3543
alcohol treatment programs. 3544

(c) Upon exhaustion of moneys in the indigent drivers 3545
interlock and alcohol monitoring fund for the use of an alcohol 3546
monitoring device, a county, juvenile, or municipal court judge 3547

may use moneys in the county indigent drivers alcohol treatment 3548
fund, county juvenile indigent drivers alcohol treatment fund, 3549
or municipal indigent drivers alcohol treatment fund in either 3550
of the following manners: 3551

(i) If the source of the moneys was an appropriation of 3552
the general assembly, a portion of a fee that was paid under 3553
division (F) of this section, a portion of a fine that was 3554
specified for deposit into the fund by section 4511.193 of the 3555
Revised Code, or a portion of a fine that was paid for a 3556
violation of section 4511.19 of the Revised Code or of a 3557
provision contained in Chapter 4510. of the Revised Code that 3558
was required to be deposited into the fund, to pay for the 3559
continued use of an alcohol monitoring device by an offender or 3560
juvenile traffic offender, in conjunction with a treatment 3561
program approved by the department of mental health and 3562
addiction services, when such use is determined clinically 3563
necessary by the treatment program and when the court determines 3564
that the offender or juvenile traffic offender is unable to pay 3565
all or part of the daily monitoring or cost of the device; 3566

(ii) If the source of the moneys was a portion of an 3567
additional court cost imposed under section 2949.094 of the 3568
Revised Code, to pay for the continued use of an alcohol 3569
monitoring device by an offender or juvenile traffic offender 3570
when the court determines that the offender or juvenile traffic 3571
offender is unable to pay all or part of the daily monitoring or 3572
cost of the device. The moneys may be used for a device as 3573
described in this division if the use of the device is in 3574
conjunction with a treatment program approved by the department 3575
of mental health and addiction services, when the use of the 3576
device is determined clinically necessary by the treatment 3577
program, but the use of a device is not required to be in 3578

conjunction with a treatment program approved by the department 3579
in order for the moneys to be used for the device as described 3580
in this division. 3581

(4) If a county, juvenile, or municipal court determines, 3582
in consultation with the alcohol and drug addiction services 3583
board or the board of alcohol, drug addiction, and mental health 3584
services established pursuant to section 340.02 or 340.021 of 3585
the Revised Code and serving the alcohol, drug addiction, and 3586
mental health district in which the court is located, that the 3587
funds in the county indigent drivers alcohol treatment fund, the 3588
county juvenile indigent drivers alcohol treatment fund, or the 3589
municipal indigent drivers alcohol treatment fund under the 3590
control of the court are more than sufficient to satisfy the 3591
purpose for which the fund was established, as specified in 3592
divisions (H) (1) to (3) of this section, the court may declare a 3593
surplus in the fund. If the court declares a surplus in the 3594
fund, the court may take one or more of the following actions 3595
with regard to the amount of the surplus in the fund: 3596

(a) Expend any of the surplus amount for alcohol and drug 3597
abuse assessment and treatment, and for the cost of 3598
transportation related to assessment and treatment, of persons 3599
who are charged in the court with committing a criminal offense 3600
or with being a delinquent child or juvenile traffic offender 3601
and in relation to whom both of the following apply: 3602

(i) The court determines that substance abuse was a 3603
contributing factor leading to the criminal or delinquent 3604
activity or the juvenile traffic offense with which the person 3605
is charged. 3606

(ii) The court determines that the person is unable to pay 3607
the cost of the alcohol and drug abuse assessment and treatment 3608

for which the surplus money will be used. 3609

(b) Expend any of the surplus amount to pay all or part of 3610
the cost of purchasing alcohol monitoring devices to be used in 3611
conjunction with division (H) (3) (c) of this section, upon 3612
exhaustion of moneys in the indigent drivers interlock and 3613
alcohol monitoring fund for the use of an alcohol monitoring 3614
device. 3615

(c) Transfer to another court in the same county any of 3616
the surplus amount to be utilized in a manner consistent with 3617
division (H) (3) of this section. If surplus funds are 3618
transferred to another court, the court that transfers the funds 3619
shall notify the alcohol and drug addiction services board or 3620
the board of alcohol, drug addiction, and mental health services 3621
that serves the alcohol, drug addiction, and mental health 3622
service district in which that court is located. 3623

(d) Transfer to the alcohol and drug addiction services 3624
board or the board of alcohol, drug addiction, and mental health 3625
services that serves the alcohol, drug addiction, and mental 3626
health service district in which the court is located any of the 3627
surplus amount to be utilized in a manner consistent with 3628
division (H) (3) of this section or for board contracted recovery 3629
support services. 3630

(e) Expend any of the surplus amount for the cost of 3631
staffing, equipment, training, drug testing, supplies, and other 3632
expenses of any specialized docket program established within 3633
the court and certified by the supreme court. 3634

(5) In order to determine if an offender does not have the 3635
means to pay for the offender's attendance at an alcohol and 3636
drug addiction treatment program for purposes of division (H) (3) 3637

of this section or if an alleged offender or delinquent child is 3638
unable to pay the costs specified in division (H) (4) of this 3639
section, the court shall use the indigent client eligibility 3640
guidelines and the standards of indigency established by the 3641
state public defender to make the determination. 3642

(6) The court shall identify and refer any community 3643
addiction services provider that intends to provide alcohol and 3644
drug addiction services and has not had its alcohol and drug 3645
addiction services certified under section 5119.36 of the 3646
Revised Code and that is interested in receiving amounts from 3647
the surplus in the fund declared under division (H) (4) of this 3648
section to the department of mental health and addiction 3649
services in order for the community addiction services provider 3650
to have its alcohol and drug addiction services certified by the 3651
department. The department shall keep a record of applicant 3652
referrals received pursuant to this division and shall submit a 3653
report on the referrals each year to the general assembly. If a 3654
community addiction services provider interested in having its 3655
alcohol and drug addiction services certified makes an 3656
application pursuant to section 5119.36 of the Revised Code, the 3657
community addiction services provider is eligible to receive 3658
surplus funds as long as the application is pending with the 3659
department. The department of mental health and addiction 3660
services must offer technical assistance to the applicant. If 3661
the interested community addiction services provider withdraws 3662
the certification application, the department must notify the 3663
court, and the court shall not provide the interested community 3664
addiction services provider with any further surplus funds. 3665

(7) (a) Each alcohol and drug addiction services board and 3666
board of alcohol, drug addiction, and mental health services 3667
established pursuant to section 340.02 or 340.021 of the Revised 3668

Code shall submit to the department of mental health and 3669
addiction services an annual report for each indigent drivers 3670
alcohol treatment fund in that board's area. 3671

(b) The report, which shall be submitted not later than 3672
sixty days after the end of the state fiscal year, shall provide 3673
the total payment that was made from the fund, including the 3674
number of indigent consumers that received treatment services 3675
and the number of indigent consumers that received an alcohol 3676
monitoring device. The report shall identify the treatment 3677
program and expenditure for an alcohol monitoring device for 3678
which that payment was made. The report shall include the fiscal 3679
year balance of each indigent drivers alcohol treatment fund 3680
located in that board's area. In the event that a surplus is 3681
declared in the fund pursuant to division (H) (4) of this 3682
section, the report also shall provide the total payment that 3683
was made from the surplus moneys and identify the authorized 3684
purpose for which that payment was made. 3685

(c) If a board is unable to obtain adequate information to 3686
develop the report to submit to the department for a particular 3687
indigent drivers alcohol treatment fund, the board shall submit 3688
a report detailing the effort made in obtaining the information. 3689

(I) (1) Each county shall establish an indigent drivers 3690
interlock and alcohol monitoring fund and a juvenile indigent 3691
drivers interlock and alcohol treatment fund. Each municipal 3692
corporation in which there is a municipal court shall establish 3693
an indigent drivers interlock and alcohol monitoring fund. All 3694
revenue that the general assembly appropriates to the indigent 3695
drivers interlock and alcohol monitoring fund for transfer to a 3696
county indigent drivers interlock and alcohol monitoring fund, a 3697
county juvenile indigent drivers interlock and alcohol 3698

monitoring fund, or a municipal indigent drivers interlock and 3699
alcohol monitoring fund, all portions of license reinstatement 3700
fees that are paid under division (F) (2) of this section and 3701
that are credited under that division to the indigent drivers 3702
interlock and alcohol monitoring fund in the state treasury, and 3703
all portions of fines that are paid under division (G) of 3704
section 4511.19 of the Revised Code and that are credited by 3705
division (G) (5) (e) of that section to the indigent drivers 3706
interlock and alcohol monitoring fund in the state treasury 3707
shall be deposited in the appropriate fund in accordance with 3708
division (I) (2) of this section. 3709

(2) That portion of the license reinstatement fee that is 3710
paid under division (F) of this section and that portion of the 3711
fine paid under division (G) of section 4511.19 of the Revised 3712
Code and that is credited under either division to the indigent 3713
drivers interlock and alcohol monitoring fund shall be deposited 3714
into a county indigent drivers interlock and alcohol monitoring 3715
fund, a county juvenile indigent drivers interlock and alcohol 3716
monitoring fund, or a municipal indigent drivers interlock and 3717
alcohol monitoring fund as follows: 3718

(a) If the fee or fine is paid by a person who was charged 3719
in a county court with the violation that resulted in the 3720
suspension or fine, the portion shall be deposited into the 3721
county indigent drivers interlock and alcohol monitoring fund 3722
under the control of that court. 3723

(b) If the fee or fine is paid by a person who was charged 3724
in a juvenile court with the violation that resulted in the 3725
suspension or fine, the portion shall be deposited into the 3726
county juvenile indigent drivers interlock and alcohol 3727
monitoring fund established in the county served by the court. 3728

(c) If the fee or fine is paid by a person who was charged 3729
in a municipal court with the violation that resulted in the 3730
suspension, the portion shall be deposited into the municipal 3731
indigent drivers interlock and alcohol monitoring fund under the 3732
control of that court. 3733

(3) If a county, juvenile, or municipal court determines 3734
that the funds in the county indigent drivers interlock and 3735
alcohol monitoring fund, the county juvenile indigent drivers 3736
interlock and alcohol monitoring fund, or the municipal indigent 3737
drivers interlock and alcohol monitoring fund under the control 3738
of that court are more than sufficient to satisfy the purpose 3739
for which the fund was established as specified in division (F) 3740
(2) (h) of this section, the court may declare a surplus in the 3741
fund. The court then may order the transfer of a specified 3742
amount into the county indigent drivers alcohol treatment fund, 3743
the county juvenile indigent drivers alcohol treatment fund, or 3744
the municipal indigent drivers alcohol treatment fund under the 3745
control of that court to be utilized in accordance with division 3746
(H) of this section. 3747

Sec. 4511.192. (A) Except as provided in division (A) (5) 3748
of section 4511.191 of the Revised Code, the arresting law 3749
enforcement officer shall give advice in accordance with this 3750
section to any person under arrest for a violation of division 3751
(A) or (B) of section 4511.19 of the Revised Code, section 3752
4511.194 of the Revised Code or a substantially equivalent 3753
municipal ordinance, or a municipal OVI ordinance. The officer 3754
shall give that advice in a written form that contains the 3755
information described in division (B) of this section and shall 3756
read the advice to the person. The form shall contain a 3757
statement that the form was shown to the person under arrest and 3758
read to the person by the arresting officer. One or more persons 3759

shall witness the arresting officer's reading of the form, and 3760
the witnesses shall certify to this fact by signing the form. 3761
The person must submit to the chemical test or tests, subsequent 3762
to the request of the arresting officer, within two hours of the 3763
time of the alleged violation and, if the person does not submit 3764
to the test or tests within that two-hour time limit, the 3765
failure to submit automatically constitutes a refusal to submit 3766
to the test or tests. 3767

(B) Except as provided in division (A) (5) of section 3768
4511.191 of the Revised Code, if a person is under arrest as 3769
described in division (A) of this section, before the person may 3770
be requested to submit to a chemical test or tests to determine 3771
the alcohol, drug of abuse, controlled substance, metabolite of 3772
a controlled substance, or combination content of the person's 3773
whole blood, blood serum or plasma, breath, oral fluid, or 3774
urine, the arresting officer shall read the following form to 3775
the person: 3776

"You now are under arrest for (specifically state the 3777
offense under state law or a substantially equivalent municipal 3778
ordinance for which the person was arrested - operating a 3779
vehicle under the influence of alcohol, a drug, or a combination 3780
of them; operating a vehicle while under the influence of a 3781
listed controlled substance or a listed metabolite of a 3782
controlled substance; operating a vehicle after underage alcohol 3783
consumption; or having physical control of a vehicle while under 3784
the influence). 3785

If you refuse to take any chemical test required by law, 3786
your Ohio driving privileges will be suspended immediately, and 3787
you will have to pay a fee to have the privileges reinstated. If 3788
you have a prior conviction of OVI or operating a vehicle while 3789

under the influence of a listed controlled substance or a listed 3790
metabolite of a controlled substance under state or municipal 3791
law within the preceding twenty years, you now are under arrest 3792
for state OVI, and, if you refuse to take a chemical test, you 3793
will face increased penalties if you subsequently are convicted 3794
of the state OVI. 3795

(Read this part unless the person is under arrest for 3796
solely having physical control of a vehicle while under the 3797
influence.) If you take any chemical test required by law and 3798
are found to be at or over the prohibited amount of alcohol, a 3799
controlled substance, or a metabolite of a controlled substance 3800
in your whole blood, blood serum or plasma, breath, or urine as 3801
set by law, your Ohio driving privileges will be suspended 3802
immediately, and you will have to pay a fee to have the 3803
privileges reinstated. 3804

If you take a chemical test, you may have an independent 3805
chemical test taken at your own expense." 3806

(C) If the arresting law enforcement officer does not ask 3807
a person under arrest as described in division (A) of this 3808
section or division (A) (5) of section 4511.191 of the Revised 3809
Code to submit to a chemical test or tests under section 3810
4511.191 of the Revised Code, the arresting officer shall seize 3811
the Ohio or out-of-state driver's or commercial driver's license 3812
or permit of the person and immediately forward it to the court 3813
in which the arrested person is to appear on the charge. If the 3814
arrested person is not in possession of the person's license or 3815
permit or it is not in the person's vehicle, the officer shall 3816
order the person to surrender it to the law enforcement agency 3817
that employs the officer within twenty-four hours after the 3818
arrest, and, upon the surrender, the agency immediately shall 3819

forward the license or permit to the court in which the person 3820
is to appear on the charge. Upon receipt of the license or 3821
permit, the court shall retain it pending the arrested person's 3822
initial appearance and any action taken under section 4511.196 3823
of the Revised Code. 3824

(D) (1) If a law enforcement officer asks a person under 3825
arrest as described in division (A) (5) of section 4511.191 of 3826
the Revised Code to submit to a chemical test or tests under 3827
that section and the test results indicate a prohibited 3828
concentration of alcohol, a controlled substance, or a 3829
metabolite of a controlled substance in the person's whole 3830
blood, blood serum or plasma, breath, or urine at the time of 3831
the alleged offense, or if a law enforcement officer asks a 3832
person under arrest as described in division (A) of this section 3833
to submit to a chemical test or tests under section 4511.191 of 3834
the Revised Code, the officer advises the person in accordance 3835
with this section of the consequences of the person's refusal or 3836
submission, and either the person refuses to submit to the test 3837
or tests or, unless the arrest was for a violation of section 3838
4511.194 of the Revised Code or a substantially equivalent 3839
municipal ordinance, the person submits to the test or tests and 3840
the test results indicate a prohibited concentration of alcohol, 3841
a controlled substance, or a metabolite of a controlled 3842
substance in the person's whole blood, blood serum or plasma, 3843
breath, or urine at the time of the alleged offense, the 3844
arresting officer shall do all of the following: 3845

(a) On behalf of the registrar of motor vehicles, notify 3846
the person that, independent of any penalties or sanctions 3847
imposed upon the person, the person's Ohio driver's or 3848
commercial driver's license or permit or nonresident operating 3849
privilege is suspended immediately, that the suspension will 3850

last at least until the person's initial appearance on the 3851
charge, which will be held within five days after the date of 3852
the person's arrest or the issuance of a citation to the person, 3853
and that the person may appeal the suspension at the initial 3854
appearance or during the period of time ending thirty days after 3855
that initial appearance; 3856

(b) Seize the driver's or commercial driver's license or 3857
permit of the person and immediately forward it to the 3858
registrar. If the arrested person is not in possession of the 3859
person's license or permit or it is not in the person's vehicle, 3860
the officer shall order the person to surrender it to the law 3861
enforcement agency that employs the officer within twenty-four 3862
hours after the person is given notice of the suspension, and, 3863
upon the surrender, the officer's employing agency immediately 3864
shall forward the license or permit to the registrar. 3865

(c) Verify the person's current residence and, if it 3866
differs from that on the person's driver's or commercial 3867
driver's license or permit, notify the registrar of the change; 3868

(d) Send to the registrar, within forty-eight hours after 3869
the arrest of the person, a sworn report that includes all of 3870
the following statements: 3871

(i) That the officer had reasonable grounds to believe 3872
that, at the time of the arrest, the arrested person was 3873
operating a vehicle, streetcar, or trackless trolley in 3874
violation of division (A) or (B) of section 4511.19 of the 3875
Revised Code or a municipal OVI ordinance or for being in 3876
physical control of a stationary vehicle, streetcar, or 3877
trackless trolley in violation of section 4511.194 of the 3878
Revised Code or a substantially equivalent municipal ordinance; 3879

(ii) That the person was arrested and charged with a 3880
violation of division (A) or (B) of section 4511.19 of the 3881
Revised Code, section 4511.194 of the Revised Code or a 3882
substantially equivalent municipal ordinance, or a municipal OVI 3883
ordinance; 3884

(iii) Unless division (D) (1) (d) (v) of this section 3885
applies, that the officer asked the person to take the 3886
designated chemical test or tests, advised the person in 3887
accordance with this section of the consequences of submitting 3888
to, or refusing to take, the test or tests, and gave the person 3889
the form described in division (B) of this section; 3890

(iv) Unless division (D) (1) (d) (v) of this section applies, 3891
that either the person refused to submit to the chemical test or 3892
tests or, unless the arrest was for a violation of section 3893
4511.194 of the Revised Code or a substantially equivalent 3894
municipal ordinance, the person submitted to the chemical test 3895
or tests and the test results indicate a prohibited 3896
concentration of alcohol, a controlled substance, or a 3897
metabolite of a controlled substance in the person's whole 3898
blood, blood serum or plasma, breath, or urine at the time of 3899
the alleged offense; 3900

(v) If the person was under arrest as described in 3901
division (A) (5) of section 4511.191 of the Revised Code and the 3902
chemical test or tests were performed in accordance with that 3903
division, that the person was under arrest as described in that 3904
division, that the chemical test or tests were performed in 3905
accordance with that division, and that test results indicated a 3906
prohibited concentration of alcohol, a controlled substance, or 3907
a metabolite of a controlled substance in the person's whole 3908
blood, blood serum or plasma, breath, or urine at the time of 3909

the alleged offense. 3910

(2) Division (D)(1) of this section does not apply to a 3911
person who is arrested for a violation of section 4511.194 of 3912
the Revised Code or a substantially equivalent municipal 3913
ordinance, who is asked by a law enforcement officer to submit 3914
to a chemical test or tests under section 4511.191 of the 3915
Revised Code, and who submits to the test or tests, regardless 3916
of the amount of alcohol, a controlled substance, or a 3917
metabolite of a controlled substance that the test results 3918
indicate is present in the person's whole blood, blood serum or 3919
plasma, breath, oral fluid, or urine. 3920

(E) The arresting officer shall give the officer's sworn 3921
report that is completed under this section to the arrested 3922
person at the time of the arrest, or the registrar of motor 3923
vehicles shall send the report to the person by regular first 3924
class mail as soon as possible after receipt of the report, but 3925
not later than fourteen days after receipt of it. An arresting 3926
officer may give an unsworn report to the arrested person at the 3927
time of the arrest provided the report is complete when given to 3928
the arrested person and subsequently is sworn to by the 3929
arresting officer. As soon as possible, but not later than 3930
forty-eight hours after the arrest of the person, the arresting 3931
officer shall send a copy of the sworn report to the court in 3932
which the arrested person is to appear on the charge for which 3933
the person was arrested. 3934

(F) The sworn report of an arresting officer completed 3935
under this section is prima-facie proof of the information and 3936
statements that it contains. It shall be admitted and considered 3937
as prima-facie proof of the information and statements that it 3938
contains in any appeal under section 4511.197 of the Revised 3939

Code relative to any suspension of a person's driver's or 3940
commercial driver's license or permit or nonresident operating 3941
privilege that results from the arrest covered by the report. 3942

Section 2. That existing sections 1547.11, 1547.111, 3943
2317.02, 2317.022, 2927.02, 3701.143, 3767.01, 4301.74, 4506.17, 3944
4511.19, 4511.191, and 4511.192 of the Revised Code are hereby 3945
repealed. 3946