

As Passed by the Senate

135th General Assembly

Regular Session

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Sub. S. B. No. 60

Senator Gavarone

Cosponsor: Senator Cirino

A BILL

To amend sections 2305.234, 2305.51, 2925.01, 1
2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2
2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3
3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 4
3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 5
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 6
4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 7
4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 8
4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 9
5903.12 and to enact sections 4772.01, 4772.02, 10
4772.03, 4772.04, 4772.041, 4772.05, 4772.06, 11
4772.07, 4772.08, 4772.081, 4772.082, 4772.09, 12
4772.091, 4772.092, 4772.10, 4772.11, 4772.12, 13
4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 14
4772.201, 4772.202, 4772.203, 4772.21, 4772.22, 15
4772.23, 4772.24, 4772.25, 4772.26, 4772.27, 16
4772.28, and 4772.99 of the Revised Code to 17
license certified mental health assistants. 18

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

Section 1. That sections 2305.234, 2305.51, 2925.01, 19

2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 20
2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 21
3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 22
3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.051, 4731.07, 23
4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 24
4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, 25
and 5903.12 be amended and sections 4772.01, 4772.02, 4772.03, 26
4772.04, 4772.041, 4772.05, 4772.06, 4772.07, 4772.08, 4772.081, 27
4772.082, 4772.09, 4772.091, 4772.092, 4772.10, 4772.11, 28
4772.12, 4772.13, 4772.14, 4772.15, 4772.19, 4772.20, 4772.201, 29
4772.202, 4772.203, 4772.21, 4772.22, 4772.23, 4772.24, 4772.25, 30
4772.26, 4772.27, 4772.28, and 4772.99 of the Revised Code be 31
enacted to read as follows: 32

Sec. 2305.234. (A) As used in this section: 33

(1) "Chiropractic claim," "medical claim," and "optometric 34
claim" have the same meanings as in section 2305.113 of the 35
Revised Code. 36

(2) "Dental claim" has the same meaning as in section 37
2305.113 of the Revised Code, except that it does not include 38
any claim arising out of a dental operation or any derivative 39
claim for relief that arises out of a dental operation. 40

(3) "Governmental health care program" has the same 41
meaning as in section 4731.65 of the Revised Code. 42

(4) "Health care facility or location" means a hospital, 43
clinic, ambulatory surgical facility, office of a health care 44
professional or associated group of health care professionals, 45
training institution for health care professionals, a free 46
clinic or other nonprofit shelter or health care facility as 47
those terms are defined in section 3701.071 of the Revised Code, 48

or any other place where medical, dental, or other health- 49
related diagnosis, care, or treatment is provided to a person. 50

(5) "Health care professional" means any of the following 51
who provide medical, dental, or other health-related diagnosis, 52
care, or treatment: 53

(a) Physicians authorized under Chapter 4731. of the 54
Revised Code to practice medicine and surgery or osteopathic 55
medicine and surgery; 56

(b) Advanced practice registered nurses, registered 57
nurses, and licensed practical nurses licensed under Chapter 58
4723. of the Revised Code; 59

(c) Physician assistants authorized to practice under 60
Chapter 4730. of the Revised Code; 61

(d) Dentists and dental hygienists licensed under Chapter 62
4715. of the Revised Code; 63

(e) Physical therapists, physical therapist assistants, 64
occupational therapists, occupational therapy assistants, and 65
athletic trainers licensed under Chapter 4755. of the Revised 66
Code; 67

(f) Chiropractors licensed under Chapter 4734. of the 68
Revised Code; 69

(g) Optometrists licensed under Chapter 4725. of the 70
Revised Code; 71

(h) Podiatrists authorized under Chapter 4731. of the 72
Revised Code to practice podiatry; 73

(i) Dietitians licensed under Chapter 4759. of the Revised 74
Code; 75

(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	76 77
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	78 79 80
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	81 82
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	83 84
(n) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	85 86 87 88 89
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	90 91
(p) Independent chemical dependency counselors-clinical supervisors, independent chemical dependency counselors, chemical dependency counselors III, and chemical dependency counselors II, licensed under Chapter 4758. of the Revised Code, and chemical dependency counselor assistants, prevention consultants, prevention specialists, prevention specialist assistants, and registered applicants, certified under that chapter;	92 93 94 95 96 97 98 99
<u>(q) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	100 101
(6) "Health care worker" means a person other than a health care professional who provides medical, dental, or other	102 103

health-related care or treatment under the direction of a health 104
care professional with the authority to direct that individual's 105
activities, including medical technicians, medical assistants, 106
dental assistants, orderlies, aides, and individuals acting in 107
similar capacities. 108

(7) "Indigent and uninsured person" means a person who 109
meets both of the following requirements: 110

(a) Relative to being indigent, the person's income is not 111
greater than two hundred per cent of the federal poverty line, 112
as defined by the United States office of management and budget 113
and revised in accordance with section 673(2) of the "Omnibus 114
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 115
9902, as amended, except in any case in which division (A) (7) (b) 116
(iii) of this section includes a person whose income is greater 117
than two hundred per cent of the federal poverty line. 118

(b) Relative to being uninsured, one of the following 119
applies: 120

(i) The person is not a policyholder, certificate holder, 121
insured, contract holder, subscriber, enrollee, member, 122
beneficiary, or other covered individual under a health 123
insurance or health care policy, contract, or plan. 124

(ii) The person is a policyholder, certificate holder, 125
insured, contract holder, subscriber, enrollee, member, 126
beneficiary, or other covered individual under a health 127
insurance or health care policy, contract, or plan, but the 128
insurer, policy, contract, or plan denies coverage or is the 129
subject of insolvency or bankruptcy proceedings in any 130
jurisdiction. 131

(iii) Until June 30, 2019, the person is eligible for the 132

medicaid program or is a medicaid recipient.	133
(iv) Except as provided in division (A) (7) (b) (iii) of this section, the person is not eligible for or a recipient, enrollee, or beneficiary of any governmental health care program.	134 135 136 137
(8) "Nonprofit health care referral organization" means an entity that is not operated for profit and refers patients to, or arranges for the provision of, health-related diagnosis, care, or treatment by a health care professional or health care worker.	138 139 140 141 142
(9) "Operation" means any procedure that involves cutting or otherwise infiltrating human tissue by mechanical means, including surgery, laser surgery, ionizing radiation, therapeutic ultrasound, or the removal of intraocular foreign bodies. "Operation" does not include the administration of medication by injection, unless the injection is administered in conjunction with a procedure infiltrating human tissue by mechanical means other than the administration of medicine by injection. "Operation" does not include routine dental restorative procedures, the scaling of teeth, or extractions of teeth that are not impacted.	143 144 145 146 147 148 149 150 151 152 153
(10) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons or government entities.	154 155 156 157
(11) "Volunteer" means an individual who provides any medical, dental, or other health-care related diagnosis, care, or treatment without the expectation of receiving and without receipt of any compensation or other form of remuneration from	158 159 160 161

an indigent and uninsured person, another person on behalf of an 162
indigent and uninsured person, any health care facility or 163
location, any nonprofit health care referral organization, or 164
any other person or government entity. 165

(12) "Community control sanction" has the same meaning as 166
in section 2929.01 of the Revised Code. 167

(13) "Deep sedation" means a drug-induced depression of 168
consciousness during which a patient cannot be easily aroused 169
but responds purposefully following repeated or painful 170
stimulation, a patient's ability to independently maintain 171
ventilatory function may be impaired, a patient may require 172
assistance in maintaining a patent airway and spontaneous 173
ventilation may be inadequate, and cardiovascular function is 174
usually maintained. 175

(14) "General anesthesia" means a drug-induced loss of 176
consciousness during which a patient is not arousable, even by 177
painful stimulation, the ability to independently maintain 178
ventilatory function is often impaired, a patient often requires 179
assistance in maintaining a patent airway, positive pressure 180
ventilation may be required because of depressed spontaneous 181
ventilation or drug-induced depression of neuromuscular 182
function, and cardiovascular function may be impaired. 183

(B) (1) Subject to divisions (F) and (G) (3) of this 184
section, a health care professional who is a volunteer and 185
complies with division (B) (2) of this section is not liable in 186
damages to any person or government entity in a tort or other 187
civil action, including an action on a medical, dental, 188
chiropractic, optometric, or other health-related claim, for 189
injury, death, or loss to person or property that allegedly 190
arises from an action or omission of the volunteer in the 191

provision to an indigent and uninsured person of medical, 192
dental, or other health-related diagnosis, care, or treatment, 193
including the provision of samples of medicine and other medical 194
products, unless the action or omission constitutes willful or 195
wanton misconduct. 196

(2) To qualify for the immunity described in division (B) 197
(1) of this section, a health care professional shall do all of 198
the following prior to providing diagnosis, care, or treatment: 199

(a) Determine, in good faith, that the indigent and 200
uninsured person is mentally capable of giving informed consent 201
to the provision of the diagnosis, care, or treatment and is not 202
subject to duress or under undue influence; 203

(b) Inform the person of the provisions of this section, 204
including notifying the person that, by giving informed consent 205
to the provision of the diagnosis, care, or treatment, the 206
person cannot hold the health care professional liable for 207
damages in a tort or other civil action, including an action on 208
a medical, dental, chiropractic, optometric, or other health- 209
related claim, unless the action or omission of the health care 210
professional constitutes willful or wanton misconduct; 211

(c) Obtain the informed consent of the person and a 212
written waiver, signed by the person or by another individual on 213
behalf of and in the presence of the person, that states that 214
the person is mentally competent to give informed consent and, 215
without being subject to duress or under undue influence, gives 216
informed consent to the provision of the diagnosis, care, or 217
treatment subject to the provisions of this section. A written 218
waiver under division (B) (2) (c) of this section shall state 219
clearly and in conspicuous type that the person or other 220
individual who signs the waiver is signing it with full 221

knowledge that, by giving informed consent to the provision of 222
the diagnosis, care, or treatment, the person cannot bring a 223
tort or other civil action, including an action on a medical, 224
dental, chiropractic, optometric, or other health-related claim, 225
against the health care professional unless the action or 226
omission of the health care professional constitutes willful or 227
wanton misconduct. 228

(3) A physician or podiatrist who is not covered by 229
medical malpractice insurance, but complies with division (B) (2) 230
of this section, is not required to comply with division (A) of 231
section 4731.143 of the Revised Code. 232

(C) Subject to divisions (F) and (G) (3) of this section, 233
health care workers who are volunteers are not liable in damages 234
to any person or government entity in a tort or other civil 235
action, including an action upon a medical, dental, 236
chiropractic, optometric, or other health-related claim, for 237
injury, death, or loss to person or property that allegedly 238
arises from an action or omission of the health care worker in 239
the provision to an indigent and uninsured person of medical, 240
dental, or other health-related diagnosis, care, or treatment, 241
unless the action or omission constitutes willful or wanton 242
misconduct. 243

(D) Subject to divisions (F) and (G) (3) of this section, a 244
nonprofit health care referral organization is not liable in 245
damages to any person or government entity in a tort or other 246
civil action, including an action on a medical, dental, 247
chiropractic, optometric, or other health-related claim, for 248
injury, death, or loss to person or property that allegedly 249
arises from an action or omission of the nonprofit health care 250
referral organization in referring indigent and uninsured 251

persons to, or arranging for the provision of, medical, dental, 252
or other health-related diagnosis, care, or treatment by a 253
health care professional described in division (B) (1) of this 254
section or a health care worker described in division (C) of 255
this section, unless the action or omission constitutes willful 256
or wanton misconduct. 257

(E) Subject to divisions (F) and (G) (3) of this section 258
and to the extent that the registration requirements of section 259
3701.071 of the Revised Code apply, a health care facility or 260
location associated with a health care professional described in 261
division (B) (1) of this section, a health care worker described 262
in division (C) of this section, or a nonprofit health care 263
referral organization described in division (D) of this section 264
is not liable in damages to any person or government entity in a 265
tort or other civil action, including an action on a medical, 266
dental, chiropractic, optometric, or other health-related claim, 267
for injury, death, or loss to person or property that allegedly 268
arises from an action or omission of the health care 269
professional or worker or nonprofit health care referral 270
organization relative to the medical, dental, or other health- 271
related diagnosis, care, or treatment provided to an indigent 272
and uninsured person on behalf of or at the health care facility 273
or location, unless the action or omission constitutes willful 274
or wanton misconduct. 275

(F) (1) Except as provided in division (F) (2) of this 276
section, the immunities provided by divisions (B), (C), (D), and 277
(E) of this section are not available to a health care 278
professional, health care worker, nonprofit health care referral 279
organization, or health care facility or location if, at the 280
time of an alleged injury, death, or loss to person or property, 281
the health care professionals or health care workers involved 282

are providing one of the following:	283
(a) Any medical, dental, or other health-related	284
diagnosis, care, or treatment pursuant to a community service	285
work order entered by a court under division (B) of section	286
2951.02 of the Revised Code or imposed by a court as a community	287
control sanction;	288
(b) Performance of an operation to which any one of the	289
following applies:	290
(i) The operation requires the administration of deep	291
sedation or general anesthesia.	292
(ii) The operation is a procedure that is not typically	293
performed in an office.	294
(iii) The individual involved is a health care	295
professional, and the operation is beyond the scope of practice	296
or the education, training, and competence, as applicable, of	297
the health care professional.	298
(c) Delivery of a baby or any other purposeful termination	299
of a human pregnancy.	300
(2) Division (F) (1) of this section does not apply when a	301
health care professional or health care worker provides medical,	302
dental, or other health-related diagnosis, care, or treatment	303
that is necessary to preserve the life of a person in a medical	304
emergency.	305
(G) (1) This section does not create a new cause of action	306
or substantive legal right against a health care professional,	307
health care worker, nonprofit health care referral organization,	308
or health care facility or location.	309
(2) This section does not affect any immunities from civil	310

liability or defenses established by another section of the 311
Revised Code or available at common law to which a health care 312
professional, health care worker, nonprofit health care referral 313
organization, or health care facility or location may be 314
entitled in connection with the provision of emergency or other 315
medical, dental, or other health-related diagnosis, care, or 316
treatment. 317

(3) This section does not grant an immunity from tort or 318
other civil liability to a health care professional, health care 319
worker, nonprofit health care referral organization, or health 320
care facility or location for actions that are outside the scope 321
of authority of health care professionals or health care 322
workers. 323

In the case of the diagnosis, care, or treatment of an 324
indigent and uninsured person who is eligible for the medicaid 325
program or is a medicaid recipient, this section grants an 326
immunity from tort or other civil liability only if the person's 327
diagnosis, care, or treatment is provided in a free clinic, as 328
defined in section 3701.071 of the Revised Code. 329

(4) This section does not affect any legal responsibility 330
of a health care professional, health care worker, or nonprofit 331
health care referral organization to comply with any applicable 332
law of this state or rule of an agency of this state. 333

(5) This section does not affect any legal responsibility 334
of a health care facility or location to comply with any 335
applicable law of this state, rule of an agency of this state, 336
or local code, ordinance, or regulation that pertains to or 337
regulates building, housing, air pollution, water pollution, 338
sanitation, health, fire, zoning, or safety. 339

Sec. 2305.51. (A) (1) As used in this section:	340
(a) "Civil Rights" has the same meaning as in section 5122.301 of the Revised Code.	341 342
(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.	343 344 345
(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.	346 347 348 349
(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain.	350 351 352 353
(e) "Mental health service" means a service provided to an individual or group of individuals involving the application of medical, psychiatric, psychological, professional counseling, social work, marriage and family therapy, or nursing principles or procedures to either of the following:	354 355 356 357 358
(i) The assessment, diagnosis, prevention, treatment, or amelioration of mental, emotional, psychiatric, psychological, or psychosocial disorders or diseases, as described in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association;	359 360 361 362 363 364
(ii) The assessment or improvement of mental, emotional, psychiatric, psychological, or psychosocial adjustment or functioning, regardless of whether there is a diagnosable, pre-existing disorder or disease.	365 366 367 368

(f) "Knowledgeable person" means an individual who has 369
reason to believe that a mental health client or patient has the 370
intent and ability to carry out an explicit threat of inflicting 371
imminent and serious physical harm to or causing the death of a 372
clearly identifiable potential victim or victims and who is 373
either an immediate family member of the client or patient or an 374
individual who otherwise personally knows the client or patient. 375

(g) "Advanced practice registered nurse" has the same 376
meaning as in section 4723.01 of the Revised Code. 377

(h) "Hospital" has the same meaning as in section 2305.25 378
of the Revised Code. 379

(i) "Physician" means an individual authorized under 380
Chapter 4731. of the Revised Code to practice medicine and 381
surgery or osteopathic medicine and surgery. 382

(j) "Physician assistant" has the same meaning as in 383
section 4730.01 of the Revised Code. 384

(k) "Certified mental health assistant" has the same 385
meaning as in section 4772.01 of the Revised Code. 386

(2) For the purpose of this section, in the case of a 387
threat to a readily identifiable structure, "clearly 388
identifiable potential victim" includes any potential occupant 389
of the structure. 390

(B) A mental health professional or mental health 391
organization may be held liable in damages in a civil action, or 392
may be made subject to disciplinary action by an entity with 393
licensing or other regulatory authority over the professional or 394
organization, for serious physical harm or death resulting from 395
failing to predict, warn of, or take precautions to provide 396
protection from the violent behavior of a mental health client 397

or patient, only if the client or patient or a knowledgeable 398
person has communicated to the professional or organization an 399
explicit threat of inflicting imminent and serious physical harm 400
to or causing the death of one or more clearly identifiable 401
potential victims, the professional or organization has reason 402
to believe that the client or patient has the intent and ability 403
to carry out the threat, and the professional or organization 404
fails to take one or more of the following actions in a timely 405
manner: 406

(1) Exercise any authority the professional or 407
organization possesses to hospitalize the client or patient on 408
an emergency basis pursuant to section 5122.10 of the Revised 409
Code; 410

(2) Exercise any authority the professional or 411
organization possesses to have the client or patient 412
involuntarily or voluntarily hospitalized under Chapter 5122. of 413
the Revised Code; 414

(3) Establish and undertake a documented treatment plan 415
that is reasonably calculated, according to appropriate 416
standards of professional practice, to eliminate the possibility 417
that the client or patient will carry out the threat, and, 418
concurrent with establishing and undertaking the treatment plan, 419
initiate arrangements for a second opinion risk assessment 420
through a management consultation about the treatment plan with, 421
in the case of a mental health organization, the clinical 422
director of the organization, or, in the case of a mental health 423
professional who is not acting as part of a mental health 424
organization, any mental health professional who is licensed to 425
engage in independent practice; 426

(4) Communicate to a law enforcement agency with 427

jurisdiction in the area where each potential victim resides, 428
where a structure threatened by a mental health client or 429
patient is located, or where the mental health client or patient 430
resides, and if feasible, communicate to each potential victim 431
or a potential victim's parent or guardian if the potential 432
victim is a minor or has been adjudicated incompetent, all of 433
the following information: 434

(a) The nature of the threat; 435

(b) The identity of the mental health client or patient 436
making the threat; 437

(c) The identity of each potential victim of the threat. 438

(C) All of the following apply when a mental health 439
professional or organization takes one or more of the actions 440
set forth in divisions (B) (1) to (4) of this section: 441

(1) The mental health professional or organization shall 442
consider each of the alternatives set forth and shall document 443
the reasons for choosing or rejecting each alternative. 444

(2) The mental health professional or organization may 445
give special consideration to those alternatives which, 446
consistent with public safety, would least abridge the rights of 447
the mental health client or patient established under the 448
Revised Code, including the rights specified in sections 5122.27 449
to 5122.31 of the Revised Code. 450

(3) The mental health professional or organization is not 451
required to take an action that, in the exercise of reasonable 452
professional judgment, would physically endanger the 453
professional or organization, increase the danger to a potential 454
victim, or increase the danger to the mental health client or 455
patient. 456

(4) The mental health professional or organization is not 457
liable in damages in a civil action, and shall not be made 458
subject to disciplinary action by any entity with licensing or 459
other regulatory authority over the professional or 460
organization, for disclosing any confidential information about 461
a mental health client or patient that is disclosed for the 462
purpose of taking any of the actions. 463

(D) Notwithstanding any other provision of the Revised 464
Code, a physician, physician assistant, advanced practice 465
registered nurse, certified mental health assistant, or hospital 466
is not liable in damages in a civil action, and shall not be 467
made subject to disciplinary action by any entity with licensing 468
or other regulatory authority, for doing either of the 469
following: 470

(1) Failing to discharge or to allow a patient to leave 471
the facility if the physician, physician assistant, advanced 472
practice registered nurse, certified mental health assistant, or 473
hospital believes in the good faith exercise of professional 474
medical, advanced practice registered nursing, ~~or~~ physician 475
assistant, or certified mental health assistant judgment 476
according to appropriate standards of professional practice that 477
the patient has a mental health condition that threatens the 478
safety of the patient or others; 479

(2) Discharging a patient whom the physician, physician 480
assistant, advanced practice registered nurse, certified mental 481
health assistant, or hospital believes in the good faith 482
exercise of professional medical, advanced practice registered 483
nursing, ~~or~~ physician assistant, or certified mental health 484
assistant judgment according to appropriate standards of 485
professional practice not to have a mental health condition that 486

threatens the safety of the patient or others.	487
(E) The immunities from civil liability and disciplinary	488
action conferred by this section are in addition to and not in	489
limitation of any immunity conferred on a mental health	490
professional or organization or on a physician, physician	491
assistant, advanced practice registered nurse, <u>certified mental</u>	492
<u>health assistant,</u> or hospital by any other section of the	493
Revised Code or by judicial precedent.	494
(F) This section does not affect the civil rights of a	495
mental health client or patient under Ohio or federal law.	496
Sec. 2925.01. As used in this chapter:	497
(A) "Administer," "controlled substance," "controlled	498
substance analog," "dispense," "distribute," "hypodermic,"	499
"manufacturer," "official written order," "person,"	500
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II,"	501
"schedule III," "schedule IV," "schedule V," and "wholesaler"	502
have the same meanings as in section 3719.01 of the Revised	503
Code.	504
(B) "Drug of abuse" and "person with a drug dependency"	505
have the same meanings as in section 3719.011 of the Revised	506
Code.	507
(C) "Drug," "dangerous drug," "licensed health	508
professional authorized to prescribe drugs," and "prescription"	509
have the same meanings as in section 4729.01 of the Revised	510
Code.	511
(D) "Bulk amount" of a controlled substance means any of	512
the following:	513
(1) For any compound, mixture, preparation, or substance	514

included in schedule I, schedule II, or schedule III, with the 515
exception of any controlled substance analog, marihuana, 516
cocaine, L.S.D., heroin, any fentanyl-related compound, and 517
hashish and except as provided in division (D) (2), (5), or (6) 518
of this section, whichever of the following is applicable: 519

(a) An amount equal to or exceeding ten grams or twenty- 520
five unit doses of a compound, mixture, preparation, or 521
substance that is or contains any amount of a schedule I opiate 522
or opium derivative; 523

(b) An amount equal to or exceeding ten grams of a 524
compound, mixture, preparation, or substance that is or contains 525
any amount of raw or gum opium; 526

(c) An amount equal to or exceeding thirty grams or ten 527
unit doses of a compound, mixture, preparation, or substance 528
that is or contains any amount of a schedule I hallucinogen 529
other than tetrahydrocannabinol or lysergic acid amide, or a 530
schedule I stimulant or depressant; 531

(d) An amount equal to or exceeding twenty grams or five 532
times the maximum daily dose in the usual dose range specified 533
in a standard pharmaceutical reference manual of a compound, 534
mixture, preparation, or substance that is or contains any 535
amount of a schedule II opiate or opium derivative; 536

(e) An amount equal to or exceeding five grams or ten unit 537
doses of a compound, mixture, preparation, or substance that is 538
or contains any amount of phencyclidine; 539

(f) An amount equal to or exceeding one hundred twenty 540
grams or thirty times the maximum daily dose in the usual dose 541
range specified in a standard pharmaceutical reference manual of 542
a compound, mixture, preparation, or substance that is or 543

contains any amount of a schedule II stimulant that is in a 544
final dosage form manufactured by a person authorized by the 545
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 546
U.S.C.A. 301, as amended, and the federal drug abuse control 547
laws, as defined in section 3719.01 of the Revised Code, that is 548
or contains any amount of a schedule II depressant substance or 549
a schedule II hallucinogenic substance; 550

(g) An amount equal to or exceeding three grams of a 551
compound, mixture, preparation, or substance that is or contains 552
any amount of a schedule II stimulant, or any of its salts or 553
isomers, that is not in a final dosage form manufactured by a 554
person authorized by the Federal Food, Drug, and Cosmetic Act 555
and the federal drug abuse control laws. 556

(2) An amount equal to or exceeding one hundred twenty 557
grams or thirty times the maximum daily dose in the usual dose 558
range specified in a standard pharmaceutical reference manual of 559
a compound, mixture, preparation, or substance that is or 560
contains any amount of a schedule III or IV substance other than 561
an anabolic steroid or a schedule III opiate or opium 562
derivative; 563

(3) An amount equal to or exceeding twenty grams or five 564
times the maximum daily dose in the usual dose range specified 565
in a standard pharmaceutical reference manual of a compound, 566
mixture, preparation, or substance that is or contains any 567
amount of a schedule III opiate or opium derivative; 568

(4) An amount equal to or exceeding two hundred fifty 569
milliliters or two hundred fifty grams of a compound, mixture, 570
preparation, or substance that is or contains any amount of a 571
schedule V substance; 572

(5) An amount equal to or exceeding two hundred solid 573
dosage units, sixteen grams, or sixteen milliliters of a 574
compound, mixture, preparation, or substance that is or contains 575
any amount of a schedule III anabolic steroid; 576

(6) For any compound, mixture, preparation, or substance 577
that is a combination of a fentanyl-related compound and any 578
other compound, mixture, preparation, or substance included in 579
schedule III, schedule IV, or schedule V, if the defendant is 580
charged with a violation of section 2925.11 of the Revised Code 581
and the sentencing provisions set forth in divisions (C) (10) (b) 582
and (C) (11) of that section will not apply regarding the 583
defendant and the violation, the bulk amount of the controlled 584
substance for purposes of the violation is the amount specified 585
in division (D) (1), (2), (3), (4), or (5) of this section for 586
the other schedule III, IV, or V controlled substance that is 587
combined with the fentanyl-related compound. 588

(E) "Unit dose" means an amount or unit of a compound, 589
mixture, or preparation containing a controlled substance that 590
is separately identifiable and in a form that indicates that it 591
is the amount or unit by which the controlled substance is 592
separately administered to or taken by an individual. 593

(F) "Cultivate" includes planting, watering, fertilizing, 594
or tilling. 595

(G) "Drug abuse offense" means any of the following: 596

(1) A violation of division (A) of section 2913.02 that 597
constitutes theft of drugs, or a violation of section 2925.02, 598
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 599
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 600
or 2925.37 of the Revised Code; 601

(2) A violation of an existing or former law of this or 602
any other state or of the United States that is substantially 603
equivalent to any section listed in division (G) (1) of this 604
section; 605

(3) An offense under an existing or former law of this or 606
any other state, or of the United States, of which planting, 607
cultivating, harvesting, processing, making, manufacturing, 608
producing, shipping, transporting, delivering, acquiring, 609
possessing, storing, distributing, dispensing, selling, inducing 610
another to use, administering to another, using, or otherwise 611
dealing with a controlled substance is an element; 612

(4) A conspiracy to commit, attempt to commit, or 613
complicity in committing or attempting to commit any offense 614
under division (G) (1), (2), or (3) of this section. 615

(H) "Felony drug abuse offense" means any drug abuse 616
offense that would constitute a felony under the laws of this 617
state, any other state, or the United States. 618

(I) "Harmful intoxicant" does not include beer or 619
intoxicating liquor but means any of the following: 620

(1) Any compound, mixture, preparation, or substance the 621
gas, fumes, or vapor of which when inhaled can induce 622
intoxication, excitement, giddiness, irrational behavior, 623
depression, stupefaction, paralysis, unconsciousness, 624
asphyxiation, or other harmful physiological effects, and 625
includes, but is not limited to, any of the following: 626

(a) Any volatile organic solvent, plastic cement, model 627
cement, fingernail polish remover, lacquer thinner, cleaning 628
fluid, gasoline, or other preparation containing a volatile 629
organic solvent; 630

(b) Any aerosol propellant;	631
(c) Any fluorocarbon refrigerant;	632
(d) Any anesthetic gas.	633
(2) Gamma Butyrolactone;	634
(3) 1,4 Butanediol.	635
(J) "Manufacture" means to plant, cultivate, harvest,	636
process, make, prepare, or otherwise engage in any part of the	637
production of a drug, by propagation, extraction, chemical	638
synthesis, or compounding, or any combination of the same, and	639
includes packaging, repackaging, labeling, and other activities	640
incident to production.	641
(K) "Possess" or "possession" means having control over a	642
thing or substance, but may not be inferred solely from mere	643
access to the thing or substance through ownership or occupation	644
of the premises upon which the thing or substance is found.	645
(L) "Sample drug" means a drug or pharmaceutical	646
preparation that would be hazardous to health or safety if used	647
without the supervision of a licensed health professional	648
authorized to prescribe drugs, or a drug of abuse, and that, at	649
one time, had been placed in a container plainly marked as a	650
sample by a manufacturer.	651
(M) "Standard pharmaceutical reference manual" means the	652
current edition, with cumulative changes if any, of references	653
that are approved by the state board of pharmacy.	654
(N) "Juvenile" means a person under eighteen years of age.	655
(O) "Counterfeit controlled substance" means any of the	656
following:	657

(1) Any drug that bears, or whose container or label 658
bears, a trademark, trade name, or other identifying mark used 659
without authorization of the owner of rights to that trademark, 660
trade name, or identifying mark; 661

(2) Any unmarked or unlabeled substance that is 662
represented to be a controlled substance manufactured, 663
processed, packed, or distributed by a person other than the 664
person that manufactured, processed, packed, or distributed it; 665

(3) Any substance that is represented to be a controlled 666
substance but is not a controlled substance or is a different 667
controlled substance; 668

(4) Any substance other than a controlled substance that a 669
reasonable person would believe to be a controlled substance 670
because of its similarity in shape, size, and color, or its 671
markings, labeling, packaging, distribution, or the price for 672
which it is sold or offered for sale. 673

(P) An offense is "committed in the vicinity of a school" 674
if the offender commits the offense on school premises, in a 675
school building, or within one thousand feet of the boundaries 676
of any school premises, regardless of whether the offender knows 677
the offense is being committed on school premises, in a school 678
building, or within one thousand feet of the boundaries of any 679
school premises. 680

(Q) "School" means any school operated by a board of 681
education, any community school established under Chapter 3314. 682
of the Revised Code, or any nonpublic school for which the 683
director of education and workforce prescribes minimum standards 684
under section 3301.07 of the Revised Code, whether or not any 685
instruction, extracurricular activities, or training provided by 686

the school is being conducted at the time a criminal offense is 687
committed. 688

(R) "School premises" means either of the following: 689

(1) The parcel of real property on which any school is 690
situated, whether or not any instruction, extracurricular 691
activities, or training provided by the school is being 692
conducted on the premises at the time a criminal offense is 693
committed; 694

(2) Any other parcel of real property that is owned or 695
leased by a board of education of a school, the governing 696
authority of a community school established under Chapter 3314. 697
of the Revised Code, or the governing body of a nonpublic school 698
for which the director of education and workforce prescribes 699
minimum standards under section 3301.07 of the Revised Code and 700
on which some of the instruction, extracurricular activities, or 701
training of the school is conducted, whether or not any 702
instruction, extracurricular activities, or training provided by 703
the school is being conducted on the parcel of real property at 704
the time a criminal offense is committed. 705

(S) "School building" means any building in which any of 706
the instruction, extracurricular activities, or training 707
provided by a school is conducted, whether or not any 708
instruction, extracurricular activities, or training provided by 709
the school is being conducted in the school building at the time 710
a criminal offense is committed. 711

(T) "Disciplinary counsel" means the disciplinary counsel 712
appointed by the board of commissioners on grievances and 713
discipline of the supreme court under the Rules for the 714
Government of the Bar of Ohio. 715

(U) "Certified grievance committee" means a duly 716
constituted and organized committee of the Ohio state bar 717
association or of one or more local bar associations of the 718
state of Ohio that complies with the criteria set forth in Rule 719
V, section 6 of the Rules for the Government of the Bar of Ohio. 720

(V) "Professional license" means any license, permit, 721
certificate, registration, qualification, admission, temporary 722
license, temporary permit, temporary certificate, or temporary 723
registration that is described in divisions (W) (1) to (37) of 724
this section and that qualifies a person as a professionally 725
licensed person. 726

(W) "Professionally licensed person" means any of the 727
following: 728

(1) A person who has received a certificate or temporary 729
certificate as a certified public accountant or who has 730
registered as a public accountant under Chapter 4701. of the 731
Revised Code and who holds an Ohio permit issued under that 732
chapter; 733

(2) A person who holds a certificate of qualification to 734
practice architecture issued or renewed and registered under 735
Chapter 4703. of the Revised Code; 736

(3) A person who is registered as a landscape architect 737
under Chapter 4703. of the Revised Code or who holds a permit as 738
a landscape architect issued under that chapter; 739

(4) A person licensed under Chapter 4707. of the Revised 740
Code; 741

(5) A person who has been issued a certificate of 742
registration as a registered barber under Chapter 4709. of the 743
Revised Code; 744

(6) A person licensed and regulated to engage in the	745
business of a debt pooling company by a legislative authority,	746
under authority of Chapter 4710. of the Revised Code;	747
(7) A person who has been issued a cosmetologist's	748
license, hair designer's license, manicurist's license,	749
esthetician's license, natural hair stylist's license, advanced	750
cosmetologist's license, advanced hair designer's license,	751
advanced manicurist's license, advanced esthetician's license,	752
advanced natural hair stylist's license, cosmetology	753
instructor's license, hair design instructor's license,	754
manicurist instructor's license, esthetics instructor's license,	755
natural hair style instructor's license, independent	756
contractor's license, or tanning facility permit under Chapter	757
4713. of the Revised Code;	758
(8) A person who has been issued a license to practice	759
dentistry, a general anesthesia permit, a conscious sedation	760
permit, a limited resident's license, a limited teaching	761
license, a dental hygienist's license, or a dental hygienist's	762
teacher's certificate under Chapter 4715. of the Revised Code;	763
(9) A person who has been issued an embalmer's license, a	764
funeral director's license, a funeral home license, or a	765
crematory license, or who has been registered for an embalmer's	766
or funeral director's apprenticeship under Chapter 4717. of the	767
Revised Code;	768
(10) A person who has been licensed as a registered nurse	769
or practical nurse, or who has been issued a certificate for the	770
practice of nurse-midwifery under Chapter 4723. of the Revised	771
Code;	772
(11) A person who has been licensed to practice optometry	773

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	774 775
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	776 777
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	778 779
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	780 781 782 783
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	784 785 786 787 788
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	789 790
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	791 792 793 794 795
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	796 797 798
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	799 800 801

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	802 803
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	804 805
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	806 807
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	808 809
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	810 811
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	812 813
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	814 815 816 817
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	818 819 820
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	821 822 823
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	824 825
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	826 827 828

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;

(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules;

(38) A person who has been issued a license to practice as a certified mental health assistant under Chapter 4772. of the Revised Code.

(X) "Cocaine" means any of the following:

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;

(2) Coca leaves or a salt, compound, derivative, or 856
preparation of coca leaves, including ecgonine, a salt, isomer, 857
or derivative of ecgonine, or a salt of an isomer or derivative 858
of ecgonine; 859

(3) A salt, compound, derivative, or preparation of a 860
substance identified in division (X)(1) or (2) of this section 861
that is chemically equivalent to or identical with any of those 862
substances, except that the substances shall not include 863
decocainized coca leaves or extraction of coca leaves if the 864
extractions do not contain cocaine or ecgonine. 865

(Y) "L.S.D." means lysergic acid diethylamide. 866

(Z) "Hashish" means a resin or a preparation of a resin to 867
which both of the following apply: 868

(1) It is contained in or derived from any part of the 869
plant of the genus cannabis, whether in solid form or in a 870
liquid concentrate, liquid extract, or liquid distillate form. 871

(2) It has a delta-9 tetrahydrocannabinol concentration of 872
more than three-tenths per cent. 873

"Hashish" does not include a hemp byproduct in the 874
possession of a licensed hemp processor under Chapter 928. of 875
the Revised Code, provided that the hemp byproduct is being 876
produced, stored, and disposed of in accordance with rules 877
adopted under section 928.03 of the Revised Code. 878

(AA) "Marihuana" has the same meaning as in section 879
3719.01 of the Revised Code, except that it does not include 880
hashish. 881

(BB) An offense is "committed in the vicinity of a 882
juvenile" if the offender commits the offense within one hundred 883

feet of a juvenile or within the view of a juvenile, regardless 884
of whether the offender knows the age of the juvenile, whether 885
the offender knows the offense is being committed within one 886
hundred feet of or within view of the juvenile, or whether the 887
juvenile actually views the commission of the offense. 888

(CC) "Presumption for a prison term" or "presumption that 889
a prison term shall be imposed" means a presumption, as 890
described in division (D) of section 2929.13 of the Revised 891
Code, that a prison term is a necessary sanction for a felony in 892
order to comply with the purposes and principles of sentencing 893
under section 2929.11 of the Revised Code. 894

(DD) "Major drug offender" has the same meaning as in 895
section 2929.01 of the Revised Code. 896

(EE) "Minor drug possession offense" means either of the 897
following: 898

(1) A violation of section 2925.11 of the Revised Code as 899
it existed prior to July 1, 1996; 900

(2) A violation of section 2925.11 of the Revised Code as 901
it exists on and after July 1, 1996, that is a misdemeanor or a 902
felony of the fifth degree. 903

(FF) "Mandatory prison term" has the same meaning as in 904
section 2929.01 of the Revised Code. 905

(GG) "Adulterate" means to cause a drug to be adulterated 906
as described in section 3715.63 of the Revised Code. 907

(HH) "Public premises" means any hotel, restaurant, 908
tavern, store, arena, hall, or other place of public 909
accommodation, business, amusement, or resort. 910

(II) "Methamphetamine" means methamphetamine, any salt, 911

isomer, or salt of an isomer of methamphetamine, or any 912
compound, mixture, preparation, or substance containing 913
methamphetamine or any salt, isomer, or salt of an isomer of 914
methamphetamine. 915

(JJ) "Deception" has the same meaning as in section 916
2913.01 of the Revised Code. 917

(KK) "Fentanyl-related compound" means any of the 918
following: 919

(1) Fentanyl; 920

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 921
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 922
phenylethyl)-4-(N-propanilido) piperidine); 923

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 924
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 925

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 926
piperidinyl] -N-phenylpropanamide); 927

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 928
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- 929
phenylpropanamide); 930

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 931
piperidyl]-N- phenylpropanamide); 932

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 933
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 934

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 935
phenethyl)-4- piperidinyl]propanamide; 936

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- 937
piperidinyl]- propanamide; 938

(10) Alfentanil;	939
(11) Carfentanil;	940
(12) Remifentanil;	941
(13) Sufentanil;	942
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	943 944
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	945 946 947 948 949 950 951
(a) A chemical scaffold consisting of both of the following:	952 953
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	954 955
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	956 957 958
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	959 960 961
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	962 963
(d) The compound has not been approved for medical use by the United States food and drug administration.	964 965

(LL) "First degree felony mandatory prison term" means one 966
of the definite prison terms prescribed in division (A) (1) (b) of 967
section 2929.14 of the Revised Code for a felony of the first 968
degree, except that if the violation for which sentence is being 969
imposed is committed on or after March 22, 2019, it means one of 970
the minimum prison terms prescribed in division (A) (1) (a) of 971
that section for a felony of the first degree. 972

(MM) "Second degree felony mandatory prison term" means 973
one of the definite prison terms prescribed in division (A) (2) 974
(b) of section 2929.14 of the Revised Code for a felony of the 975
second degree, except that if the violation for which sentence 976
is being imposed is committed on or after March 22, 2019, it 977
means one of the minimum prison terms prescribed in division (A) 978
(2) (a) of that section for a felony of the second degree. 979

(NN) "Maximum first degree felony mandatory prison term" 980
means the maximum definite prison term prescribed in division 981
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 982
the first degree, except that if the violation for which 983
sentence is being imposed is committed on or after March 22, 984
2019, it means the longest minimum prison term prescribed in 985
division (A) (1) (a) of that section for a felony of the first 986
degree. 987

(OO) "Maximum second degree felony mandatory prison term" 988
means the maximum definite prison term prescribed in division 989
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 990
the second degree, except that if the violation for which 991
sentence is being imposed is committed on or after March 22, 992
2019, it means the longest minimum prison term prescribed in 993
division (A) (2) (a) of that section for a felony of the second 994
degree. 995

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning	996
as in section 928.01 of the Revised Code.	997
(QQ) An offense is "committed in the vicinity of a	998
substance addiction services provider or a recovering addict" if	999
either of the following apply:	1000
(1) The offender commits the offense on the premises of a	1001
substance addiction services provider's facility, including a	1002
facility licensed prior to June 29, 2019, under section 5119.391	1003
of the Revised Code to provide methadone treatment or an opioid	1004
treatment program licensed on or after that date under section	1005
5119.37 of the Revised Code, or within five hundred feet of the	1006
premises of a substance addiction services provider's facility	1007
and the offender knows or should know that the offense is being	1008
committed within the vicinity of the substance addiction	1009
services provider's facility.	1010
(2) The offender sells, offers to sell, delivers, or	1011
distributes the controlled substance or controlled substance	1012
analog to a person who is receiving treatment at the time of the	1013
commission of the offense, or received treatment within thirty	1014
days prior to the commission of the offense, from a substance	1015
addiction services provider and the offender knows that the	1016
person is receiving or received that treatment.	1017
(RR) "Substance addiction services provider" means an	1018
agency, association, corporation or other legal entity,	1019
individual, or program that provides one or more of the	1020
following at a facility:	1021
(1) Either alcohol addiction services, or drug addiction	1022
services, or both such services that are certified by the	1023
director of mental health and addiction services under section	1024

5119.36 of the Revised Code; 1025

(2) Recovery supports that are related to either alcohol 1026
addiction services, or drug addiction services, or both such 1027
services and paid for with federal, state, or local funds 1028
administered by the department of mental health and addiction 1029
services or a board of alcohol, drug addiction, and mental 1030
health services. 1031

(SS) "Premises of a substance addiction services 1032
provider's facility" means the parcel of real property on which 1033
any substance addiction service provider's facility is situated. 1034

(TT) "Alcohol and drug addiction services" has the same 1035
meaning as in section 5119.01 of the Revised Code. 1036

Sec. 2925.02. (A) No person shall knowingly do any of the 1037
following: 1038

(1) By force, threat, or deception, administer to another 1039
or induce or cause another to use a controlled substance; 1040

(2) By any means, administer or furnish to another or 1041
induce or cause another to use a controlled substance with 1042
purpose to cause serious physical harm to the other person, or 1043
with purpose to cause the other person to become a person with 1044
drug dependency; 1045

(3) By any means, administer or furnish to another or 1046
induce or cause another to use a controlled substance, and 1047
thereby cause serious physical harm to the other person, or 1048
cause the other person to become a person with drug dependency; 1049

(4) By any means, do any of the following: 1050

(a) Furnish or administer a controlled substance to a 1051
juvenile who is at least two years the offender's junior, when 1052

the offender knows the age of the juvenile or is reckless in 1053
that regard; 1054

(b) Induce or cause a juvenile who is at least two years 1055
the offender's junior to use a controlled substance, when the 1056
offender knows the age of the juvenile or is reckless in that 1057
regard; 1058

(c) Induce or cause a juvenile who is at least two years 1059
the offender's junior to commit a felony drug abuse offense, 1060
when the offender knows the age of the juvenile or is reckless 1061
in that regard; 1062

(d) Use a juvenile, whether or not the offender knows the 1063
age of the juvenile, to perform any surveillance activity that 1064
is intended to prevent the detection of the offender or any 1065
other person in the commission of a felony drug abuse offense or 1066
to prevent the arrest of the offender or any other person for 1067
the commission of a felony drug abuse offense. 1068

(5) By any means, furnish or administer a controlled 1069
substance to a pregnant woman or induce or cause a pregnant 1070
woman to use a controlled substance, when the offender knows 1071
that the woman is pregnant or is reckless in that regard. 1072

(B) Division (A) (1), (3), (4), or (5) of this section does 1073
not apply to manufacturers, wholesalers, licensed health 1074
professionals authorized to prescribe drugs, pharmacists, owners 1075
of pharmacies, and other persons whose conduct is in accordance 1076
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1077
4741., and 4772. of the Revised Code. 1078

(C) Whoever violates this section is guilty of corrupting 1079
another with drugs. The penalty for the offense shall be 1080
determined as follows: 1081

(1) If the offense is a violation of division (A) (1), (2), 1082
(3), or (4) of this section and the drug involved is any 1083
compound, mixture, preparation, or substance included in 1084
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 1085
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1086
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1087
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1088
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1089
offender shall be punished as follows: 1090

(a) Except as otherwise provided in division (C) (1) (b) of 1091
this section, corrupting another with drugs committed in those 1092
circumstances is a felony of the second degree and, subject to 1093
division (E) of this section, the court shall impose as a 1094
mandatory prison term a second degree felony mandatory prison 1095
term. 1096

(b) If the offense was committed in the vicinity of a 1097
school, corrupting another with drugs committed in those 1098
circumstances is a felony of the first degree, and, subject to 1099
division (E) of this section, the court shall impose as a 1100
mandatory prison term a first degree felony mandatory prison 1101
term. 1102

(2) If the offense is a violation of division (A) (1), (2), 1103
(3), or (4) of this section and the drug involved is any 1104
compound, mixture, preparation, or substance included in 1105
schedule III, IV, or V, the offender shall be punished as 1106
follows: 1107

(a) Except as otherwise provided in division (C) (2) (b) of 1108
this section, corrupting another with drugs committed in those 1109
circumstances is a felony of the second degree and there is a 1110
presumption for a prison term for the offense. 1111

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

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

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

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

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

felony of the first degree and, subject to division (E) of this 1142
section, the court shall impose as a mandatory prison term a 1143
first degree felony mandatory prison term. 1144

(5) If the offense is a violation of division (A) (5) of 1145
this section and the drug involved is any compound, mixture, 1146
preparation, or substance included in schedule III, IV, or V, 1147
corrupting another with drugs is a felony of the second degree 1148
and the court shall impose as a mandatory prison term a second 1149
degree felony mandatory prison term. 1150

(6) If the offense is a violation of division (A) (5) of 1151
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1152
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1153
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1154
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1155
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1156
corrupting another with drugs is a felony of the third degree 1157
and division (C) of section 2929.13 of the Revised Code applies 1158
in determining whether to impose a prison term on the offender. 1159

(D) In addition to any prison term authorized or required 1160
by division (C) or (E) of this section and sections 2929.13 and 1161
2929.14 of the Revised Code and in addition to any other 1162
sanction imposed for the offense under this section or sections 1163
2929.11 to 2929.18 of the Revised Code, the court that sentences 1164
an offender who is convicted of or pleads guilty to a violation 1165
of division (A) of this section may suspend for not more than 1166
five years the offender's driver's or commercial driver's 1167
license or permit. However, if the offender pleaded guilty to or 1168
was convicted of a violation of section 4511.19 of the Revised 1169
Code or a substantially similar municipal ordinance or the law 1170
of another state or the United States arising out of the same 1171

set of circumstances as the violation, the court shall suspend 1172
the offender's driver's or commercial driver's license or permit 1173
for not more than five years. The court also shall do all of the 1174
following that are applicable regarding the offender: 1175

(1) (a) If the violation is a felony of the first, second, 1176
or third degree, the court shall impose upon the offender the 1177
mandatory fine specified for the offense under division (B) (1) 1178
of section 2929.18 of the Revised Code unless, as specified in 1179
that division, the court determines that the offender is 1180
indigent. 1181

(b) Notwithstanding any contrary provision of section 1182
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1183
to division (D) (1) (a) of this section and any fine imposed for a 1184
violation of this section pursuant to division (A) of section 1185
2929.18 of the Revised Code shall be paid by the clerk of the 1186
court in accordance with and subject to the requirements of, and 1187
shall be used as specified in, division (F) of section 2925.03 1188
of the Revised Code. 1189

(c) If a person is charged with any violation of this 1190
section that is a felony of the first, second, or third degree, 1191
posts bail, and forfeits the bail, the forfeited bail shall be 1192
paid by the clerk of the court pursuant to division (D) (1) (b) of 1193
this section as if it were a fine imposed for a violation of 1194
this section. 1195

(2) If the offender is a professionally licensed person, 1196
in addition to any other sanction imposed for a violation of 1197
this section, the court immediately shall comply with section 1198
2925.38 of the Revised Code. 1199

(E) Notwithstanding the prison term otherwise authorized 1200

or required for the offense under division (C) of this section 1201
and sections 2929.13 and 2929.14 of the Revised Code, if the 1202
violation of division (A) of this section involves the sale, 1203
offer to sell, or possession of a schedule I or II controlled 1204
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1205
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1206
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1207
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1208
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1209
if the court imposing sentence upon the offender finds that the 1210
offender as a result of the violation is a major drug offender 1211
and is guilty of a specification of the type described in 1212
division (A) of section 2941.1410 of the Revised Code, the 1213
court, in lieu of the prison term that otherwise is authorized 1214
or required, shall impose upon the offender the mandatory prison 1215
term specified in division (B) (3) (a) of section 2929.14 of the 1216
Revised Code. 1217

(F) (1) If the sentencing court suspends the offender's 1218
driver's or commercial driver's license or permit under division 1219
(D) of this section, the offender, at any time after the 1220
expiration of two years from the day on which the offender's 1221
sentence was imposed or from the day on which the offender 1222
finally was released from a prison term under the sentence, 1223
whichever is later, may file a motion with the sentencing court 1224
requesting termination of the suspension. Upon the filing of the 1225
motion and the court's finding of good cause for the 1226
determination, the court may terminate the suspension. 1227

(2) Any offender who received a mandatory suspension of 1228
the offender's driver's or commercial driver's license or permit 1229
under this section prior to September 13, 2016, may file a 1230
motion with the sentencing court requesting the termination of 1231

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

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

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

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

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

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

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

(2) If the offense involves an anabolic steroid, any
person who is conducting or participating in a research project
involving the use of an anabolic steroid if the project has been

approved by the United States food and drug administration; 1261

(3) Any person who sells, offers for sale, prescribes, 1262
dispenses, or administers for livestock or other nonhuman 1263
species an anabolic steroid that is expressly intended for 1264
administration through implants to livestock or other nonhuman 1265
species and approved for that purpose under the "Federal Food, 1266
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1267
as amended, and is sold, offered for sale, prescribed, 1268
dispensed, or administered for that purpose in accordance with 1269
that act. 1270

(C) Whoever violates division (A) of this section is 1271
guilty of one of the following: 1272

(1) If the drug involved in the violation is any compound, 1273
mixture, preparation, or substance included in schedule I or 1274
schedule II, with the exception of marihuana, cocaine, L.S.D., 1275
heroin, any fentanyl-related compound, hashish, and any 1276
controlled substance analog, whoever violates division (A) of 1277
this section is guilty of aggravated trafficking in drugs. The 1278
penalty for the offense shall be determined as follows: 1279

(a) Except as otherwise provided in division (C)(1)(b), 1280
(c), (d), (e), or (f) of this section, aggravated trafficking in 1281
drugs is a felony of the fourth degree, and division (C) of 1282
section 2929.13 of the Revised Code applies in determining 1283
whether to impose a prison term on the offender. 1284

(b) Except as otherwise provided in division (C)(1)(c), 1285
(d), (e), or (f) of this section, if the offense was committed 1286
in the vicinity of a school, in the vicinity of a juvenile, or 1287
in the vicinity of a substance addiction services provider or a 1288
recovering addict, aggravated trafficking in drugs is a felony 1289

of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

is a felony of the first degree, and the court shall impose as a 1321
mandatory prison term a first degree felony mandatory prison 1322
term. 1323

(e) If the amount of the drug involved equals or exceeds 1324
fifty times the bulk amount but is less than one hundred times 1325
the bulk amount and regardless of whether the offense was 1326
committed in the vicinity of a school, in the vicinity of a 1327
juvenile, or in the vicinity of a substance addiction services 1328
provider or a recovering addict, aggravated trafficking in drugs 1329
is a felony of the first degree, and the court shall impose as a 1330
mandatory prison term a first degree felony mandatory prison 1331
term. 1332

(f) If the amount of the drug involved equals or exceeds 1333
one hundred times the bulk amount and regardless of whether the 1334
offense was committed in the vicinity of a school, in the 1335
vicinity of a juvenile, or in the vicinity of a substance 1336
addiction services provider or a recovering addict, aggravated 1337
trafficking in drugs is a felony of the first degree, the 1338
offender is a major drug offender, and the court shall impose as 1339
a mandatory prison term a maximum first degree felony mandatory 1340
prison term. 1341

(2) If the drug involved in the violation is any compound, 1342
mixture, preparation, or substance included in schedule III, IV, 1343
or V, whoever violates division (A) of this section is guilty of 1344
trafficking in drugs. The penalty for the offense shall be 1345
determined as follows: 1346

(a) Except as otherwise provided in division (C) (2) (b), 1347
(c), (d), or (e) of this section, trafficking in drugs is a 1348
felony of the fifth degree, and division (B) of section 2929.13 1349
of the Revised Code applies in determining whether to impose a 1350

prison term on the offender. 1351

(b) Except as otherwise provided in division (C) (2) (c), 1352
(d), or (e) of this section, if the offense was committed in the 1353
vicinity of a school or in the vicinity of a juvenile, 1354
trafficking in drugs is a felony of the fourth degree, and 1355
division (C) of section 2929.13 of the Revised Code applies in 1356
determining whether to impose a prison term on the offender. 1357

(c) Except as otherwise provided in this division, if the 1358
amount of the drug involved equals or exceeds the bulk amount 1359
but is less than five times the bulk amount, trafficking in 1360
drugs is a felony of the fourth degree, and division (B) of 1361
section 2929.13 of the Revised Code applies in determining 1362
whether to impose a prison term for the offense. If the amount 1363
of the drug involved is within that range and if the offense was 1364
committed in the vicinity of a school or in the vicinity of a 1365
juvenile, trafficking in drugs is a felony of the third degree, 1366
and there is a presumption for a prison term for the offense. 1367

(d) Except as otherwise provided in this division, if the 1368
amount of the drug involved equals or exceeds five times the 1369
bulk amount but is less than fifty times the bulk amount, 1370
trafficking in drugs is a felony of the third degree, and there 1371
is a presumption for a prison term for the offense. If the 1372
amount of the drug involved is within that range and if the 1373
offense was committed in the vicinity of a school or in the 1374
vicinity of a juvenile, trafficking in drugs is a felony of the 1375
second degree, and there is a presumption for a prison term for 1376
the offense. 1377

(e) Except as otherwise provided in this division, if the 1378
amount of the drug involved equals or exceeds fifty times the 1379
bulk amount, trafficking in drugs is a felony of the second 1380

degree, and the court shall impose as a mandatory prison term a 1381
second degree felony mandatory prison term. If the amount of the 1382
drug involved equals or exceeds fifty times the bulk amount and 1383
if the offense was committed in the vicinity of a school or in 1384
the vicinity of a juvenile, trafficking in drugs is a felony of 1385
the first degree, and the court shall impose as a mandatory 1386
prison term a first degree felony mandatory prison term. 1387

(3) If the drug involved in the violation is marihuana or 1388
a compound, mixture, preparation, or substance containing 1389
marihuana other than hashish, whoever violates division (A) of 1390
this section is guilty of trafficking in marihuana. The penalty 1391
for the offense shall be determined as follows: 1392

(a) Except as otherwise provided in division (C) (3) (b), 1393
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1394
marihuana is a felony of the fifth degree, and division (B) of 1395
section 2929.13 of the Revised Code applies in determining 1396
whether to impose a prison term on the offender. 1397

(b) Except as otherwise provided in division (C) (3) (c), 1398
(d), (e), (f), (g), or (h) of this section, if the offense was 1399
committed in the vicinity of a school or in the vicinity of a 1400
juvenile, trafficking in marihuana is a felony of the fourth 1401
degree, and division (B) of section 2929.13 of the Revised Code 1402
applies in determining whether to impose a prison term on the 1403
offender. 1404

(c) Except as otherwise provided in this division, if the 1405
amount of the drug involved equals or exceeds two hundred grams 1406
but is less than one thousand grams, trafficking in marihuana is 1407
a felony of the fourth degree, and division (B) of section 1408
2929.13 of the Revised Code applies in determining whether to 1409
impose a prison term on the offender. If the amount of the drug 1410

involved is within that range and if the offense was committed 1411
in the vicinity of a school or in the vicinity of a juvenile, 1412
trafficking in marihuana is a felony of the third degree, and 1413
division (C) of section 2929.13 of the Revised Code applies in 1414
determining whether to impose a prison term on the offender. 1415

(d) Except as otherwise provided in this division, if the 1416
amount of the drug involved equals or exceeds one thousand grams 1417
but is less than five thousand grams, trafficking in marihuana 1418
is a felony of the third degree, and division (C) of section 1419
2929.13 of the Revised Code applies in determining whether to 1420
impose a prison term on the offender. If the amount of the drug 1421
involved is within that range and if the offense was committed 1422
in the vicinity of a school or in the vicinity of a juvenile, 1423
trafficking in marihuana is a felony of the second degree, and 1424
there is a presumption that a prison term shall be imposed for 1425
the offense. 1426

(e) Except as otherwise provided in this division, if the 1427
amount of the drug involved equals or exceeds five thousand 1428
grams but is less than twenty thousand grams, trafficking in 1429
marihuana is a felony of the third degree, and there is a 1430
presumption that a prison term shall be imposed for the offense. 1431
If the amount of the drug involved is within that range and if 1432
the offense was committed in the vicinity of a school or in the 1433
vicinity of a juvenile, trafficking in marihuana is a felony of 1434
the second degree, and there is a presumption that a prison term 1435
shall be imposed for the offense. 1436

(f) Except as otherwise provided in this division, if the 1437
amount of the drug involved equals or exceeds twenty thousand 1438
grams but is less than forty thousand grams, trafficking in 1439
marihuana is a felony of the second degree, and the court shall 1440

impose as a mandatory prison term a second degree felony 1441
mandatory prison term of five, six, seven, or eight years. If 1442
the amount of the drug involved is within that range and if the 1443
offense was committed in the vicinity of a school or in the 1444
vicinity of a juvenile, trafficking in marihuana is a felony of 1445
the first degree, and the court shall impose as a mandatory 1446
prison term a maximum first degree felony mandatory prison term. 1447

(g) Except as otherwise provided in this division, if the 1448
amount of the drug involved equals or exceeds forty thousand 1449
grams, trafficking in marihuana is a felony of the second 1450
degree, and the court shall impose as a mandatory prison term a 1451
maximum second degree felony mandatory prison term. If the 1452
amount of the drug involved equals or exceeds forty thousand 1453
grams and if the offense was committed in the vicinity of a 1454
school or in the vicinity of a juvenile, trafficking in 1455
marihuana is a felony of the first degree, and the court shall 1456
impose as a mandatory prison term a maximum first degree felony 1457
mandatory prison term. 1458

(h) Except as otherwise provided in this division, if the 1459
offense involves a gift of twenty grams or less of marihuana, 1460
trafficking in marihuana is a minor misdemeanor upon a first 1461
offense and a misdemeanor of the third degree upon a subsequent 1462
offense. If the offense involves a gift of twenty grams or less 1463
of marihuana and if the offense was committed in the vicinity of 1464
a school or in the vicinity of a juvenile, trafficking in 1465
marihuana is a misdemeanor of the third degree. 1466

(4) If the drug involved in the violation is cocaine or a 1467
compound, mixture, preparation, or substance containing cocaine, 1468
whoever violates division (A) of this section is guilty of 1469
trafficking in cocaine. The penalty for the offense shall be 1470

determined as follows: 1471

(a) Except as otherwise provided in division (C) (4) (b), 1472
(c), (d), (e), (f), or (g) of this section, trafficking in 1473
cocaine is a felony of the fifth degree, and division (B) of 1474
section 2929.13 of the Revised Code applies in determining 1475
whether to impose a prison term on the offender. 1476

(b) Except as otherwise provided in division (C) (4) (c), 1477
(d), (e), (f), or (g) of this section, if the offense was 1478
committed in the vicinity of a school, in the vicinity of a 1479
juvenile, or in the vicinity of a substance addiction services 1480
provider or a recovering addict, trafficking in cocaine is a 1481
felony of the fourth degree, and division (C) of section 2929.13 1482
of the Revised Code applies in determining whether to impose a 1483
prison term on the offender. 1484

(c) Except as otherwise provided in this division, if the 1485
amount of the drug involved equals or exceeds five grams but is 1486
less than ten grams of cocaine, trafficking in cocaine is a 1487
felony of the fourth degree, and division (B) of section 2929.13 1488
of the Revised Code applies in determining whether to impose a 1489
prison term for the offense. If the amount of the drug involved 1490
is within that range and if the offense was committed in the 1491
vicinity of a school, in the vicinity of a juvenile, or in the 1492
vicinity of a substance addiction services provider or a 1493
recovering addict, trafficking in cocaine is a felony of the 1494
third degree, and there is a presumption for a prison term for 1495
the offense. 1496

(d) Except as otherwise provided in this division, if the 1497
amount of the drug involved equals or exceeds ten grams but is 1498
less than twenty grams of cocaine, trafficking in cocaine is a 1499
felony of the third degree, and, except as otherwise provided in 1500

this division, there is a presumption for a prison term for the 1501
offense. If trafficking in cocaine is a felony of the third 1502
degree under this division and if the offender two or more times 1503
previously has been convicted of or pleaded guilty to a felony 1504
drug abuse offense, the court shall impose as a mandatory prison 1505
term one of the prison terms prescribed for a felony of the 1506
third degree. If the amount of the drug involved is within that 1507
range and if the offense was committed in the vicinity of a 1508
school, in the vicinity of a juvenile, or in the vicinity of a 1509
substance addiction services provider or a recovering addict, 1510
trafficking in cocaine is a felony of the second degree, and the 1511
court shall impose as a mandatory prison term a second degree 1512
felony mandatory prison term. 1513

(e) Except as otherwise provided in this division, if the 1514
amount of the drug involved equals or exceeds twenty grams but 1515
is less than twenty-seven grams of cocaine, trafficking in 1516
cocaine is a felony of the second degree, and the court shall 1517
impose as a mandatory prison term a second degree felony 1518
mandatory prison term. If the amount of the drug involved is 1519
within that range and if the offense was committed in the 1520
vicinity of a school, in the vicinity of a juvenile, or in the 1521
vicinity of a substance addiction services provider or a 1522
recovering addict, trafficking in cocaine is a felony of the 1523
first degree, and the court shall impose as a mandatory prison 1524
term a first degree felony mandatory prison term. 1525

(f) If the amount of the drug involved equals or exceeds 1526
twenty-seven grams but is less than one hundred grams of cocaine 1527
and regardless of whether the offense was committed in the 1528
vicinity of a school, in the vicinity of a juvenile, or in the 1529
vicinity of a substance addiction services provider or a 1530
recovering addict, trafficking in cocaine is a felony of the 1531

first degree, and the court shall impose as a mandatory prison 1532
term a first degree felony mandatory prison term. 1533

(g) If the amount of the drug involved equals or exceeds 1534
one hundred grams of cocaine and regardless of whether the 1535
offense was committed in the vicinity of a school, in the 1536
vicinity of a juvenile, or in the vicinity of a substance 1537
addiction services provider or a recovering addict, trafficking 1538
in cocaine is a felony of the first degree, the offender is a 1539
major drug offender, and the court shall impose as a mandatory 1540
prison term a maximum first degree felony mandatory prison term. 1541

(5) If the drug involved in the violation is L.S.D. or a 1542
compound, mixture, preparation, or substance containing L.S.D., 1543
whoever violates division (A) of this section is guilty of 1544
trafficking in L.S.D. The penalty for the offense shall be 1545
determined as follows: 1546

(a) Except as otherwise provided in division (C) (5) (b), 1547
(c), (d), (e), (f), or (g) of this section, trafficking in 1548
L.S.D. is a felony of the fifth degree, and division (B) of 1549
section 2929.13 of the Revised Code applies in determining 1550
whether to impose a prison term on the offender. 1551

(b) Except as otherwise provided in division (C) (5) (c), 1552
(d), (e), (f), or (g) of this section, if the offense was 1553
committed in the vicinity of a school, in the vicinity of a 1554
juvenile, or in the vicinity of a substance addiction services 1555
provider or a recovering addict, trafficking in L.S.D. is a 1556
felony of the fourth degree, and division (C) of section 2929.13 1557
of the Revised Code applies in determining whether to impose a 1558
prison term on the offender. 1559

(c) Except as otherwise provided in this division, if the 1560

amount of the drug involved equals or exceeds ten unit doses but 1561
is less than fifty unit doses of L.S.D. in a solid form or 1562
equals or exceeds one gram but is less than five grams of L.S.D. 1563
in a liquid concentrate, liquid extract, or liquid distillate 1564
form, trafficking in L.S.D. is a felony of the fourth degree, 1565
and division (B) of section 2929.13 of the Revised Code applies 1566
in determining whether to impose a prison term for the offense. 1567
If the amount of the drug involved is within that range and if 1568
the offense was committed in the vicinity of a school, in the 1569
vicinity of a juvenile, or in the vicinity of a substance 1570
addiction services provider or a recovering addict, trafficking 1571
in L.S.D. is a felony of the third degree, and there is a 1572
presumption for a prison term for the offense. 1573

(d) Except as otherwise provided in this division, if the 1574
amount of the drug involved equals or exceeds fifty unit doses 1575
but is less than two hundred fifty unit doses of L.S.D. in a 1576
solid form or equals or exceeds five grams but is less than 1577
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1578
extract, or liquid distillate form, trafficking in L.S.D. is a 1579
felony of the third degree, and, except as otherwise provided in 1580
this division, there is a presumption for a prison term for the 1581
offense. If trafficking in L.S.D. is a felony of the third 1582
degree under this division and if the offender two or more times 1583
previously has been convicted of or pleaded guilty to a felony 1584
drug abuse offense, the court shall impose as a mandatory prison 1585
term one of the prison terms prescribed for a felony of the 1586
third degree. If the amount of the drug involved is within that 1587
range and if the offense was committed in the vicinity of a 1588
school, in the vicinity of a juvenile, or in the vicinity of a 1589
substance addiction services provider or a recovering addict, 1590
trafficking in L.S.D. is a felony of the second degree, and the 1591

court shall impose as a mandatory prison term a second degree 1592
felony mandatory prison term. 1593

(e) Except as otherwise provided in this division, if the 1594
amount of the drug involved equals or exceeds two hundred fifty 1595
unit doses but is less than one thousand unit doses of L.S.D. in 1596
a solid form or equals or exceeds twenty-five grams but is less 1597
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1598
extract, or liquid distillate form, trafficking in L.S.D. is a 1599
felony of the second degree, and the court shall impose as a 1600
mandatory prison term a second degree felony mandatory prison 1601
term. If the amount of the drug involved is within that range 1602
and if the offense was committed in the vicinity of a school, in 1603
the vicinity of a juvenile, or in the vicinity of a substance 1604
addiction services provider or a recovering addict, trafficking 1605
in L.S.D. is a felony of the first degree, and the court shall 1606
impose as a mandatory prison term a first degree felony 1607
mandatory prison term. 1608

(f) If the amount of the drug involved equals or exceeds 1609
one thousand unit doses but is less than five thousand unit 1610
doses of L.S.D. in a solid form or equals or exceeds one hundred 1611
grams but is less than five hundred grams of L.S.D. in a liquid 1612
concentrate, liquid extract, or liquid distillate form and 1613
regardless of whether the offense was committed in the vicinity 1614
of a school, in the vicinity of a juvenile, or in the vicinity 1615
of a substance addiction services provider or a recovering 1616
addict, trafficking in L.S.D. is a felony of the first degree, 1617
and the court shall impose as a mandatory prison term a first 1618
degree felony mandatory prison term. 1619

(g) If the amount of the drug involved equals or exceeds 1620
five thousand unit doses of L.S.D. in a solid form or equals or 1621

exceeds five hundred grams of L.S.D. in a liquid concentrate, 1622
liquid extract, or liquid distillate form and regardless of 1623
whether the offense was committed in the vicinity of a school, 1624
in the vicinity of a juvenile, or in the vicinity of a substance 1625
addiction services provider or a recovering addict, trafficking 1626
in L.S.D. is a felony of the first degree, the offender is a 1627
major drug offender, and the court shall impose as a mandatory 1628
prison term a maximum first degree felony mandatory prison term. 1629

(6) If the drug involved in the violation is heroin or a 1630
compound, mixture, preparation, or substance containing heroin, 1631
whoever violates division (A) of this section is guilty of 1632
trafficking in heroin. The penalty for the offense shall be 1633
determined as follows: 1634

(a) Except as otherwise provided in division (C) (6) (b), 1635
(c), (d), (e), (f), or (g) of this section, trafficking in 1636
heroin is a felony of the fifth degree, and division (B) of 1637
section 2929.13 of the Revised Code applies in determining 1638
whether to impose a prison term on the offender. 1639

(b) Except as otherwise provided in division (C) (6) (c), 1640
(d), (e), (f), or (g) of this section, if the offense was 1641
committed in the vicinity of a school, in the vicinity of a 1642
juvenile, or in the vicinity of a substance addiction services 1643
provider or a recovering addict, trafficking in heroin is a 1644
felony of the fourth degree, and division (C) of section 2929.13 1645
of the Revised Code applies in determining whether to impose a 1646
prison term on the offender. 1647

(c) Except as otherwise provided in this division, if the 1648
amount of the drug involved equals or exceeds ten unit doses but 1649
is less than fifty unit doses or equals or exceeds one gram but 1650
is less than five grams, trafficking in heroin is a felony of 1651

the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

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

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

recovering addict, trafficking in heroin is a felony of the 1683
first degree, and the court shall impose as a mandatory prison 1684
term a first degree felony mandatory prison term. 1685

(f) If the amount of the drug involved equals or exceeds 1686
five hundred unit doses but is less than one thousand unit doses 1687
or equals or exceeds fifty grams but is less than one hundred 1688
grams and regardless of whether the offense was committed in the 1689
vicinity of a school, in the vicinity of a juvenile, or in the 1690
vicinity of a substance addiction services provider or a 1691
recovering addict, trafficking in heroin is a felony of the 1692
first degree, and the court shall impose as a mandatory prison 1693
term a first degree felony mandatory prison term. 1694

(g) If the amount of the drug involved equals or exceeds 1695
one thousand unit doses or equals or exceeds one hundred grams 1696
and regardless of whether the offense was committed in the 1697
vicinity of a school, in the vicinity of a juvenile, or in the 1698
vicinity of a substance addiction services provider or a 1699
recovering addict, trafficking in heroin is a felony of the 1700
first degree, the offender is a major drug offender, and the 1701
court shall impose as a mandatory prison term a maximum first 1702
degree felony mandatory prison term. 1703

(7) If the drug involved in the violation is hashish or a 1704
compound, mixture, preparation, or substance containing hashish, 1705
whoever violates division (A) of this section is guilty of 1706
trafficking in hashish. The penalty for the offense shall be 1707
determined as follows: 1708

(a) Except as otherwise provided in division (C) (7) (b), 1709
(c), (d), (e), (f), or (g) of this section, trafficking in 1710
hashish is a felony of the fifth degree, and division (B) of 1711
section 2929.13 of the Revised Code applies in determining 1712

whether to impose a prison term on the offender. 1713

(b) Except as otherwise provided in division (C) (7) (c), 1714
(d), (e), (f), or (g) of this section, if the offense was 1715
committed in the vicinity of a school, in the vicinity of a 1716
juvenile, or in the vicinity of a substance addiction services 1717
provider or a recovering addict, trafficking in hashish is a 1718
felony of the fourth degree, and division (B) of section 2929.13 1719
of the Revised Code applies in determining whether to impose a 1720
prison term on the offender. 1721

(c) Except as otherwise provided in this division, if the 1722
amount of the drug involved equals or exceeds ten grams but is 1723
less than fifty grams of hashish in a solid form or equals or 1724
exceeds two grams but is less than ten grams of hashish in a 1725
liquid concentrate, liquid extract, or liquid distillate form, 1726
trafficking in hashish is a felony of the fourth degree, and 1727
division (B) of section 2929.13 of the Revised Code applies in 1728
determining whether to impose a prison term on the offender. If 1729
the amount of the drug involved is within that range and if the 1730
offense was committed in the vicinity of a school, in the 1731
vicinity of a juvenile, or in the vicinity of a substance 1732
addiction services provider or a recovering addict, trafficking 1733
in hashish is a felony of the third degree, and division (C) of 1734
section 2929.13 of the Revised Code applies in determining 1735
whether to impose a prison term on the offender. 1736

(d) Except as otherwise provided in this division, if the 1737
amount of the drug involved equals or exceeds fifty grams but is 1738
less than two hundred fifty grams of hashish in a solid form or 1739
equals or exceeds ten grams but is less than fifty grams of 1740
hashish in a liquid concentrate, liquid extract, or liquid 1741
distillate form, trafficking in hashish is a felony of the third 1742

degree, and division (C) of section 2929.13 of the Revised Code 1743
applies in determining whether to impose a prison term on the 1744
offender. If the amount of the drug involved is within that 1745
range and if the offense was committed in the vicinity of a 1746
school, in the vicinity of a juvenile, or in the vicinity of a 1747
substance addiction services provider or a recovering addict, 1748
trafficking in hashish is a felony of the second degree, and 1749
there is a presumption that a prison term shall be imposed for 1750
the offense. 1751

(e) Except as otherwise provided in this division, if the 1752
amount of the drug involved equals or exceeds two hundred fifty 1753
grams but is less than one thousand grams of hashish in a solid 1754
form or equals or exceeds fifty grams but is less than two 1755
hundred grams of hashish in a liquid concentrate, liquid 1756
extract, or liquid distillate form, trafficking in hashish is a 1757
felony of the third degree, and there is a presumption that a 1758
prison term shall be imposed for the offense. If the amount of 1759
the drug involved is within that range and if the offense was 1760
committed in the vicinity of a school, in the vicinity of a 1761
juvenile, or in the vicinity of a substance addiction services 1762
provider or a recovering addict, trafficking in hashish is a 1763
felony of the second degree, and there is a presumption that a 1764
prison term shall be imposed for the offense. 1765

(f) Except as otherwise provided in this division, if the 1766
amount of the drug involved equals or exceeds one thousand grams 1767
but is less than two thousand grams of hashish in a solid form 1768
or equals or exceeds two hundred grams but is less than four 1769
hundred grams of hashish in a liquid concentrate, liquid 1770
extract, or liquid distillate form, trafficking in hashish is a 1771
felony of the second degree, and the court shall impose as a 1772
mandatory prison term a second degree felony mandatory prison 1773

term of five, six, seven, or eight years. If the amount of the 1774
drug involved is within that range and if the offense was 1775
committed in the vicinity of a school, in the vicinity of a 1776
juvenile, or in the vicinity of a substance addiction services 1777
provider or a recovering addict, trafficking in hashish is a 1778
felony of the first degree, and the court shall impose as a 1779
mandatory prison term a maximum first degree felony mandatory 1780
prison term. 1781

(g) Except as otherwise provided in this division, if the 1782
amount of the drug involved equals or exceeds two thousand grams 1783
of hashish in a solid form or equals or exceeds four hundred 1784
grams of hashish in a liquid concentrate, liquid extract, or 1785
liquid distillate form, trafficking in hashish is a felony of 1786
the second degree, and the court shall impose as a mandatory 1787
prison term a maximum second degree felony mandatory prison 1788
term. If the amount of the drug involved equals or exceeds two 1789
thousand grams of hashish in a solid form or equals or exceeds 1790
four hundred grams of hashish in a liquid concentrate, liquid 1791
extract, or liquid distillate form and if the offense was 1792
committed in the vicinity of a school, in the vicinity of a 1793
juvenile, or in the vicinity of a substance addiction services 1794
provider or a recovering addict, trafficking in hashish is a 1795
felony of the first degree, and the court shall impose as a 1796
mandatory prison term a maximum first degree felony mandatory 1797
prison term. 1798

(8) If the drug involved in the violation is a controlled 1799
substance analog or compound, mixture, preparation, or substance 1800
that contains a controlled substance analog, whoever violates 1801
division (A) of this section is guilty of trafficking in a 1802
controlled substance analog. The penalty for the offense shall 1803
be determined as follows: 1804

(a) Except as otherwise provided in division (C) (8) (b), 1805
(c), (d), (e), (f), or (g) of this section, trafficking in a 1806
controlled substance analog is a felony of the fifth degree, and 1807
division (C) of section 2929.13 of the Revised Code applies in 1808
determining whether to impose a prison term on the offender. 1809

(b) Except as otherwise provided in division (C) (8) (c), 1810
(d), (e), (f), or (g) of this section, if the offense was 1811
committed in the vicinity of a school, in the vicinity of a 1812
juvenile, or in the vicinity of a substance addiction services 1813
provider or a recovering addict, trafficking in a controlled 1814
substance analog is a felony of the fourth degree, and division 1815
(C) of section 2929.13 of the Revised Code applies in 1816
determining whether to impose a prison term on the offender. 1817

(c) Except as otherwise provided in this division, if the 1818
amount of the drug involved equals or exceeds ten grams but is 1819
less than twenty grams, trafficking in a controlled substance 1820
analog is a felony of the fourth degree, and division (B) of 1821
section 2929.13 of the Revised Code applies in determining 1822
whether to impose a prison term for the offense. If the amount 1823
of the drug involved is within that range and if the offense was 1824
committed in the vicinity of a school, in the vicinity of a 1825
juvenile, or in the vicinity of a substance addiction services 1826
provider or a recovering addict, trafficking in a controlled 1827
substance analog is a felony of the third degree, and there is a 1828
presumption for a prison term for the offense. 1829

(d) Except as otherwise provided in this division, if the 1830
amount of the drug involved equals or exceeds twenty grams but 1831
is less than thirty grams, trafficking in a controlled substance 1832
analog is a felony of the third degree, and there is a 1833
presumption for a prison term for the offense. If the amount of 1834

the drug involved is within that range and if the offense was 1835
committed in the vicinity of a school, in the vicinity of a 1836
juvenile, or in the vicinity of a substance addiction services 1837
provider or a recovering addict, trafficking in a controlled 1838
substance analog is a felony of the second degree, and there is 1839
a presumption for a prison term for the offense. 1840

(e) Except as otherwise provided in this division, if the 1841
amount of the drug involved equals or exceeds thirty grams but 1842
is less than forty grams, trafficking in a controlled substance 1843
analog is a felony of the second degree, and the court shall 1844
impose as a mandatory prison term a second degree felony 1845
mandatory prison term. If the amount of the drug involved is 1846
within that range and if the offense was committed in the 1847
vicinity of a school, in the vicinity of a juvenile, or in the 1848
vicinity of a substance addiction services provider or a 1849
recovering addict, trafficking in a controlled substance analog 1850
is a felony of the first degree, and the court shall impose as a 1851
mandatory prison term a first degree felony mandatory prison 1852
term. 1853

(f) If the amount of the drug involved equals or exceeds 1854
forty grams but is less than fifty grams and regardless of 1855
whether the offense was committed in the vicinity of a school, 1856
in the vicinity of a juvenile, or in the vicinity of a substance 1857
addiction services provider or a recovering addict, trafficking 1858
in a controlled substance analog is a felony of the first 1859
degree, and the court shall impose as a mandatory prison term a 1860
first degree felony mandatory prison term. 1861

(g) If the amount of the drug involved equals or exceeds 1862
fifty grams and regardless of whether the offense was committed 1863
in the vicinity of a school, in the vicinity of a juvenile, or 1864

in the vicinity of a substance addiction services provider or a 1865
recovering addict, trafficking in a controlled substance analog 1866
is a felony of the first degree, the offender is a major drug 1867
offender, and the court shall impose as a mandatory prison term 1868
a maximum first degree felony mandatory prison term. 1869

(9) If the drug involved in the violation is a fentanyl- 1870
related compound or a compound, mixture, preparation, or 1871
substance containing a fentanyl-related compound and division 1872
(C) (10) (a) of this section does not apply to the drug involved, 1873
whoever violates division (A) of this section is guilty of 1874
trafficking in a fentanyl-related compound. The penalty for the 1875
offense shall be determined as follows: 1876

(a) Except as otherwise provided in division (C) (9) (b), 1877
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1878
a fentanyl-related compound is a felony of the fifth degree, and 1879
division (B) of section 2929.13 of the Revised Code applies in 1880
determining whether to impose a prison term on the offender. 1881

(b) Except as otherwise provided in division (C) (9) (c), 1882
(d), (e), (f), (g), or (h) of this section, if the offense was 1883
committed in the vicinity of a school, in the vicinity of a 1884
juvenile, or in the vicinity of a substance addiction services 1885
provider or a recovering addict, trafficking in a fentanyl- 1886
related compound is a felony of the fourth degree, and division 1887
(C) of section 2929.13 of the Revised Code applies in 1888
determining whether to impose a prison term on the offender. 1889

(c) Except as otherwise provided in this division, if the 1890
amount of the drug involved equals or exceeds ten unit doses but 1891
is less than fifty unit doses or equals or exceeds one gram but 1892
is less than five grams, trafficking in a fentanyl-related 1893
compound is a felony of the fourth degree, and division (B) of 1894

section 2929.13 of the Revised Code applies in determining 1895
whether to impose a prison term for the offense. If the amount 1896
of the drug involved is within that range and if the offense was 1897
committed in the vicinity of a school, in the vicinity of a 1898
juvenile, or in the vicinity of a substance addiction services 1899
provider or a recovering addict, trafficking in a fentanyl- 1900
related compound is a felony of the third degree, and there is a 1901
presumption for a prison term for the offense. 1902

(d) Except as otherwise provided in this division, if the 1903
amount of the drug involved equals or exceeds fifty unit doses 1904
but is less than one hundred unit doses or equals or exceeds 1905
five grams but is less than ten grams, trafficking in a 1906
fentanyl-related compound is a felony of the third degree, and 1907
there is a presumption for a prison term for the offense. If the 1908
amount of the drug involved is within that range and if the 1909
offense was committed in the vicinity of a school, in the 1910
vicinity of a juvenile, or in the vicinity of a substance 1911
addiction services provider or a recovering addict, trafficking 1912
in a fentanyl-related compound is a felony of the second degree, 1913
and there is a presumption for a prison term for the offense. 1914

(e) Except as otherwise provided in this division, if the 1915
amount of the drug involved equals or exceeds one hundred unit 1916
doses but is less than two hundred unit doses or equals or 1917
exceeds ten grams but is less than twenty grams, trafficking in 1918
a fentanyl-related compound is a felony of the second degree, 1919
and the court shall impose as a mandatory prison term one of the 1920
prison terms prescribed for a felony of the second degree. If 1921
the amount of the drug involved is within that range and if the 1922
offense was committed in the vicinity of a school, in the 1923
vicinity of a juvenile, or in the vicinity of a substance 1924
addiction services provider or a recovering addict, trafficking 1925

in a fentanyl-related compound is a felony of the first degree, 1926
and the court shall impose as a mandatory prison term one of the 1927
prison terms prescribed for a felony of the first degree. 1928

(f) If the amount of the drug involved equals or exceeds 1929
two hundred unit doses but is less than five hundred unit doses 1930
or equals or exceeds twenty grams but is less than fifty grams 1931
and regardless of whether the offense was committed in the 1932
vicinity of a school, in the vicinity of a juvenile, or in the 1933
vicinity of a substance addiction services provider or a 1934
recovering addict, trafficking in a fentanyl-related compound is 1935
a felony of the first degree, and the court shall impose as a 1936
mandatory prison term one of the prison terms prescribed for a 1937
felony of the first degree. 1938

(g) If the amount of the drug involved equals or exceeds 1939
five hundred unit doses but is less than one thousand unit doses 1940
or equals or exceeds fifty grams but is less than one hundred 1941
grams and regardless of whether the offense was committed in the 1942
vicinity of a school, in the vicinity of a juvenile, or in the 1943
vicinity of a substance addiction services provider or a 1944
recovering addict, trafficking in a fentanyl-related compound is 1945
a felony of the first degree, and the court shall impose as a 1946
mandatory prison term the maximum prison term prescribed for a 1947
felony of the first degree. 1948

(h) If the amount of the drug involved equals or exceeds 1949
one thousand unit doses or equals or exceeds one hundred grams 1950
and regardless of whether the offense was committed in the 1951
vicinity of a school, in the vicinity of a juvenile, or in the 1952
vicinity of a substance addiction services provider or a 1953
recovering addict, trafficking in a fentanyl-related compound is 1954
a felony of the first degree, the offender is a major drug 1955

offender, and the court shall impose as a mandatory prison term 1956
the maximum prison term prescribed for a felony of the first 1957
degree. 1958

(10) If the drug involved in the violation is a compound, 1959
mixture, preparation, or substance that is a combination of a 1960
fentanyl-related compound and marihuana, one of the following 1961
applies: 1962

(a) Except as otherwise provided in division (C)(10)(b) of 1963
this section, the offender is guilty of trafficking in marihuana 1964
and shall be punished under division (C)(3) of this section. The 1965
offender is not guilty of trafficking in a fentanyl-related 1966
compound and shall not be charged with, convicted of, or 1967
punished under division (C)(9) of this section for trafficking 1968
in a fentanyl-related compound. 1969

(b) If the offender knows or has reason to know that the 1970
compound, mixture, preparation, or substance that is the drug 1971
involved contains a fentanyl-related compound, the offender is 1972
guilty of trafficking in a fentanyl-related compound and shall 1973
be punished under division (C)(9) of this section. 1974

(D) In addition to any prison term authorized or required 1975
by division (C) of this section and sections 2929.13 and 2929.14 1976
of the Revised Code, and in addition to any other sanction 1977
imposed for the offense under this section or sections 2929.11 1978
to 2929.18 of the Revised Code, the court that sentences an 1979
offender who is convicted of or pleads guilty to a violation of 1980
division (A) of this section may suspend the driver's or 1981
commercial driver's license or permit of the offender in 1982
accordance with division (G) of this section. However, if the 1983
offender pleaded guilty to or was convicted of a violation of 1984
section 4511.19 of the Revised Code or a substantially similar 1985

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

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

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

(E) When a person is charged with the sale of or offer to

sell a bulk amount or a multiple of a bulk amount of a 2016
controlled substance, the jury, or the court trying the accused, 2017
shall determine the amount of the controlled substance involved 2018
at the time of the offense and, if a guilty verdict is returned, 2019
shall return the findings as part of the verdict. In any such 2020
case, it is unnecessary to find and return the exact amount of 2021
the controlled substance involved, and it is sufficient if the 2022
finding and return is to the effect that the amount of the 2023
controlled substance involved is the requisite amount, or that 2024
the amount of the controlled substance involved is less than the 2025
requisite amount. 2026

(F) (1) Notwithstanding any contrary provision of section 2027
3719.21 of the Revised Code and except as provided in division 2028
(H) of this section, the clerk of the court shall pay any 2029
mandatory fine imposed pursuant to division (D) (1) of this 2030
section and any fine other than a mandatory fine that is imposed 2031
for a violation of this section pursuant to division (A) or (B) 2032
(5) of section 2929.18 of the Revised Code to the county, 2033
township, municipal corporation, park district, as created 2034
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2035
state law enforcement agencies in this state that primarily were 2036
responsible for or involved in making the arrest of, and in 2037
prosecuting, the offender. However, the clerk shall not pay a 2038
mandatory fine so imposed to a law enforcement agency unless the 2039
agency has adopted a written internal control policy under 2040
division (F) (2) of this section that addresses the use of the 2041
fine moneys that it receives. Each agency shall use the 2042
mandatory fines so paid to subsidize the agency's law 2043
enforcement efforts that pertain to drug offenses, in accordance 2044
with the written internal control policy adopted by the 2045
recipient agency under division (F) (2) of this section. 2046

(2) Prior to receiving any fine moneys under division (F) 2047
(1) of this section or division (B) of section 2925.42 of the 2048
Revised Code, a law enforcement agency shall adopt a written 2049
internal control policy that addresses the agency's use and 2050
disposition of all fine moneys so received and that provides for 2051
the keeping of detailed financial records of the receipts of 2052
those fine moneys, the general types of expenditures made out of 2053
those fine moneys, and the specific amount of each general type 2054
of expenditure. The policy shall not provide for or permit the 2055
identification of any specific expenditure that is made in an 2056
ongoing investigation. All financial records of the receipts of 2057
those fine moneys, the general types of expenditures made out of 2058
those fine moneys, and the specific amount of each general type 2059
of expenditure by an agency are public records open for 2060
inspection under section 149.43 of the Revised Code. 2061
Additionally, a written internal control policy adopted under 2062
this division is such a public record, and the agency that 2063
adopted it shall comply with it. 2064

(3) As used in division (F) of this section: 2065

(a) "Law enforcement agencies" includes, but is not 2066
limited to, the state board of pharmacy and the office of a 2067
prosecutor. 2068

(b) "Prosecutor" has the same meaning as in section 2069
2935.01 of the Revised Code. 2070

(G) (1) If the sentencing court suspends the offender's 2071
driver's or commercial driver's license or permit under division 2072
(D) of this section or any other provision of this chapter, the 2073
court shall suspend the license, by order, for not more than 2074
five years. If an offender's driver's or commercial driver's 2075
license or permit is suspended pursuant to this division, the 2076

offender, at any time after the expiration of two years from the 2077
day on which the offender's sentence was imposed or from the day 2078
on which the offender finally was released from a prison term 2079
under the sentence, whichever is later, may file a motion with 2080
the sentencing court requesting termination of the suspension; 2081
upon the filing of such a motion and the court's finding of good 2082
cause for the termination, the court may terminate the 2083
suspension. 2084

(2) Any offender who received a mandatory suspension of 2085
the offender's driver's or commercial driver's license or permit 2086
under this section prior to September 13, 2016, may file a 2087
motion with the sentencing court requesting the termination of 2088
the suspension. However, an offender who pleaded guilty to or 2089
was convicted of a violation of section 4511.19 of the Revised 2090
Code or a substantially similar municipal ordinance or law of 2091
another state or the United States that arose out of the same 2092
set of circumstances as the violation for which the offender's 2093
license or permit was suspended under this section shall not 2094
file such a motion. 2095

Upon the filing of a motion under division (G) (2) of this 2096
section, the sentencing court, in its discretion, may terminate 2097
the suspension. 2098

(H) (1) In addition to any prison term authorized or 2099
required by division (C) of this section and sections 2929.13 2100
and 2929.14 of the Revised Code, in addition to any other 2101
penalty or sanction imposed for the offense under this section 2102
or sections 2929.11 to 2929.18 of the Revised Code, and in 2103
addition to the forfeiture of property in connection with the 2104
offense as prescribed in Chapter 2981. of the Revised Code, the 2105
court that sentences an offender who is convicted of or pleads 2106

guilty to a violation of division (A) of this section may impose 2107
upon the offender an additional fine specified for the offense 2108
in division (B) (4) of section 2929.18 of the Revised Code. A 2109
fine imposed under division (H) (1) of this section is not 2110
subject to division (F) of this section and shall be used solely 2111
for the support of one or more eligible community addiction 2112
services providers in accordance with divisions (H) (2) and (3) 2113
of this section. 2114

(2) The court that imposes a fine under division (H) (1) of 2115
this section shall specify in the judgment that imposes the fine 2116
one or more eligible community addiction services providers for 2117
the support of which the fine money is to be used. No community 2118
addiction services provider shall receive or use money paid or 2119
collected in satisfaction of a fine imposed under division (H) 2120
(1) of this section unless the services provider is specified in 2121
the judgment that imposes the fine. No community addiction 2122
services provider shall be specified in the judgment unless the 2123
services provider is an eligible community addiction services 2124
provider and, except as otherwise provided in division (H) (2) of 2125
this section, unless the services provider is located in the 2126
county in which the court that imposes the fine is located or in 2127
a county that is immediately contiguous to the county in which 2128
that court is located. If no eligible community addiction 2129
services provider is located in any of those counties, the 2130
judgment may specify an eligible community addiction services 2131
provider that is located anywhere within this state. 2132

(3) Notwithstanding any contrary provision of section 2133
3719.21 of the Revised Code, the clerk of the court shall pay 2134
any fine imposed under division (H) (1) of this section to the 2135
eligible community addiction services provider specified 2136
pursuant to division (H) (2) of this section in the judgment. The 2137

eligible community addiction services provider that receives the 2138
fine moneys shall use the moneys only for the alcohol and drug 2139
addiction services identified in the application for 2140
certification of services under section 5119.36 of the Revised 2141
Code or in the application for a license under section 5119.37 2142
of the Revised Code filed with the department of mental health 2143
and addiction services by the community addiction services 2144
provider specified in the judgment. 2145

(4) Each community addiction services provider that 2146
receives in a calendar year any fine moneys under division (H) 2147
(3) of this section shall file an annual report covering that 2148
calendar year with the court of common pleas and the board of 2149
county commissioners of the county in which the services 2150
provider is located, with the court of common pleas and the 2151
board of county commissioners of each county from which the 2152
services provider received the moneys if that county is 2153
different from the county in which the services provider is 2154
located, and with the attorney general. The community addiction 2155
services provider shall file the report no later than the first 2156
day of March in the calendar year following the calendar year in 2157
which the services provider received the fine moneys. The report 2158
shall include statistics on the number of persons served by the 2159
community addiction services provider, identify the types of 2160
alcohol and drug addiction services provided to those persons, 2161
and include a specific accounting of the purposes for which the 2162
fine moneys received were used. No information contained in the 2163
report shall identify, or enable a person to determine the 2164
identity of, any person served by the community addiction 2165
services provider. Each report received by a court of common 2166
pleas, a board of county commissioners, or the attorney general 2167
is a public record open for inspection under section 149.43 of 2168

the Revised Code.	2169
(5) As used in divisions (H) (1) to (5) of this section:	2170
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	2171 2172 2173
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	2174 2175 2176 2177
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	2178 2179
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	2180 2181 2182 2183 2184 2185 2186 2187
(1) A controlled substance;	2188
(2) Any substance for which there is an approved new drug application;	2189 2190
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	2191 2192 2193 2194
Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance	2195 2196

analog. 2197

(B) (1) This section does not apply to any of the 2198
following: 2199

(a) Manufacturers, licensed health professionals 2200
authorized to prescribe drugs, pharmacists, owners of 2201
pharmacies, and other persons whose conduct was in accordance 2202
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2203
4741., and 4772. of the Revised Code; 2204

(b) If the offense involves an anabolic steroid, any 2205
person who is conducting or participating in a research project 2206
involving the use of an anabolic steroid if the project has been 2207
approved by the United States food and drug administration; 2208

(c) Any person who sells, offers for sale, prescribes, 2209
dispenses, or administers for livestock or other nonhuman 2210
species an anabolic steroid that is expressly intended for 2211
administration through implants to livestock or other nonhuman 2212
species and approved for that purpose under the "Federal Food, 2213
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2214
as amended, and is sold, offered for sale, prescribed, 2215
dispensed, or administered for that purpose in accordance with 2216
that act; 2217

(d) Any person who obtained the controlled substance 2218
pursuant to a prescription issued by a licensed health 2219
professional authorized to prescribe drugs if the prescription 2220
was issued for a legitimate medical purpose and not altered, 2221
forged, or obtained through deception or commission of a theft 2222
offense. 2223

As used in division (B) (1) (d) of this section, "deception" 2224
and "theft offense" have the same meanings as in section 2913.01 2225

of the Revised Code.	2226
(2) (a) As used in division (B) (2) of this section:	2227
(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	2228 2229
(ii) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	2230 2231
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	2232 2233
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	2234 2235 2236
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	2237 2238
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	2239 2240
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2241 2242
(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2243 2244 2245 2246 2247 2248 2249
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or	2250 2251 2252

presenting a person to a health care facility. 2253

(b) Subject to division (B)(2)(e) of this section, a 2254
qualified individual shall not be arrested, charged, prosecuted, 2255
convicted, or penalized pursuant to this chapter for a minor 2256
drug possession offense or a violation of section 2925.12, 2257
division (C)(1) of section 2925.14, or section 2925.141 of the 2258
Revised Code if all of the following apply: 2259

(i) The evidence of the obtaining, possession, or use of 2260
the controlled substance or controlled substance analog, drug 2261
abuse instruments, or drug paraphernalia that would be the basis 2262
of the offense was obtained as a result of the qualified 2263
individual seeking the medical assistance or experiencing an 2264
overdose and needing medical assistance. 2265

(ii) Subject to division (B)(2)(f) of this section, within 2266
thirty days after seeking or obtaining the medical assistance, 2267
the qualified individual seeks and obtains a screening and 2268
receives a referral for treatment from a community addiction 2269
services provider or a properly credentialed addiction treatment 2270
professional. 2271

(iii) Subject to division (B)(2)(f) of this section, the 2272
qualified individual who obtains a screening and receives a 2273
referral for treatment under division (B)(2)(b)(ii) of this 2274
section, upon the request of any prosecuting attorney, submits 2275
documentation to the prosecuting attorney that verifies that the 2276
qualified individual satisfied the requirements of that 2277
division. The documentation shall be limited to the date and 2278
time of the screening obtained and referral received. 2279

(c) If a person who is serving a community control 2280
sanction or is under a sanction on post-release control acts 2281

pursuant to division (B) (2) (b) of this section, then division 2282
(B) of section 2929.141, division (B) (2) of section 2929.15, 2283
division (D) (3) of section 2929.25, or division (F) (3) of 2284
section 2967.28 of the Revised Code applies to the person with 2285
respect to any violation of the sanction or post-release control 2286
sanction based on a minor drug possession offense, as defined in 2287
section 2925.11 of the Revised Code, or a violation of section 2288
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2289
of the Revised Code. 2290

(d) Nothing in division (B) (2) (b) of this section shall be 2291
construed to do any of the following: 2292

(i) Limit the admissibility of any evidence in connection 2293
with the investigation or prosecution of a crime with regards to 2294
a defendant who does not qualify for the protections of division 2295
(B) (2) (b) of this section or with regards to any crime other 2296
than a minor drug possession offense or a violation of section 2297
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2298
of the Revised Code committed by a person who qualifies for 2299
protection pursuant to division (B) (2) (b) of this section; 2300

(ii) Limit any seizure of evidence or contraband otherwise 2301
permitted by law; 2302

(iii) Limit or abridge the authority of a peace officer to 2303
detain or take into custody a person in the course of an 2304
investigation or to effectuate an arrest for any offense except 2305
as provided in that division; 2306

(iv) Limit, modify, or remove any immunity from liability 2307
available pursuant to law in effect prior to September 13, 2016, 2308
to any public agency or to an employee of any public agency. 2309

(e) Division (B) (2) (b) of this section does not apply to 2310

any person who twice previously has been granted an immunity 2311
under division (B) (2) (b) of this section. No person shall be 2312
granted an immunity under division (B) (2) (b) of this section 2313
more than two times. 2314

(f) Nothing in this section shall compel any qualified 2315
individual to disclose protected health information in a way 2316
that conflicts with the requirements of the "Health Insurance 2317
Portability and Accountability Act of 1996," 104 Pub. L. No. 2318
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2319
regulations promulgated by the United States department of 2320
health and human services to implement the act or the 2321
requirements of 42 C.F.R. Part 2. 2322

(C) Whoever violates division (A) of this section is 2323
guilty of one of the following: 2324

(1) If the drug involved in the violation is a compound, 2325
mixture, preparation, or substance included in schedule I or II, 2326
with the exception of marihuana, cocaine, L.S.D., heroin, any 2327
fentanyl-related compound, hashish, and any controlled substance 2328
analog, whoever violates division (A) of this section is guilty 2329
of aggravated possession of drugs. The penalty for the offense 2330
shall be determined as follows: 2331

(a) Except as otherwise provided in division (C) (1) (b), 2332
(c), (d), or (e) of this section, aggravated possession of drugs 2333
is a felony of the fifth degree, and division (B) of section 2334
2929.13 of the Revised Code applies in determining whether to 2335
impose a prison term on the offender. 2336

(b) If the amount of the drug involved equals or exceeds 2337
the bulk amount but is less than five times the bulk amount, 2338
aggravated possession of drugs is a felony of the third degree, 2339

and there is a presumption for a prison term for the offense. 2340

(c) If the amount of the drug involved equals or exceeds 2341
five times the bulk amount but is less than fifty times the bulk 2342
amount, aggravated possession of drugs is a felony of the second 2343
degree, and the court shall impose as a mandatory prison term a 2344
second degree felony mandatory prison term. 2345

(d) If the amount of the drug involved equals or exceeds 2346
fifty times the bulk amount but is less than one hundred times 2347
the bulk amount, aggravated possession of drugs is a felony of 2348
the first degree, and the court shall impose as a mandatory 2349
prison term a first degree felony mandatory prison term. 2350

(e) If the amount of the drug involved equals or exceeds 2351
one hundred times the bulk amount, aggravated possession of 2352
drugs is a felony of the first degree, the offender is a major 2353
drug offender, and the court shall impose as a mandatory prison 2354
term a maximum first degree felony mandatory prison term. 2355

(2) If the drug involved in the violation is a compound, 2356
mixture, preparation, or substance included in schedule III, IV, 2357
or V, whoever violates division (A) of this section is guilty of 2358
possession of drugs. The penalty for the offense shall be 2359
determined as follows: 2360

(a) Except as otherwise provided in division (C) (2) (b), 2361
(c), or (d) of this section, possession of drugs is a 2362
misdemeanor of the first degree or, if the offender previously 2363
has been convicted of a drug abuse offense, a felony of the 2364
fifth degree. 2365

(b) If the amount of the drug involved equals or exceeds 2366
the bulk amount but is less than five times the bulk amount, 2367
possession of drugs is a felony of the fourth degree, and 2368

division (C) of section 2929.13 of the Revised Code applies in 2369
determining whether to impose a prison term on the offender. 2370

(c) If the amount of the drug involved equals or exceeds 2371
five times the bulk amount but is less than fifty times the bulk 2372
amount, possession of drugs is a felony of the third degree, and 2373
there is a presumption for a prison term for the offense. 2374

(d) If the amount of the drug involved equals or exceeds 2375
fifty times the bulk amount, possession of drugs is a felony of 2376
the second degree, and the court shall impose upon the offender 2377
as a mandatory prison term a second degree felony mandatory 2378
prison term. 2379

(3) If the drug involved in the violation is marihuana or 2380
a compound, mixture, preparation, or substance containing 2381
marihuana other than hashish, whoever violates division (A) of 2382
this section is guilty of possession of marihuana. The penalty 2383
for the offense shall be determined as follows: 2384

(a) Except as otherwise provided in division (C) (3) (b), 2385
(c), (d), (e), (f), or (g) of this section, possession of 2386
marihuana is a minor misdemeanor. 2387

(b) If the amount of the drug involved equals or exceeds 2388
one hundred grams but is less than two hundred grams, possession 2389
of marihuana is a misdemeanor of the fourth degree. 2390

(c) If the amount of the drug involved equals or exceeds 2391
two hundred grams but is less than one thousand grams, 2392
possession of marihuana is a felony of the fifth degree, and 2393
division (B) of section 2929.13 of the Revised Code applies in 2394
determining whether to impose a prison term on the offender. 2395

(d) If the amount of the drug involved equals or exceeds 2396
one thousand grams but is less than five thousand grams, 2397

possession of marihuana is a felony of the third degree, and 2398
division (C) of section 2929.13 of the Revised Code applies in 2399
determining whether to impose a prison term on the offender. 2400

(e) If the amount of the drug involved equals or exceeds 2401
five thousand grams but is less than twenty thousand grams, 2402
possession of marihuana is a felony of the third degree, and 2403
there is a presumption that a prison term shall be imposed for 2404
the offense. 2405

(f) If the amount of the drug involved equals or exceeds 2406
twenty thousand grams but is less than forty thousand grams, 2407
possession of marihuana is a felony of the second degree, and 2408
the court shall impose as a mandatory prison term a second 2409
degree felony mandatory prison term of five, six, seven, or 2410
eight years. 2411

(g) If the amount of the drug involved equals or exceeds 2412
forty thousand grams, possession of marihuana is a felony of the 2413
second degree, and the court shall impose as a mandatory prison 2414
term a maximum second degree felony mandatory prison term. 2415

(4) If the drug involved in the violation is cocaine or a 2416
compound, mixture, preparation, or substance containing cocaine, 2417
whoever violates division (A) of this section is guilty of 2418
possession of cocaine. The penalty for the offense shall be 2419
determined as follows: 2420

(a) Except as otherwise provided in division (C) (4) (b), 2421
(c), (d), (e), or (f) of this section, possession of cocaine is 2422
a felony of the fifth degree, and division (B) of section 2423
2929.13 of the Revised Code applies in determining whether to 2424
impose a prison term on the offender. 2425

(b) If the amount of the drug involved equals or exceeds 2426

five grams but is less than ten grams of cocaine, possession of 2427
cocaine is a felony of the fourth degree, and division (B) of 2428
section 2929.13 of the Revised Code applies in determining 2429
whether to impose a prison term on the offender. 2430

(c) If the amount of the drug involved equals or exceeds 2431
ten grams but is less than twenty grams of cocaine, possession 2432
of cocaine is a felony of the third degree, and, except as 2433
otherwise provided in this division, there is a presumption for 2434
a prison term for the offense. If possession of cocaine is a 2435
felony of the third degree under this division and if the 2436
offender two or more times previously has been convicted of or 2437
pleaded guilty to a felony drug abuse offense, the court shall 2438
impose as a mandatory prison term one of the prison terms 2439
prescribed for a felony of the third degree. 2440

(d) If the amount of the drug involved equals or exceeds 2441
twenty grams but is less than twenty-seven grams of cocaine, 2442
possession of cocaine is a felony of the second degree, and the 2443
court shall impose as a mandatory prison term a second degree 2444
felony mandatory prison term. 2445

(e) If the amount of the drug involved equals or exceeds 2446
twenty-seven grams but is less than one hundred grams of 2447
cocaine, possession of cocaine is a felony of the first degree, 2448
and the court shall impose as a mandatory prison term a first 2449
degree felony mandatory prison term. 2450

(f) If the amount of the drug involved equals or exceeds 2451
one hundred grams of cocaine, possession of cocaine is a felony 2452
of the first degree, the offender is a major drug offender, and 2453
the court shall impose as a mandatory prison term a maximum 2454
first degree felony mandatory prison term. 2455

(5) If the drug involved in the violation is L.S.D., 2456
whoever violates division (A) of this section is guilty of 2457
possession of L.S.D. The penalty for the offense shall be 2458
determined as follows: 2459

(a) Except as otherwise provided in division (C) (5) (b), 2460
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2461
felony of the fifth degree, and division (B) of section 2929.13 2462
of the Revised Code applies in determining whether to impose a 2463
prison term on the offender. 2464

(b) If the amount of L.S.D. involved equals or exceeds ten 2465
unit doses but is less than fifty unit doses of L.S.D. in a 2466
solid form or equals or exceeds one gram but is less than five 2467
grams of L.S.D. in a liquid concentrate, liquid extract, or 2468
liquid distillate form, possession of L.S.D. is a felony of the 2469
fourth degree, and division (C) of section 2929.13 of the 2470
Revised Code applies in determining whether to impose a prison 2471
term on the offender. 2472

(c) If the amount of L.S.D. involved equals or exceeds 2473
fifty unit doses, but is less than two hundred fifty unit doses 2474
of L.S.D. in a solid form or equals or exceeds five grams but is 2475
less than twenty-five grams of L.S.D. in a liquid concentrate, 2476
liquid extract, or liquid distillate form, possession of L.S.D. 2477
is a felony of the third degree, and there is a presumption for 2478
a prison term for the offense. 2479

(d) If the amount of L.S.D. involved equals or exceeds two 2480
hundred fifty unit doses but is less than one thousand unit 2481
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2482
grams but is less than one hundred grams of L.S.D. in a liquid 2483
concentrate, liquid extract, or liquid distillate form, 2484
possession of L.S.D. is a felony of the second degree, and the 2485

court shall impose as a mandatory prison term a second degree 2486
felony mandatory prison term. 2487

(e) If the amount of L.S.D. involved equals or exceeds one 2488
thousand unit doses but is less than five thousand unit doses of 2489
L.S.D. in a solid form or equals or exceeds one hundred grams 2490
but is less than five hundred grams of L.S.D. in a liquid 2491
concentrate, liquid extract, or liquid distillate form, 2492
possession of L.S.D. is a felony of the first degree, and the 2493
court shall impose as a mandatory prison term a first degree 2494
felony mandatory prison term. 2495

(f) If the amount of L.S.D. involved equals or exceeds 2496
five thousand unit doses of L.S.D. in a solid form or equals or 2497
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2498
liquid extract, or liquid distillate form, possession of L.S.D. 2499
is a felony of the first degree, the offender is a major drug 2500
offender, and the court shall impose as a mandatory prison term 2501
a maximum first degree felony mandatory prison term. 2502

(6) If the drug involved in the violation is heroin or a 2503
compound, mixture, preparation, or substance containing heroin, 2504
whoever violates division (A) of this section is guilty of 2505
possession of heroin. The penalty for the offense shall be 2506
determined as follows: 2507

(a) Except as otherwise provided in division (C) (6) (b), 2508
(c), (d), (e), or (f) of this section, possession of heroin is a 2509
felony of the fifth degree, and division (B) of section 2929.13 2510
of the Revised Code applies in determining whether to impose a 2511
prison term on the offender. 2512

(b) If the amount of the drug involved equals or exceeds 2513
ten unit doses but is less than fifty unit doses or equals or 2514

exceeds one gram but is less than five grams, possession of 2515
heroin is a felony of the fourth degree, and division (C) of 2516
section 2929.13 of the Revised Code applies in determining 2517
whether to impose a prison term on the offender. 2518

(c) If the amount of the drug involved equals or exceeds 2519
fifty unit doses but is less than one hundred unit doses or 2520
equals or exceeds five grams but is less than ten grams, 2521
possession of heroin is a felony of the third degree, and there 2522
is a presumption for a prison term for the offense. 2523

(d) If the amount of the drug involved equals or exceeds 2524
one hundred unit doses but is less than five hundred unit doses 2525
or equals or exceeds ten grams but is less than fifty grams, 2526
possession of heroin is a felony of the second degree, and the 2527
court shall impose as a mandatory prison term a second degree 2528
felony mandatory prison term. 2529

(e) If the amount of the drug involved equals or exceeds 2530
five hundred unit doses but is less than one thousand unit doses 2531
or equals or exceeds fifty grams but is less than one hundred 2532
grams, possession of heroin is a felony of the first degree, and 2533
the court shall impose as a mandatory prison term a first degree 2534
felony mandatory prison term. 2535

(f) If the amount of the drug involved equals or exceeds 2536
one thousand unit doses or equals or exceeds one hundred grams, 2537
possession of heroin is a felony of the first degree, the 2538
offender is a major drug offender, and the court shall impose as 2539
a mandatory prison term a maximum first degree felony mandatory 2540
prison term. 2541

(7) If the drug involved in the violation is hashish or a 2542
compound, mixture, preparation, or substance containing hashish, 2543

whoever violates division (A) of this section is guilty of 2544
possession of hashish. The penalty for the offense shall be 2545
determined as follows: 2546

(a) Except as otherwise provided in division (C) (7) (b), 2547
(c), (d), (e), (f), or (g) of this section, possession of 2548
hashish is a minor misdemeanor. 2549

(b) If the amount of the drug involved equals or exceeds 2550
five grams but is less than ten grams of hashish in a solid form 2551
or equals or exceeds one gram but is less than two grams of 2552
hashish in a liquid concentrate, liquid extract, or liquid 2553
distillate form, possession of hashish is a misdemeanor of the 2554
fourth degree. 2555

(c) If the amount of the drug involved equals or exceeds 2556
ten grams but is less than fifty grams of hashish in a solid 2557
form or equals or exceeds two grams but is less than ten grams 2558
of hashish in a liquid concentrate, liquid extract, or liquid 2559
distillate form, possession of hashish is a felony of the fifth 2560
degree, and division (B) of section 2929.13 of the Revised Code 2561
applies in determining whether to impose a prison term on the 2562
offender. 2563

(d) If the amount of the drug involved equals or exceeds 2564
fifty grams but is less than two hundred fifty grams of hashish 2565
in a solid form or equals or exceeds ten grams but is less than 2566
fifty grams of hashish in a liquid concentrate, liquid extract, 2567
or liquid distillate form, possession of hashish is a felony of 2568
the third degree, and division (C) of section 2929.13 of the 2569
Revised Code applies in determining whether to impose a prison 2570
term on the offender. 2571

(e) If the amount of the drug involved equals or exceeds 2572

two hundred fifty grams but is less than one thousand grams of 2573
hashish in a solid form or equals or exceeds fifty grams but is 2574
less than two hundred grams of hashish in a liquid concentrate, 2575
liquid extract, or liquid distillate form, possession of hashish 2576
is a felony of the third degree, and there is a presumption that 2577
a prison term shall be imposed for the offense. 2578

(f) If the amount of the drug involved equals or exceeds 2579
one thousand grams but is less than two thousand grams of 2580
hashish in a solid form or equals or exceeds two hundred grams 2581
but is less than four hundred grams of hashish in a liquid 2582
concentrate, liquid extract, or liquid distillate form, 2583
possession of hashish is a felony of the second degree, and the 2584
court shall impose as a mandatory prison term a second degree 2585
felony mandatory prison term of five, six, seven, or eight 2586
years. 2587

(g) If the amount of the drug involved equals or exceeds 2588
two thousand grams of hashish in a solid form or equals or 2589
exceeds four hundred grams of hashish in a liquid concentrate, 2590
liquid extract, or liquid distillate form, possession of hashish 2591
is a felony of the second degree, and the court shall impose as 2592
a mandatory prison term a maximum second degree felony mandatory 2593
prison term. 2594

(8) If the drug involved is a controlled substance analog 2595
or compound, mixture, preparation, or substance that contains a 2596
controlled substance analog, whoever violates division (A) of 2597
this section is guilty of possession of a controlled substance 2598
analog. The penalty for the offense shall be determined as 2599
follows: 2600

(a) Except as otherwise provided in division (C) (8) (b), 2601
(c), (d), (e), or (f) of this section, possession of a 2602

controlled substance analog is a felony of the fifth degree, and 2603
division (B) of section 2929.13 of the Revised Code applies in 2604
determining whether to impose a prison term on the offender. 2605

(b) If the amount of the drug involved equals or exceeds 2606
ten grams but is less than twenty grams, possession of a 2607
controlled substance analog is a felony of the fourth degree, 2608
and there is a presumption for a prison term for the offense. 2609

(c) If the amount of the drug involved equals or exceeds 2610
twenty grams but is less than thirty grams, possession of a 2611
controlled substance analog is a felony of the third degree, and 2612
there is a presumption for a prison term for the offense. 2613

(d) If the amount of the drug involved equals or exceeds 2614
thirty grams but is less than forty grams, possession of a 2615
controlled substance analog is a felony of the second degree, 2616
and the court shall impose as a mandatory prison term a second 2617
degree felony mandatory prison term. 2618

(e) If the amount of the drug involved equals or exceeds 2619
forty grams but is less than fifty grams, possession of a 2620
controlled substance analog is a felony of the first degree, and 2621
the court shall impose as a mandatory prison term a first degree 2622
felony mandatory prison term. 2623

(f) If the amount of the drug involved equals or exceeds 2624
fifty grams, possession of a controlled substance analog is a 2625
felony of the first degree, the offender is a major drug 2626
offender, and the court shall impose as a mandatory prison term 2627
a maximum first degree felony mandatory prison term. 2628

(9) If the drug involved in the violation is a compound, 2629
mixture, preparation, or substance that is a combination of a 2630
fentanyl-related compound and marihuana, one of the following 2631

applies: 2632

(a) Except as otherwise provided in division (C) (9) (b) of 2633
this section, the offender is guilty of possession of marihuana 2634
and shall be punished as provided in division (C) (3) of this 2635
section. Except as otherwise provided in division (C) (9) (b) of 2636
this section, the offender is not guilty of possession of a 2637
fentanyl-related compound under division (C) (11) of this section 2638
and shall not be charged with, convicted of, or punished under 2639
division (C) (11) of this section for possession of a fentanyl- 2640
related compound. 2641

(b) If the offender knows or has reason to know that the 2642
compound, mixture, preparation, or substance that is the drug 2643
involved contains a fentanyl-related compound, the offender is 2644
guilty of possession of a fentanyl-related compound and shall be 2645
punished under division (C) (11) of this section. 2646

(10) If the drug involved in the violation is a compound, 2647
mixture, preparation, or substance that is a combination of a 2648
fentanyl-related compound and any schedule III, schedule IV, or 2649
schedule V controlled substance that is not a fentanyl-related 2650
compound, one of the following applies: 2651

(a) Except as otherwise provided in division (C) (10) (b) of 2652
this section, the offender is guilty of possession of drugs and 2653
shall be punished as provided in division (C) (2) of this 2654
section. Except as otherwise provided in division (C) (10) (b) of 2655
this section, the offender is not guilty of possession of a 2656
fentanyl-related compound under division (C) (11) of this section 2657
and shall not be charged with, convicted of, or punished under 2658
division (C) (11) of this section for possession of a fentanyl- 2659
related compound. 2660

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

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

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

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

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

possession of a fentanyl-related compound is a felony of the 2691
third degree, and there is a presumption for a prison term for 2692
the offense. 2693

(d) If the amount of the drug involved equals or exceeds 2694
one hundred unit doses but is less than two hundred unit doses 2695
or equals or exceeds ten grams but is less than twenty grams, 2696
possession of a fentanyl-related compound is a felony of the 2697
second degree, and the court shall impose as a mandatory prison 2698
term one of the prison terms prescribed for a felony of the 2699
second degree. 2700

(e) If the amount of the drug involved equals or exceeds 2701
two hundred unit doses but is less than five hundred unit doses 2702
or equals or exceeds twenty grams but is less than fifty grams, 2703
possession of a fentanyl-related compound is a felony of the 2704
first degree, and the court shall impose as a mandatory prison 2705
term one of the prison terms prescribed for a felony of the 2706
first degree. 2707

(f) If the amount of the drug involved equals or exceeds 2708
five hundred unit doses but is less than one thousand unit doses 2709
or equals or exceeds fifty grams but is less than one hundred 2710
grams, possession of a fentanyl-related compound is a felony of 2711
the first degree, and the court shall impose as a mandatory 2712
prison term the maximum prison term prescribed for a felony of 2713
the first degree. 2714

(g) If the amount of the drug involved equals or exceeds 2715
one thousand unit doses or equals or exceeds one hundred grams, 2716
possession of a fentanyl-related compound is a felony of the 2717
first degree, the offender is a major drug offender, and the 2718
court shall impose as a mandatory prison term the maximum prison 2719
term prescribed for a felony of the first degree. 2720

(D) Arrest or conviction for a minor misdemeanor violation 2721
of this section does not constitute a criminal record and need 2722
not be reported by the person so arrested or convicted in 2723
response to any inquiries about the person's criminal record, 2724
including any inquiries contained in any application for 2725
employment, license, or other right or privilege, or made in 2726
connection with the person's appearance as a witness. 2727

(E) In addition to any prison term or jail term authorized 2728
or required by division (C) of this section and sections 2729
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2730
Code and in addition to any other sanction that is imposed for 2731
the offense under this section, sections 2929.11 to 2929.18, or 2732
sections 2929.21 to 2929.28 of the Revised Code, the court that 2733
sentences an offender who is convicted of or pleads guilty to a 2734
violation of division (A) of this section may suspend the 2735
offender's driver's or commercial driver's license or permit for 2736
not more than five years. However, if the offender pleaded 2737
guilty to or was convicted of a violation of section 4511.19 of 2738
the Revised Code or a substantially similar municipal ordinance 2739
or the law of another state or the United States arising out of 2740
the same set of circumstances as the violation, the court shall 2741
suspend the offender's driver's or commercial driver's license 2742
or permit for not more than five years. If applicable, the court 2743
also shall do the following: 2744

(1) (a) If the violation is a felony of the first, second, 2745
or third degree, the court shall impose upon the offender the 2746
mandatory fine specified for the offense under division (B) (1) 2747
of section 2929.18 of the Revised Code unless, as specified in 2748
that division, the court determines that the offender is 2749
indigent. 2750

(b) Notwithstanding any contrary provision of section 2751
3719.21 of the Revised Code, the clerk of the court shall pay a 2752
mandatory fine or other fine imposed for a violation of this 2753
section pursuant to division (A) of section 2929.18 of the 2754
Revised Code in accordance with and subject to the requirements 2755
of division (F) of section 2925.03 of the Revised Code. The 2756
agency that receives the fine shall use the fine as specified in 2757
division (F) of section 2925.03 of the Revised Code. 2758

(c) If a person is charged with a violation of this 2759
section that is a felony of the first, second, or third degree, 2760
posts bail, and forfeits the bail, the clerk shall pay the 2761
forfeited bail pursuant to division (E)(1)(b) of this section as 2762
if it were a mandatory fine imposed under division (E)(1)(a) of 2763
this section. 2764

(2) If the offender is a professionally licensed person, 2765
in addition to any other sanction imposed for a violation of 2766
this section, the court immediately shall comply with section 2767
2925.38 of the Revised Code. 2768

(F) It is an affirmative defense, as provided in section 2769
2901.05 of the Revised Code, to a charge of a fourth degree 2770
felony violation under this section that the controlled 2771
substance that gave rise to the charge is in an amount, is in a 2772
form, is prepared, compounded, or mixed with substances that are 2773
not controlled substances in a manner, or is possessed under any 2774
other circumstances, that indicate that the substance was 2775
possessed solely for personal use. Notwithstanding any contrary 2776
provision of this section, if, in accordance with section 2777
2901.05 of the Revised Code, an accused who is charged with a 2778
fourth degree felony violation of division (C)(2), (4), (5), or 2779
(6) of this section sustains the burden of going forward with 2780

evidence of and establishes by a preponderance of the evidence 2781
the affirmative defense described in this division, the accused 2782
may be prosecuted for and may plead guilty to or be convicted of 2783
a misdemeanor violation of division (C) (2) of this section or a 2784
fifth degree felony violation of division (C) (4), (5), or (6) of 2785
this section respectively. 2786

(G) When a person is charged with possessing a bulk amount 2787
or multiple of a bulk amount, division (E) of section 2925.03 of 2788
the Revised Code applies regarding the determination of the 2789
amount of the controlled substance involved at the time of the 2790
offense. 2791

(H) It is an affirmative defense to a charge of possession 2792
of a controlled substance analog under division (C) (8) of this 2793
section that the person charged with violating that offense 2794
obtained, possessed, or used one of the following items that are 2795
excluded from the meaning of "controlled substance analog" under 2796
section 3719.01 of the Revised Code: 2797

(1) A controlled substance; 2798

(2) Any substance for which there is an approved new drug 2799
application; 2800

(3) With respect to a particular person, any substance if 2801
an exemption is in effect for investigational use for that 2802
person pursuant to federal law to the extent that conduct with 2803
respect to that substance is pursuant to that exemption. 2804

(I) Any offender who received a mandatory suspension of 2805
the offender's driver's or commercial driver's license or permit 2806
under this section prior to September 13, 2016, may file a 2807
motion with the sentencing court requesting the termination of 2808
the suspension. However, an offender who pleaded guilty to or 2809

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

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

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

(B) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code.

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

medical assistance for that overdose. 2840

(C) Whoever violates this section is guilty of possessing 2841
drug abuse instruments, a misdemeanor of the second degree. If 2842
the offender previously has been convicted of a drug abuse 2843
offense, a violation of this section is a misdemeanor of the 2844
first degree. 2845

(D) (1) In addition to any other sanction imposed upon an 2846
offender for a violation of this section, the court may suspend 2847
for not more than five years the offender's driver's or 2848
commercial driver's license or permit. However, if the offender 2849
pleaded guilty to or was convicted of a violation of section 2850
4511.19 of the Revised Code or a substantially similar municipal 2851
ordinance or the law of another state or the United States 2852
arising out of the same set of circumstances as the violation, 2853
the court shall suspend the offender's driver's or commercial 2854
driver's license or permit for not more than five years. If the 2855
offender is a professionally licensed person, in addition to any 2856
other sanction imposed for a violation of this section, the 2857
court immediately shall comply with section 2925.38 of the 2858
Revised Code. 2859

(2) Any offender who received a mandatory suspension of 2860
the offender's driver's or commercial driver's license or permit 2861
under this section prior to September 13, 2016, may file a 2862
motion with the sentencing court requesting the termination of 2863
the suspension. However, an offender who pleaded guilty to or 2864
was convicted of a violation of section 4511.19 of the Revised 2865
Code or a substantially similar municipal ordinance or law of 2866
another state or the United States that arose out of the same 2867
set of circumstances as the violation for which the offender's 2868
license or permit was suspended under this section shall not 2869

file such a motion. 2870

Upon the filing of a motion under division (D)(2) of this 2871
section, the sentencing court, in its discretion, may terminate 2872
the suspension. 2873

Sec. 2925.14. (A) As used in this section, "drug 2874
paraphernalia" means any equipment, product, or material of any 2875
kind that is used by the offender, intended by the offender for 2876
use, or designed for use, in propagating, cultivating, growing, 2877
harvesting, manufacturing, compounding, converting, producing, 2878
processing, preparing, testing, analyzing, packaging, 2879
repackaging, storing, containing, concealing, injecting, 2880
ingesting, inhaling, or otherwise introducing into the human 2881
body, a controlled substance in violation of this chapter. "Drug 2882
paraphernalia" includes, but is not limited to, any of the 2883
following equipment, products, or materials that are used by the 2884
offender, intended by the offender for use, or designed by the 2885
offender for use, in any of the following manners: 2886

(1) A kit for propagating, cultivating, growing, or 2887
harvesting any species of a plant that is a controlled substance 2888
or from which a controlled substance can be derived; 2889

(2) A kit for manufacturing, compounding, converting, 2890
producing, processing, or preparing a controlled substance; 2891

(3) Any object, instrument, or device for manufacturing, 2892
compounding, converting, producing, processing, or preparing 2893
methamphetamine; 2894

(4) An isomerization device for increasing the potency of 2895
any species of a plant that is a controlled substance; 2896

(5) Testing equipment for identifying, or analyzing the 2897
strength, effectiveness, or purity of, a controlled substance, 2898

except for those exempted in division (D) (4) of this section;	2899
(6) A scale or balance for weighing or measuring a controlled substance;	2900 2901
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2902 2903 2904
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2905 2906
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2907 2908
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2909 2910
(11) A container or device for storing or concealing a controlled substance;	2911 2912
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2913 2914 2915
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	2916 2917 2918 2919 2920 2921 2922 2923 2924 2925 2926

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

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

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

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

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

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

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

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

(8) National or local advertising concerning the use of	2955
the equipment, product, or material;	2956
(9) The manner and circumstances in which the equipment,	2957
product, or material is displayed for sale;	2958
(10) Direct or circumstantial evidence of the ratio of the	2959
sales of the equipment, product, or material to the total sales	2960
of the business enterprise;	2961
(11) The existence and scope of legitimate uses of the	2962
equipment, product, or material in the community;	2963
(12) Expert testimony concerning the use of the equipment,	2964
product, or material.	2965
(C) (1) Subject to divisions (D) (2), (3), and (4) of this	2966
section, no person shall knowingly use, or possess with purpose	2967
to use, drug paraphernalia.	2968
(2) No person shall knowingly sell, or possess or	2969
manufacture with purpose to sell, drug paraphernalia, if the	2970
person knows or reasonably should know that the equipment,	2971
product, or material will be used as drug paraphernalia.	2972
(3) No person shall place an advertisement in any	2973
newspaper, magazine, handbill, or other publication that is	2974
published and printed and circulates primarily within this	2975
state, if the person knows that the purpose of the advertisement	2976
is to promote the illegal sale in this state of the equipment,	2977
product, or material that the offender intended or designed for	2978
use as drug paraphernalia.	2979
(D) (1) This section does not apply to manufacturers,	2980
licensed health professionals authorized to prescribe drugs,	2981
pharmacists, owners of pharmacies, and other persons whose	2982

conduct is in accordance with Chapters 3719., 4715., 4723., 2983
4729., 4730., 4731., ~~and 4741.~~, and 4772. of the Revised Code. 2984
This section shall not be construed to prohibit the possession 2985
or use of a hypodermic as authorized by section 3719.172 of the 2986
Revised Code. 2987

(2) Division (C)(1) of this section does not apply to a 2988
person's use, or possession with purpose to use, any drug 2989
paraphernalia that is equipment, a product, or material of any 2990
kind that is used by the person, intended by the person for use, 2991
or designed for use in storing, containing, concealing, 2992
injecting, ingesting, inhaling, or otherwise introducing into 2993
the human body marihuana. 2994

(3) Division (B)(2) of section 2925.11 of the Revised Code 2995
applies with respect to a violation of division (C)(1) of this 2996
section when a person seeks or obtains medical assistance for 2997
another person who is experiencing a drug overdose, a person 2998
experiences a drug overdose and seeks medical assistance for 2999
that overdose, or a person is the subject of another person 3000
seeking or obtaining medical assistance for that overdose. 3001

(4) Division (C)(1) of this section does not apply to a 3002
person's use, or possession with purpose to use, any drug 3003
testing strips to determine the presence of fentanyl or a 3004
fentanyl-related compound. 3005

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3006
drug paraphernalia that was used, possessed, sold, or 3007
manufactured in a violation of this section shall be seized, 3008
after a conviction for that violation shall be forfeited, and 3009
upon forfeiture shall be disposed of pursuant to division (B) of 3010
section 2981.12 of the Revised Code. 3011

(F) (1) Whoever violates division (C) (1) of this section is 3012
guilty of illegal use or possession of drug paraphernalia, a 3013
misdemeanor of the fourth degree. 3014

(2) Except as provided in division (F) (3) of this section, 3015
whoever violates division (C) (2) of this section is guilty of 3016
dealing in drug paraphernalia, a misdemeanor of the second 3017
degree. 3018

(3) Whoever violates division (C) (2) of this section by 3019
selling drug paraphernalia to a juvenile is guilty of selling 3020
drug paraphernalia to juveniles, a misdemeanor of the first 3021
degree. 3022

(4) Whoever violates division (C) (3) of this section is 3023
guilty of illegal advertising of drug paraphernalia, a 3024
misdemeanor of the second degree. 3025

(G) (1) In addition to any other sanction imposed upon an 3026
offender for a violation of this section, the court may suspend 3027
for not more than five years the offender's driver's or 3028
commercial driver's license or permit. However, if the offender 3029
pleaded guilty to or was convicted of a violation of section 3030
4511.19 of the Revised Code or a substantially similar municipal 3031
ordinance or the law of another state or the United States 3032
arising out of the same set of circumstances as the violation, 3033
the court shall suspend the offender's driver's or commercial 3034
driver's license or permit for not more than five years. If the 3035
offender is a professionally licensed person, in addition to any 3036
other sanction imposed for a violation of this section, the 3037
court immediately shall comply with section 2925.38 of the 3038
Revised Code. 3039

(2) Any offender who received a mandatory suspension of 3040

the offender's driver's or commercial driver's license or permit 3041
under this section prior to September 13, 2016, may file a 3042
motion with the sentencing court requesting the termination of 3043
the suspension. However, an offender who pleaded guilty to or 3044
was convicted of a violation of section 4511.19 of the Revised 3045
Code or a substantially similar municipal ordinance or law of 3046
another state or the United States that arose out of the same 3047
set of circumstances as the violation for which the offender's 3048
license or permit was suspended under this section shall not 3049
file such a motion. 3050

Upon the filing of a motion under division (G) (2) of this 3051
section, the sentencing court, in its discretion, may terminate 3052
the suspension. 3053

Sec. 2925.23. (A) No person shall knowingly make a false 3054
statement in any prescription, order, report, or record required 3055
by Chapter 3719. or 4729. of the Revised Code. 3056

(B) No person shall intentionally make, utter, or sell, or 3057
knowingly possess any of the following that is a false or 3058
forged: 3059

(1) Prescription; 3060

(2) Uncompleted preprinted prescription blank used for 3061
writing a prescription; 3062

(3) Official written order; 3063

(4) License for a terminal distributor of dangerous drugs, 3064
as defined in section 4729.01 of the Revised Code; 3065

(5) License for a manufacturer of dangerous drugs, 3066
outsourcing facility, third-party logistics provider, repackager 3067
of dangerous drugs, or wholesale distributor of dangerous drugs, 3068

as defined in section 4729.01 of the Revised Code. 3069

(C) No person, by theft as defined in section 2913.02 of 3070
the Revised Code, shall acquire any of the following: 3071

(1) A prescription; 3072

(2) An uncompleted preprinted prescription blank used for 3073
writing a prescription; 3074

(3) An official written order; 3075

(4) A blank official written order; 3076

(5) A license or blank license for a terminal distributor 3077
of dangerous drugs, as defined in section 4729.01 of the Revised 3078
Code; 3079

(6) A license or blank license for a manufacturer of 3080
dangerous drugs, outsourcing facility, third-party logistics 3081
provider, repackager of dangerous drugs, or wholesale 3082
distributor of dangerous drugs, as defined in section 4729.01 of 3083
the Revised Code. 3084

(D) No person shall knowingly make or affix any false or 3085
forged label to a package or receptacle containing any dangerous 3086
drugs. 3087

(E) Divisions (A) and (D) of this section do not apply to 3088
licensed health professionals authorized to prescribe drugs, 3089
pharmacists, owners of pharmacies, and other persons whose 3090
conduct is in accordance with Chapters 3719., 4715., 4723., 3091
4725., 4729., 4730., 4731., ~~and 4741., 4772.~~ of the Revised 3092
Code. 3093

(F) Whoever violates this section is guilty of illegal 3094
processing of drug documents. If the offender violates division 3095

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3096
section, illegal processing of drug documents is a felony of the 3097
fifth degree. If the offender violates division (A), division 3098
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3099
section, the penalty for illegal processing of drug documents 3100
shall be determined as follows: 3101

(1) If the drug involved is a compound, mixture, 3102
preparation, or substance included in schedule I or II, with the 3103
exception of marihuana, illegal processing of drug documents is 3104
a felony of the fourth degree, and division (C) of section 3105
2929.13 of the Revised Code applies in determining whether to 3106
impose a prison term on the offender. 3107

(2) If the drug involved is a dangerous drug or a 3108
compound, mixture, preparation, or substance included in 3109
schedule III, IV, or V or is marihuana, illegal processing of 3110
drug documents is a felony of the fifth degree, and division (C) 3111
of section 2929.13 of the Revised Code applies in determining 3112
whether to impose a prison term on the offender. 3113

(G) (1) In addition to any prison term authorized or 3114
required by division (F) of this section and sections 2929.13 3115
and 2929.14 of the Revised Code and in addition to any other 3116
sanction imposed for the offense under this section or sections 3117
2929.11 to 2929.18 of the Revised Code, the court that sentences 3118
an offender who is convicted of or pleads guilty to any 3119
violation of divisions (A) to (D) of this section may suspend 3120
for not more than five years the offender's driver's or 3121
commercial driver's license or permit. However, if the offender 3122
pleaded guilty to or was convicted of a violation of section 3123
4511.19 of the Revised Code or a substantially similar municipal 3124
ordinance or the law of another state or the United States 3125

arising out of the same set of circumstances as the violation, 3126
the court shall suspend the offender's driver's or commercial 3127
driver's license or permit for not more than five years. 3128

If the offender is a professionally licensed person, in 3129
addition to any other sanction imposed for a violation of this 3130
section, the court immediately shall comply with section 2925.38 3131
of the Revised Code. 3132

(2) Any offender who received a mandatory suspension of 3133
the offender's driver's or commercial driver's license or permit 3134
under this section prior to September 13, 2016, may file a 3135
motion with the sentencing court requesting the termination of 3136
the suspension. However, an offender who pleaded guilty to or 3137
was convicted of a violation of section 4511.19 of the Revised 3138
Code or a substantially similar municipal ordinance or law of 3139
another state or the United States that arose out of the same 3140
set of circumstances as the violation for which the offender's 3141
license or permit was suspended under this section shall not 3142
file such a motion. 3143

Upon the filing of a motion under division (G) (2) of this 3144
section, the sentencing court, in its discretion, may terminate 3145
the suspension. 3146

(H) Notwithstanding any contrary provision of section 3147
3719.21 of the Revised Code, the clerk of court shall pay a fine 3148
imposed for a violation of this section pursuant to division (A) 3149
of section 2929.18 of the Revised Code in accordance with and 3150
subject to the requirements of division (F) of section 2925.03 3151
of the Revised Code. The agency that receives the fine shall use 3152
the fine as specified in division (F) of section 2925.03 of the 3153
Revised Code. 3154

Sec. 2925.36. (A) No person shall knowingly furnish 3155
another a sample drug. 3156

(B) Division (A) of this section does not apply to 3157
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3158
licensed health professionals authorized to prescribe drugs, and 3159
other persons whose conduct is in accordance with Chapters 3160
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and
4772. of the Revised Code. 3161
3162

(C) (1) Whoever violates this section is guilty of illegal 3163
dispensing of drug samples. 3164

(2) If the drug involved in the offense is a compound, 3165
mixture, preparation, or substance included in schedule I or II, 3166
with the exception of marihuana, the penalty for the offense 3167
shall be determined as follows: 3168

(a) Except as otherwise provided in division (C) (2) (b) of 3169
this section, illegal dispensing of drug samples is a felony of 3170
the fifth degree, and, subject to division (E) of this section, 3171
division (C) of section 2929.13 of the Revised Code applies in 3172
determining whether to impose a prison term on the offender. 3173

(b) If the offense was committed in the vicinity of a 3174
school or in the vicinity of a juvenile, illegal dispensing of 3175
drug samples is a felony of the fourth degree, and, subject to 3176
division (E) of this section, division (C) of section 2929.13 of 3177
the Revised Code applies in determining whether to impose a 3178
prison term on the offender. 3179

(3) If the drug involved in the offense is a dangerous 3180
drug or a compound, mixture, preparation, or substance included 3181
in schedule III, IV, or V, or is marihuana, the penalty for the 3182
offense shall be determined as follows: 3183

(a) Except as otherwise provided in division (C) (3) (b) of 3184
this section, illegal dispensing of drug samples is a 3185
misdemeanor of the second degree. 3186

(b) If the offense was committed in the vicinity of a 3187
school or in the vicinity of a juvenile, illegal dispensing of 3188
drug samples is a misdemeanor of the first degree. 3189

(D) (1) In addition to any prison term authorized or 3190
required by division (C) or (E) of this section and sections 3191
2929.13 and 2929.14 of the Revised Code and in addition to any 3192
other sanction imposed for the offense under this section or 3193
sections 2929.11 to 2929.18 of the Revised Code, the court that 3194
sentences an offender who is convicted of or pleads guilty to a 3195
violation of division (A) of this section may suspend for not 3196
more than five years the offender's driver's or commercial 3197
driver's license or permit. However, if the offender pleaded 3198
guilty to or was convicted of a violation of section 4511.19 of 3199
the Revised Code or a substantially similar municipal ordinance 3200
or the law of another state or the United States arising out of 3201
the same set of circumstances as the violation, the court shall 3202
suspend the offender's driver's or commercial driver's license 3203
or permit for not more than five years. 3204

If the offender is a professionally licensed person, in 3205
addition to any other sanction imposed for a violation of this 3206
section, the court immediately shall comply with section 2925.38 3207
of the Revised Code. 3208

(2) Any offender who received a mandatory suspension of 3209
the offender's driver's or commercial driver's license or permit 3210
under this section prior to September 13, 2016, may file a 3211
motion with the sentencing court requesting the termination of 3212
the suspension. However, an offender who pleaded guilty to or 3213

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

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

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

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

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58	3244
of the Revised Code:	3245
(1) "Consumer product" means any food or drink that is	3246
consumed or used by humans and any drug, including a drug that	3247
may be provided legally only pursuant to a prescription, that is	3248
intended to be consumed or used by humans.	3249
(2) "Terminal distributor of dangerous drugs" has the same	3250
meaning as in section 4729.01 of the Revised Code.	3251
(3) "Pseudoephedrine" means any material, compound,	3252
mixture, or preparation that contains any quantity of	3253
pseudoephedrine, any of its salts, optical isomers, or salts of	3254
optical isomers.	3255
(4) "Pseudoephedrine product" means a consumer product	3256
that contains pseudoephedrine.	3257
(5) "Retailer" means a place of business that offers	3258
consumer products for sale to the general public.	3259
(6) "Single-ingredient preparation" means a compound,	3260
mixture, preparation, or substance that contains a single active	3261
ingredient.	3262
(7) "Ephedrine" means any material, compound, mixture, or	3263
preparation that contains any quantity of ephedrine, any of its	3264
salts, optical isomers, or salts of optical isomers.	3265
(8) "Ephedrine product" means a consumer product that	3266
contains ephedrine.	3267
(B) (1) No individual shall knowingly purchase, receive, or	3268
otherwise acquire an amount of pseudoephedrine product or	3269
ephedrine product that is greater than either of the following	3270
unless the pseudoephedrine product or ephedrine product is	3271

dispensed by a pharmacist pursuant to a valid prescription 3272
issued by a licensed health professional authorized to prescribe 3273
drugs and the conduct of the pharmacist and the licensed health 3274
professional authorized to prescribe drugs is in accordance with 3275
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or
4772. of the Revised Code: 3276
3277

(a) Three and six tenths grams within a period of a single 3278
day; 3279

(b) Nine grams within a period of thirty consecutive days. 3280

The limits specified in divisions (B) (1) (a) and (b) of 3281
this section apply to the total amount of base pseudoephedrine 3282
or base ephedrine in the pseudoephedrine product or ephedrine 3283
product, respectively. The limits do not apply to the product's 3284
overall weight. 3285

(2) It is not a violation of division (B) (1) of this 3286
section for an individual to receive or accept more than an 3287
amount of pseudoephedrine product or ephedrine product specified 3288
in division (B) (1) (a) or (b) of this section if the individual 3289
is an employee of a retailer or terminal distributor of 3290
dangerous drugs, and the employee receives or accepts from the 3291
retailer or terminal distributor of dangerous drugs the 3292
pseudoephedrine product or ephedrine product in a sealed 3293
container in connection with manufacturing, warehousing, 3294
placement, stocking, bagging, loading, or unloading of the 3295
product. 3296

(C) (1) No individual under eighteen years of age shall 3297
knowingly purchase, receive, or otherwise acquire a 3298
pseudoephedrine product or ephedrine product unless the 3299
pseudoephedrine product or ephedrine product is dispensed by a 3300

pharmacist pursuant to a valid prescription issued by a licensed 3301
health professional authorized to prescribe drugs and the 3302
conduct of the pharmacist and the licensed health professional 3303
authorized to prescribe drugs is in accordance with Chapter 3304
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3305
the Revised Code. 3306

(2) Division (C)(1) of this section does not apply to an 3307
individual under eighteen years of age who purchases, receives, 3308
or otherwise acquires a pseudoephedrine product or ephedrine 3309
product from any of the following: 3310

(a) A licensed health professional authorized to prescribe 3311
drugs or pharmacist who dispenses, sells, or otherwise provides 3312
the pseudoephedrine product or ephedrine product to that 3313
individual and whose conduct is in accordance with Chapter 3314
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4772. of 3315
the Revised Code; 3316

(b) A parent or guardian of that individual who provides 3317
the pseudoephedrine product or ephedrine product to the 3318
individual; 3319

(c) A person, as authorized by that individual's parent or 3320
guardian, who dispenses, sells, or otherwise provides the 3321
pseudoephedrine product or ephedrine product to the individual; 3322

(d) A retailer or terminal distributor of dangerous drugs 3323
who provides the pseudoephedrine product or ephedrine product to 3324
that individual if the individual is an employee of the retailer 3325
or terminal distributor of dangerous drugs and the individual 3326
receives or accepts from the retailer or terminal distributor of 3327
dangerous drugs the pseudoephedrine product or ephedrine product 3328
in a sealed container in connection with manufacturing, 3329

warehousing, placement, stocking, bagging, loading, or unloading 3330
of the product. 3331

(D) No individual under eighteen years of age shall 3332
knowingly show or give false information concerning the 3333
individual's name, age, or other identification for the purpose 3334
of purchasing, receiving, or otherwise acquiring a 3335
pseudoephedrine product or ephedrine product. 3336

(E) No individual shall knowingly fail to comply with the 3337
requirements of division (B) of section 3715.051 of the Revised 3338
Code. 3339

(F) Whoever violates division (B) (1) of this section is 3340
guilty of unlawful purchase of a pseudoephedrine product or 3341
ephedrine product, a misdemeanor of the first degree. 3342

(G) Whoever violates division (C) (1) of this section is 3343
guilty of underage purchase of a pseudoephedrine product or 3344
ephedrine product, a delinquent act that would be a misdemeanor 3345
of the fourth degree if it could be committed by an adult. 3346

(H) Whoever violates division (D) of this section is 3347
guilty of using false information to purchase a pseudoephedrine 3348
product or ephedrine product, a delinquent act that would be a 3349
misdemeanor of the first degree if it could be committed by an 3350
adult. 3351

(I) Whoever violates division (E) of this section is 3352
guilty of improper purchase of a pseudoephedrine product or 3353
ephedrine product, a misdemeanor of the fourth degree. 3354

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3355
of this section, no retailer or terminal distributor of 3356
dangerous drugs or an employee of a retailer or terminal 3357
distributor of dangerous drugs shall knowingly sell, offer to 3358

sell, hold for sale, deliver, or otherwise provide to any 3359
individual an amount of pseudoephedrine product or ephedrine 3360
product that is greater than either of the following: 3361

(a) Three and ~~sixtenths~~ six-tenths grams within a period 3362
of a single day; 3363

(b) Nine grams within a period of thirty consecutive days. 3364

The maximum amounts specified in divisions (A) (1) (a) and 3365
(b) of this section apply to the total amount of base 3366
pseudoephedrine or base ephedrine in the pseudoephedrine product 3367
or ephedrine product, respectively. The maximum amounts do not 3368
apply to the product's overall weight. 3369

(2) (a) Division (A) (1) of this section does not apply to 3370
any quantity of pseudoephedrine product or ephedrine product 3371
dispensed by a pharmacist pursuant to a valid prescription 3372
issued by a licensed health professional authorized to prescribe 3373
drugs if the conduct of the pharmacist and the licensed health 3374
professional authorized to prescribe drugs is in accordance with 3375
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3376
4772. of the Revised Code. 3377

(b) It is not a violation of division (A) (1) of this 3378
section for a retailer, terminal distributor of dangerous drugs, 3379
or employee of either to provide to an individual more than an 3380
amount of pseudoephedrine product or ephedrine product specified 3381
in division (A) (1) (a) or (b) of this section under either of the 3382
following circumstances: 3383

(i) The individual is an employee of the retailer or 3384
terminal distributor of dangerous drugs, and the employee 3385
receives or accepts from the retailer, terminal distributor of 3386
dangerous drugs, or employee the pseudoephedrine product or 3387

ephedrine product in a sealed container in connection with 3388
manufacturing, warehousing, placement, stocking, bagging, 3389
loading, or unloading of the product; 3390

(ii) A stop-sale alert is generated after the submission 3391
of information to the national precursor log exchange under the 3392
conditions described in division (A) (2) of section 3715.052 of 3393
the Revised Code. 3394

(B) (1) Except as provided in division (B) (2) of this 3395
section, no retailer or terminal distributor of dangerous drugs 3396
or an employee of a retailer or terminal distributor of 3397
dangerous drugs shall sell, offer to sell, hold for sale, 3398
deliver, or otherwise provide a pseudoephedrine product or 3399
ephedrine product to an individual who is under eighteen years 3400
of age. 3401

(2) Division (B) (1) of this section does not apply to any 3402
of the following: 3403

(a) A licensed health professional authorized to prescribe 3404
drugs or pharmacist who dispenses, sells, or otherwise provides 3405
a pseudoephedrine product or ephedrine product to an individual 3406
under eighteen years of age and whose conduct is in accordance 3407
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~ 3408
or 4772. of the Revised Code; 3409

(b) A parent or guardian of an individual under eighteen 3410
years of age who provides a pseudoephedrine product or ephedrine 3411
product to the individual; 3412

(c) A person who, as authorized by the individual's parent 3413
or guardian, dispenses, sells, or otherwise provides a 3414
pseudoephedrine product or ephedrine product to an individual 3415
under eighteen years of age; 3416

(d) The provision by a retailer, terminal distributor of 3417
dangerous drugs, or employee of either of a pseudoephedrine 3418
product or ephedrine product in a sealed container to an 3419
employee of the retailer or terminal distributor of dangerous 3420
drugs who is under eighteen years of age in connection with 3421
manufacturing, warehousing, placement, stocking, bagging, 3422
loading, or unloading of the product. 3423

(C) No retailer or terminal distributor of dangerous drugs 3424
shall fail to comply with the requirements of division (A) of 3425
section 3715.051 or division (A) (2) of section 3715.052 of the 3426
Revised Code. 3427

(D) No retailer or terminal distributor of dangerous drugs 3428
shall fail to comply with the requirements of division (A) (1) of 3429
section 3715.052 of the Revised Code. 3430

(E) Whoever violates division (A) (1) of this section is 3431
guilty of unlawfully selling a pseudoephedrine product or 3432
ephedrine product, a misdemeanor of the first degree. 3433

(F) Whoever violates division (B) (1) of this section is 3434
guilty of unlawfully selling a pseudoephedrine product or 3435
ephedrine product to a minor, a misdemeanor of the fourth 3436
degree. 3437

(G) Whoever violates division (C) of this section is 3438
guilty of improper sale of a pseudoephedrine product or 3439
ephedrine product, a misdemeanor of the second degree. 3440

(H) Whoever violates division (D) of this section is 3441
guilty of failing to submit information to the national 3442
precursor log exchange, a misdemeanor for which the offender 3443
shall be fined not more than one thousand dollars per violation. 3444

Sec. 2929.42. (A) The prosecutor in any case against any 3445

person licensed, certified, registered, or otherwise authorized 3446
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3447
4731., 4734., ~~or 4741.~~ or 4772. of the Revised Code shall 3448
notify the appropriate licensing board, on forms provided by the 3449
board, of any of the following regarding the person: 3450

(1) A plea of guilty to, or a conviction of, a felony, or 3451
a court order dismissing a felony charge on technical or 3452
procedural grounds; 3453

(2) A plea of guilty to, or a conviction of, a misdemeanor 3454
committed in the course of practice or in the course of 3455
business, or a court order dismissing such a misdemeanor charge 3456
on technical or procedural grounds; 3457

(3) A plea of guilty to, or a conviction of, a misdemeanor 3458
involving moral turpitude, or a court order dismissing such a 3459
charge on technical or procedural grounds. 3460

(B) The report required by division (A) of this section 3461
shall include the name and address of the person, the nature of 3462
the offense, and certified copies of court entries in the 3463
action. 3464

Sec. 3701.048. (A) As used in this section: 3465

(1) "Board of health" means the board of health of a city 3466
or general health district or the authority having the duties of 3467
a board of health under section 3709.05 of the Revised Code. 3468

(2) "Controlled substance" has the same meaning as in 3469
section 3719.01 of the Revised Code. 3470

(3) "Drug," "dangerous drug," and "licensed health 3471
professional authorized to prescribe drugs" have the same 3472
meanings as in section 4729.01 of the Revised Code. 3473

(4) "Registered volunteer" has the same meaning as in 3474
section 5502.281 of the Revised Code. 3475

(B) In consultation with the appropriate professional 3476
regulatory boards of this state, the director of health shall 3477
develop one or more protocols that authorize the following 3478
individuals to administer, deliver, or distribute drugs, other 3479
than schedule II and III controlled substances, during a period 3480
of time described in division (E) of this section, 3481
notwithstanding any statute or rule that otherwise prohibits or 3482
restricts the administration, delivery, or distribution of drugs 3483
by those individuals: 3484

(1) A physician authorized under Chapter 4731. of the 3485
Revised Code to practice medicine and surgery, osteopathic 3486
medicine and surgery, or podiatric medicine and surgery; 3487

(2) A physician assistant licensed under Chapter 4730. of 3488
the Revised Code; 3489

(3) A dentist or dental hygienist licensed under Chapter 3490
4715. of the Revised Code; 3491

(4) A registered nurse licensed under Chapter 4723. of the 3492
Revised Code, including an advanced practice registered nurse, 3493
as defined in section 4723.01 of the Revised Code; 3494

(5) A licensed practical nurse licensed under Chapter 3495
4723. of the Revised Code; 3496

(6) An optometrist licensed under Chapter 4725. of the 3497
Revised Code; 3498

(7) A pharmacist or pharmacy intern licensed under Chapter 3499
4729. of the Revised Code; 3500

(8) A respiratory care professional licensed under Chapter 3501

4761. of the Revised Code; 3502

(9) An emergency medical technician-basic, emergency 3503
medical technician-intermediate, or emergency medical 3504
technician-paramedic who holds a certificate to practice issued 3505
under Chapter 4765. of the Revised Code; 3506

(10) A veterinarian licensed under Chapter 4741. of the 3507
Revised Code; 3508

(11) A certified mental health assistant licensed under 3509
Chapter 4772. of the Revised Code. 3510

(C) In consultation with the executive director of the 3511
emergency management agency, the director of health shall 3512
develop one or more protocols that authorize employees of boards 3513
of health and registered volunteers to deliver or distribute 3514
drugs, other than schedule II and III controlled substances, 3515
during a period of time described in division (E) of this 3516
section, notwithstanding any statute or rule that otherwise 3517
prohibits or restricts the delivery or distribution of drugs by 3518
those individuals. 3519

(D) In consultation with the state board of pharmacy, the 3520
director of health shall develop one or more protocols that 3521
authorize pharmacists and pharmacy interns to dispense, during a 3522
period of time described in division (E) of this section, 3523
limited quantities of dangerous drugs, other than schedule II 3524
and III controlled substances, without a written, oral, or 3525
electronic prescription from a licensed health professional 3526
authorized to prescribe drugs or without a record of a 3527
prescription, notwithstanding any statute or rule that otherwise 3528
prohibits or restricts the dispensing of drugs without a 3529
prescription or record of a prescription. 3530

(E) On the governor's declaration of an emergency that 3531
affects the public health, the director of health may issue an 3532
order to implement one or more of the protocols developed 3533
pursuant to division (B), (C), or (D) of this section. At a 3534
minimum, the director's order shall identify the one or more 3535
protocols to be implemented and the period of time during which 3536
the one or more protocols are to be effective. 3537

(F) (1) An individual who administers, delivers, 3538
distributes, or dispenses a drug or dangerous drug in accordance 3539
with one or more of the protocols implemented under division (E) 3540
of this section is not liable for damages in any civil action 3541
unless the individual's acts or omissions in performing those 3542
activities constitute willful or wanton misconduct. 3543

(2) An individual who administers, delivers, distributes, 3544
or dispenses a drug or dangerous drug in accordance with one or 3545
more of the protocols implemented under division (E) of this 3546
section is not subject to criminal prosecution or professional 3547
disciplinary action under any chapter in Title XLVII of the 3548
Revised Code. 3549

Sec. 3701.74. (A) As used in this section and section 3550
3701.741 of the Revised Code: 3551

(1) "Ambulatory care facility" means a facility that 3552
provides medical, diagnostic, or surgical treatment to patients 3553
who do not require hospitalization, including a dialysis center, 3554
ambulatory surgical facility, cardiac catheterization facility, 3555
diagnostic imaging center, extracorporeal shock wave lithotripsy 3556
center, home health agency, inpatient hospice, birthing center, 3557
radiation therapy center, emergency facility, and an urgent care 3558
center. "Ambulatory care facility" does not include the private 3559
office of a physician or dentist, whether the office is for an 3560

individual or group practice.	3561
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	3562 3563
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	3564 3565 3566
(4) "Health care practitioner" means all of the following:	3567
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	3568 3569
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	3570 3571
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	3572 3573
(d) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	3574 3575 3576
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	3577 3578
(f) A physician;	3579
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3580 3581
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3582 3583
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3584 3585
(j) A chiropractor;	3586

(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3587 3588
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3589 3590
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3591 3592
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3593 3594
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3595 3596 3597 3598 3599
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3600 3601
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	3602 3603
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	3604 3605 3606 3607
<u>(s) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3608 3609
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	3610 3611 3612
(6) "Hospital" has the same meaning as in section 3727.01	3613

of the Revised Code. 3614

(7) "Long-term care facility" means a nursing home, 3615
residential care facility, or home for the aging, as those terms 3616
are defined in section 3721.01 of the Revised Code; a 3617
residential facility licensed under section 5119.34 of the 3618
Revised Code that provides accommodations, supervision, and 3619
personal care services for three to sixteen unrelated adults; a 3620
nursing facility, as defined in section 5165.01 of the Revised 3621
Code; a skilled nursing facility, as defined in section 5165.01 3622
of the Revised Code; and an intermediate care facility for 3623
individuals with intellectual disabilities, as defined in 3624
section 5124.01 of the Revised Code. 3625

(8) "Medical record" means data in any form that pertains 3626
to a patient's medical history, diagnosis, prognosis, or medical 3627
condition and that is generated and maintained by a health care 3628
provider in the process of the patient's health care treatment. 3629

(9) "Medical records company" means a person who stores, 3630
locates, or copies medical records for a health care provider, 3631
or is compensated for doing so by a health care provider, and 3632
charges a fee for providing medical records to a patient or 3633
patient's representative. 3634

(10) "Patient" means either of the following: 3635

(a) An individual who received health care treatment from 3636
a health care provider; 3637

(b) A guardian, as defined in section 1337.11 of the 3638
Revised Code, of an individual described in division (A) (10) (a) 3639
of this section. 3640

(11) "Patient's personal representative" means a minor 3641
patient's parent or other person acting in loco parentis, a 3642

court-appointed guardian, or a person with durable power of 3643
attorney for health care for a patient, the executor or 3644
administrator of the patient's estate, or the person responsible 3645
for the patient's estate if it is not to be probated. "Patient's 3646
personal representative" does not include an insurer authorized 3647
under Title XXXIX of the Revised Code to do the business of 3648
sickness and accident insurance in this state, a health insuring 3649
corporation holding a certificate of authority under Chapter 3650
1751. of the Revised Code, or any other person not named in this 3651
division. 3652

(12) "Pharmacy" has the same meaning as in section 4729.01 3653
of the Revised Code. 3654

(13) "Physician" means a person authorized under Chapter 3655
4731. of the Revised Code to practice medicine and surgery, 3656
osteopathic medicine and surgery, or podiatric medicine and 3657
surgery. 3658

(14) "Authorized person" means a person to whom a patient 3659
has given written authorization to act on the patient's behalf 3660
regarding the patient's medical record. 3661

(B) A patient, a patient's personal representative, or an 3662
authorized person who wishes to examine or obtain a copy of part 3663
or all of a medical record shall submit to the health care 3664
provider a written request signed by the patient, personal 3665
representative, or authorized person dated not more than one 3666
year before the date on which it is submitted. The request shall 3667
indicate whether the copy is to be sent to the requestor, 3668
physician or chiropractor, or held for the requestor at the 3669
office of the health care provider. Within a reasonable time 3670
after receiving a request that meets the requirements of this 3671
division and includes sufficient information to identify the 3672

record requested, a health care provider that has the patient's 3673
medical records shall permit the patient to examine the record 3674
during regular business hours without charge or, on request, 3675
shall provide a copy of the record in accordance with section 3676
3701.741 of the Revised Code, except that if a physician, 3677
psychologist, licensed professional clinical counselor, licensed 3678
professional counselor, independent social worker, social 3679
worker, independent marriage and family therapist, marriage and 3680
family therapist, or chiropractor who has treated the patient 3681
determines for clearly stated treatment reasons that disclosure 3682
of the requested record is likely to have an adverse effect on 3683
the patient, the health care provider shall provide the record 3684
to a physician, psychologist, licensed professional clinical 3685
counselor, licensed professional counselor, independent social 3686
worker, social worker, independent marriage and family 3687
therapist, marriage and family therapist, or chiropractor 3688
designated by the patient. The health care provider shall take 3689
reasonable steps to establish the identity of the person making 3690
the request to examine or obtain a copy of the patient's record. 3691

(C) If a health care provider fails to furnish a medical 3692
record as required by division (B) of this section, the patient, 3693
personal representative, or authorized person who requested the 3694
record may bring a civil action to enforce the patient's right 3695
of access to the record. 3696

(D) (1) This section does not apply to medical records 3697
whose release is covered by section 173.20 or 3721.13 of the 3698
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3699
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3700
Abuse Patient Records," or by 42 C.F.R. 483.10. 3701

(2) Nothing in this section is intended to supersede the 3702

confidentiality provisions of sections 2305.24, 2305.25, 3703
2305.251, and 2305.252 of the Revised Code. 3704

Sec. 3709.161. (A) The board of health of a city or 3705
general health district may procure a policy or policies of 3706
insurance insuring the members of the board, the health 3707
commissioner, and the employees of the board against liability 3708
on account of damage or injury to persons and property resulting 3709
from any act or omission that occurs in the individual's 3710
official capacity as a member or employee of the board or 3711
resulting solely out of such membership or employment. 3712

(B) (1) As used in this division, "health care 3713
professional" means all of the following: 3714

(a) A dentist or dental hygienist licensed under Chapter 3715
4715. of the Revised Code; 3716

(b) A registered nurse or licensed practical nurse 3717
licensed under Chapter 4723. of the Revised Code; 3718

(c) A person licensed under Chapter 4729. of the Revised 3719
Code to practice as a pharmacist; 3720

(d) A person authorized under Chapter 4730. of the Revised 3721
Code to practice as a physician assistant; 3722

(e) A person authorized under Chapter 4731. of the Revised 3723
Code to practice medicine and surgery, osteopathic medicine and 3724
surgery, or podiatry; 3725

(f) A psychologist licensed under Chapter 4732. of the 3726
Revised Code; 3727

(g) A veterinarian licensed under Chapter 4741. of the 3728
Revised Code; 3729

(h) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3730 3731
(i) An occupational therapist, physical therapist, physical therapist assistant, or athletic trainer licensed under Chapter 4755. of the Revised Code;	3732 3733 3734
(j) A licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker licensed under Chapter 4757. of the Revised Code;	3735 3736 3737
(k) A dietitian licensed under Chapter 4759. of the Revised Code;	3738 3739
<u>(l) A certified mental health assistant licensed under Chapter 4772. of the Revised Code.</u>	3740 3741
(2) The board of health of a city or general health district may purchase liability insurance for a health care professional with whom the board contracts for the provision of health care services against liability on account of damage or injury to persons and property arising from the health care professional's performance of services under the contract. The policy shall be purchased from an insurance company licensed to do business in this state, if such a policy is available from such a company. The board of health of a city or general health district shall report the cost of the liability insurance policy and subsequent increases in the cost to the director of health on a form prescribed by the director.	3742 3743 3744 3745 3746 3747 3748 3749 3750 3751 3752 3753
Sec. 3715.50. (A) As used in this section and in sections 3715.501 to 3715.505 of the Revised Code:	3754 3755
(1) "Advanced practice registered nurse" means an individual who holds a current, valid license issued under Chapter 4723. of the Revised Code and is designated as a	3756 3757 3758

clinical nurse specialist, certified nurse-midwife, or certified
nurse practitioner. 3759
3760

(2) "Overdose reversal drug" has the same meaning as in 3761
section 4729.01 of the Revised Code. 3762

(3) "Pharmacist" means an individual licensed under 3763
Chapter 4729. of the Revised Code to practice as a pharmacist. 3764

(4) "Pharmacy intern" means an individual licensed under 3765
Chapter 4729. of the Revised Code to practice as a pharmacy 3766
intern. 3767

(5) "Physician" means an individual authorized under 3768
Chapter 4731. of the Revised Code to practice medicine and 3769
surgery, osteopathic medicine and surgery, or podiatric medicine 3770
and surgery. 3771

(6) "Physician assistant" means an individual who is 3772
licensed under Chapter 4730. of the Revised Code, holds a valid 3773
prescriber number issued by the state medical board, and has 3774
been granted physician-delegated prescriptive authority. 3775

(7) "Certified mental health assistant" means an 3776
individual who is licensed under Chapter 4772. of the Revised 3777
Code and has been granted physician-delegated prescriptive 3778
authority. 3779

(B) Notwithstanding any conflicting provision of the 3780
Revised Code, any person or government entity may purchase, 3781
possess, distribute, dispense, personally furnish, sell, or 3782
otherwise obtain or provide an overdose reversal drug, which 3783
includes any instrument or device used to administer the drug, 3784
if all of the following conditions are met: 3785

(1) The overdose reversal drug is in its original 3786

manufacturer's packaging. 3787

(2) The overdose reversal drug's packaging contains the 3788
manufacturer's instructions for use. 3789

(3) The overdose reversal drug is stored in accordance 3790
with the manufacturer's or distributor's instructions. 3791

(C) In addition to actions authorized by division (B) of 3792
this section, any person or government entity may obtain and 3793
maintain a supply of an overdose reversal drug for either or 3794
both of the following purposes: for use in an emergency 3795
situation and for distribution through an automated mechanism. 3796

(1) In the case of a supply of an overdose reversal drug 3797
obtained and maintained for use in an emergency situation, a 3798
person or government entity shall do all of the following: 3799

(a) Provide to any individual who accesses the supply 3800
instructions regarding emergency administration of the drug, 3801
including a specific instruction to summon emergency services as 3802
necessary; 3803

(b) Establish a process for replacing within a reasonable 3804
time period any overdose reversal drug that has been accessed; 3805

(c) Store the overdose reversal drug in accordance with 3806
the manufacturer's or distributor's instructions. 3807

(2) In the case of a supply of an overdose reversal drug 3808
obtained and maintained for distribution through an automated 3809
mechanism, a person or government entity shall do all of the 3810
following: 3811

(a) Ensure that the mechanism is securely fastened to a 3812
permanent structure or is of an appropriate size and weight to 3813
reasonably prevent it from being removed from its intended 3814

location; 3815

(b) Provide to any individual who accesses the supply 3816
instructions regarding emergency administration of the drug, 3817
including a specific instruction to summon emergency services as 3818
necessary; 3819

(c) Develop a process for monitoring and replenishing the 3820
supply maintained in the automated mechanism; 3821

(d) Store the overdose reversal drug in accordance with 3822
the manufacturer's or distributor's instructions. 3823

(D) If the authority granted by division (B) or (C) of 3824
this section is exercised in good faith, the following 3825
immunities apply: 3826

(1) The person or government entity exercising the 3827
authority is not subject to administrative action or criminal 3828
prosecution and is not liable for damages in a civil action for 3829
injury, death, or loss to person or property for an act or 3830
omission that arises from exercising that authority. 3831

(2) After an overdose reversal drug has been dispensed or 3832
personally furnished, the person or government entity is not 3833
liable for or subject to any of the following for any act or 3834
omission of the individual to whom the drug is dispensed or 3835
personally furnished: damages in any civil action, prosecution 3836
in any criminal proceeding, or professional disciplinary action. 3837

(E) (1) This section does not affect any other authority to 3838
issue a prescription for, or personally furnish a supply of, an 3839
overdose reversal drug. 3840

(2) This section does not eliminate, limit, or reduce any 3841
other immunity or defense that a person or government entity may 3842

be entitled to under section 9.86, Chapter 2744., section 3843
4765.49, or any other provision of the Revised Code or the 3844
common law of this state. 3845

Sec. 3715.501. (A) Notwithstanding any conflicting 3846
provision of the Revised Code or of any rule adopted by the 3847
state board of pharmacy, state medical board, or board of 3848
nursing, both of the following apply: 3849

(1) A physician, physician assistant, ~~or~~ advanced practice 3850
registered nurse, or certified mental health assistant may issue 3851
a prescription for an overdose reversal drug, or personally 3852
furnish a supply of the drug, without having examined the 3853
individual to whom it may be administered. The physician, 3854
physician assistant, ~~or~~ advanced practice registered nurse, or 3855
certified mental health assistant exercising this authority 3856
shall provide, to the individual receiving the prescription or 3857
supply, instructions regarding the emergency administration of 3858
the drug, including a specific instruction to summon emergency 3859
services as necessary. 3860

(2) In the event that a prescription for an overdose 3861
reversal drug does not include the name of the individual to 3862
whom the drug may be administered, a pharmacist or pharmacy 3863
intern may dispense the drug to the individual who received the 3864
prescription. 3865

(B) (1) A physician, physician assistant, ~~or~~ advanced 3866
practice registered nurse, or certified mental health assistant 3867
who in good faith exercises the authority conferred by division 3868
(A) (1) of this section is not liable for or subject to any of 3869
the following for any act or omission of the individual to whom 3870
a prescription for an overdose reversal drug is issued or the 3871
supply of such a drug is furnished: damages in any civil action, 3872

prosecution in any criminal proceeding, or professional 3873
disciplinary action. 3874

(2) A pharmacist or pharmacy intern who in good faith 3875
exercises the authority conferred by division (A)(2) of this 3876
section is not liable for or subject to any of the following: 3877
damages in any civil action, prosecution in any criminal 3878
proceeding, or professional disciplinary action. 3879

Sec. 3715.502. (A) A physician, physician assistant, ~~or~~ 3880
advanced practice registered nurse, or certified mental health 3881
assistant may authorize one or more pharmacists and any of the 3882
pharmacy interns supervised by the one or more pharmacists to 3883
use a protocol developed pursuant to rules adopted under this 3884
section for the purpose of dispensing overdose reversal drugs. 3885
If use of the protocol has been authorized, a pharmacist or 3886
pharmacy intern may dispense overdose reversal drugs without a 3887
prescription to either of the following in accordance with that 3888
protocol: 3889

(1) An individual who there is reason to believe is 3890
experiencing or at risk of experiencing an opioid-related 3891
overdose; 3892

(2) A family member, friend, or other individual in a 3893
position to assist an individual who there is reason to believe 3894
is at risk of experiencing an opioid-related overdose. 3895

(B) A pharmacist or pharmacy intern who dispenses overdose 3896
reversal drugs under this section shall instruct the individual 3897
to whom the drugs are dispensed to summon emergency services as 3898
soon as practicable either before or after administering the 3899
drugs. 3900

(C) A pharmacist may document on a prescription form the 3901

dispensing of overdose reversal drugs by the pharmacist or a 3902
pharmacy intern supervised by the pharmacist. The form may be 3903
assigned a number for recordkeeping purposes. 3904

(D) This section does not affect the authority of a 3905
pharmacist or pharmacy intern to fill or refill a prescription 3906
for overdose reversal drugs. 3907

(E) A physician, physician assistant, ~~or~~ advanced practice 3908
registered nurse, or certified mental health assistant who in 3909
good faith authorizes a pharmacist or pharmacy intern to 3910
dispense overdose reversal drugs without a prescription, as 3911
provided in this section, is not liable for or subject to any of 3912
the following for any act or omission of the individual to whom 3913
the drugs are dispensed: damages in any civil action, 3914
prosecution in any criminal proceeding, or professional 3915
disciplinary action. 3916

A pharmacist or pharmacy intern authorized under this 3917
section to dispense overdose reversal drugs without a 3918
prescription who does so in good faith is not liable for or 3919
subject to any of the following for any act or omission of the 3920
individual to whom the drugs are dispensed: damages in any civil 3921
action, prosecution in any criminal proceeding, or professional 3922
disciplinary action. 3923

(F) The state board of pharmacy, after consulting with the 3924
state medical board and board of nursing, shall adopt rules to 3925
implement this section. The rules shall specify a protocol under 3926
which pharmacists or pharmacy interns may dispense overdose 3927
reversal drugs without a prescription. 3928

All rules adopted under this section shall be adopted in 3929
accordance with Chapter 119. of the Revised Code. 3930

(G) (1) The state board of pharmacy shall develop a program 3931
to educate all of the following about the authority of a 3932
pharmacist or pharmacy intern to dispense overdose reversal 3933
drugs without a prescription: 3934

(a) Holders of licenses issued under Chapter 4729. of the 3935
Revised Code that engage in the sale or dispensing of overdose 3936
reversal drugs pursuant to this section; 3937

(b) Registered pharmacy technicians, certified pharmacy 3938
technicians, and pharmacy technician trainees registered under 3939
Chapter 4729. of the Revised Code who engage in the sale of 3940
overdose reversal drugs pursuant to this section; 3941

(c) Individuals who are not licensed or registered under 3942
Chapter 4729. of the Revised Code but are employed by license 3943
holders described in division (G) (1) (a) of this section. 3944

(2) As part of the program, the board also shall educate 3945
the license holders, pharmacy technicians, and employees 3946
described in division (G) (1) of this section about maintaining 3947
an adequate supply of overdose reversal drugs and methods for 3948
determining a pharmacy's stock of such drugs. 3949

(3) The board may use its web site to share information 3950
under the program. 3951

Sec. 3715.503. (A) In addition to the actions authorized 3952
by section 3715.50 of the Revised Code and subject to division 3953
(B) of this section, a physician, physician assistant, ~~or~~ 3954
advanced practice registered nurse, or certified mental health 3955
assistant may elect to establish a protocol authorizing any 3956
individual to personally furnish a supply of an overdose 3957
reversal drug to another individual pursuant to the protocol. A 3958
person authorized to personally furnish an overdose reversal 3959

drug pursuant to the protocol may do so without having examined 3960
the individual to whom the drug may be administered. 3961

(B) A protocol established by a physician, physician 3962
assistant, ~~or~~ advanced practice registered nurse, or certified 3963
mental health assistant for purposes of this section shall 3964
include all of the following: 3965

(1) Any limitations to be applied concerning the 3966
individuals to whom the overdose reversal drug may be personally 3967
furnished; 3968

(2) The overdose reversal drug dosage that may be 3969
personally furnished and any variation in the dosage based on 3970
circumstances specified in the protocol; 3971

(3) Any labeling, storage, recordkeeping, and 3972
administrative requirements; 3973

(4) Training requirements that must be met before a person 3974
will be authorized to personally furnish overdose reversal 3975
drugs; 3976

(5) Any instructions or training that the authorized 3977
person must provide to an individual to whom an overdose 3978
reversal drug is personally furnished. 3979

(C) A physician, physician assistant, ~~or~~ advanced practice 3980
registered nurse, or certified mental health assistant who in 3981
good faith authorizes an individual to personally furnish a 3982
supply of an overdose reversal drug in accordance with a 3983
protocol established under this section, and an individual who 3984
in good faith personally furnishes a supply under that 3985
authority, is not liable for or subject to any of the following 3986
for any act or omission of the individual to whom the overdose 3987
reversal drug is personally furnished: damages in any civil 3988

action, prosecution in any criminal proceeding, or professional disciplinary action.	3989 3990
Sec. 3715.872. (A) As used in this section, "health care professional" means any of the following who provide medical, dental, or other health-related diagnosis, care, or treatment:	3991 3992 3993
(1) Individuals authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;	3994 3995 3996
(2) Registered nurses and licensed practical nurses licensed under Chapter 4723. of the Revised Code;	3997 3998
(3) Physician assistants licensed under Chapter 4730. of the Revised Code;	3999 4000
(4) Dentists and dental hygienists licensed under Chapter 4715. of the Revised Code;	4001 4002
(5) Optometrists licensed under Chapter 4725. of the Revised Code;	4003 4004
(6) Pharmacists licensed under Chapter 4729. of the Revised Code;	4005 4006
<u>(7) Certified mental health assistants licensed under Chapter 4772. of the Revised Code.</u>	4007 4008
(B) For matters related to activities conducted under the drug repository program, all of the following apply:	4009 4010
(1) A pharmacy, drug manufacturer, health care facility, or other person or government entity that donates or gives drugs to the program, and any person or government entity that facilitates the donation or gift, shall not be subject to liability in tort or other civil action for injury, death, or	4011 4012 4013 4014 4015

loss to person or property. 4016

(2) A pharmacy, hospital, or nonprofit clinic that accepts 4017
or distributes drugs under the program shall not be subject to 4018
liability in tort or other civil action for injury, death, or 4019
loss to person or property, unless an action or omission of the 4020
pharmacy, hospital, or nonprofit clinic constitutes willful and 4021
wanton misconduct. 4022

(3) A health care professional who accepts, dispenses, or 4023
personally furnishes drugs under the program on behalf of a 4024
pharmacy, hospital, or nonprofit clinic participating in the 4025
program, and the pharmacy, hospital, or nonprofit clinic that 4026
employs or otherwise uses the services of the health care 4027
professional, shall not be subject to liability in tort or other 4028
civil action for injury, death, or loss to person or property, 4029
unless an action or omission of the health care professional, 4030
pharmacy, hospital, or nonprofit clinic constitutes willful and 4031
wanton misconduct. 4032

(4) The state board of pharmacy shall not be subject to 4033
liability in tort or other civil action for injury, death, or 4034
loss to person or property, unless an action or omission of the 4035
board constitutes willful and wanton misconduct. 4036

(5) In addition to the civil immunity granted under 4037
division (B)(1) of this section, a pharmacy, drug manufacturer, 4038
health care facility, or other person or government entity that 4039
donates or gives drugs to the program, and any person or 4040
government entity that facilitates the donation or gift, shall 4041
not be subject to criminal prosecution for matters related to 4042
activities that it conducts or another party conducts under the 4043
program, unless an action or omission of the party that donates, 4044
gives, or facilitates the donation or gift of the drugs does not 4045

comply with the provisions of this chapter or the rules adopted 4046
under it. 4047

(6) In the case of a drug manufacturer, the immunities 4048
from civil liability and criminal prosecution granted to another 4049
party under divisions (B) (1) and (5) of this section extend to 4050
the manufacturer when any drug it manufactures is the subject of 4051
an activity conducted under the program. This extension of 4052
immunities includes, but is not limited to, immunity from 4053
liability or prosecution for failure to transfer or communicate 4054
product or consumer information or the expiration date of a drug 4055
that is donated or given. 4056

Sec. 3719.06. (A) (1) A licensed health professional 4057
authorized to prescribe drugs, if acting in the course of 4058
professional practice, in accordance with the laws regulating 4059
the professional's practice, and in accordance with rules 4060
adopted by the state board of pharmacy, may, except as provided 4061
in division (A) (2) ~~or, (3), or (4)~~ of this section, do the 4062
following: 4063

(a) Prescribe schedule II, III, IV, and V controlled 4064
substances; 4065

(b) Administer or personally furnish to patients schedule 4066
II, III, IV, and V controlled substances; 4067

(c) Cause schedule II, III, IV, and V controlled 4068
substances to be administered under the prescriber's direction 4069
and supervision. 4070

(2) A licensed health professional authorized to prescribe 4071
drugs who is a clinical nurse specialist, certified nurse- 4072
midwife, or certified nurse practitioner is subject to both of 4073
the following: 4074

(a) A schedule II controlled substance may be prescribed 4075
only in accordance with division (C) of section 4723.481 of the 4076
Revised Code. 4077

(b) No schedule II controlled substance shall be 4078
personally furnished to any patient. 4079

(3) A licensed health professional authorized to prescribe 4080
drugs who is a physician assistant is subject to all of the 4081
following: 4082

(a) A controlled substance may be prescribed or personally 4083
furnished only if it is included in the physician-delegated 4084
prescriptive authority granted to the physician assistant in 4085
accordance with Chapter 4730. of the Revised Code. 4086

(b) A schedule II controlled substance may be prescribed 4087
only in accordance with division (B)(4) of section 4730.41 and 4088
section 4730.411 of the Revised Code. 4089

(c) No schedule II controlled substance shall be 4090
personally furnished to any patient. 4091

(4) A licensed health professional authorized to prescribe 4092
drugs who is a certified mental health assistant is subject to 4093
both of the following: 4094

(a) A controlled substance may be prescribed or personally 4095
furnished only in accordance with sections 4772.12 and 4772.13 4096
of the Revised Code. 4097

(b) No schedule II controlled substance shall be 4098
personally furnished to any patient. 4099

(B) No licensed health professional authorized to 4100
prescribe drugs shall prescribe, administer, or personally 4101
furnish a schedule III anabolic steroid for the purpose of human 4102

muscle building or enhancing human athletic performance and no 4103
pharmacist shall dispense a schedule III anabolic steroid for 4104
either purpose, unless it has been approved for that purpose 4105
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 4106
(1938), 21 U.S.C.A. 301, as amended. 4107

(C) When issuing a prescription for a schedule II 4108
controlled substance, a licensed health professional authorized 4109
to prescribe drugs shall do so only upon an electronic 4110
prescription, except that the prescriber may issue a written 4111
prescription if any of the following apply: 4112

(1) A temporary technical, electrical, or broadband 4113
failure occurs preventing the prescriber from issuing an 4114
electronic prescription. 4115

(2) The prescription is issued for a nursing home resident 4116
or hospice care patient. 4117

(3) The prescriber is employed by or under contract with 4118
the same entity that operates the pharmacy. 4119

(4) The prescriber determines that an electronic 4120
prescription cannot be issued in a timely manner and the 4121
patient's medical condition is at risk. 4122

(5) The prescriber issues the prescription from a health 4123
care facility, which may include an emergency department, and 4124
reasonably determines that an electronic prescription would be 4125
impractical for the patient or would cause a delay that may 4126
adversely impact the patient's medical condition. 4127

(6) The prescriber issues per year not more than fifty 4128
prescriptions for schedule II controlled substances. 4129

(7) The prescriber is a veterinarian licensed under 4130

Chapter 4741. of the Revised Code.	4131
(D) Each written or electronic prescription for a	4132
controlled substance shall be properly executed, dated, and	4133
signed by the prescriber on the day when issued and shall bear	4134
the full name and address of the person for whom, or the owner	4135
of the animal for which, the controlled substance is prescribed	4136
and the full name, address, and registry number under the	4137
federal drug abuse control laws of the prescriber. If the	4138
prescription is for an animal, it shall state the species of the	4139
animal for which the controlled substance is prescribed.	4140
Sec. 3719.064. (A) As used in this section:	4141
(1) "Medication-assisted treatment" has the same meaning	4142
as in section 340.01 of the Revised Code.	4143
(2) "Prescriber" means any of the following:	4144
(a) An advanced practice registered nurse who holds a	4145
current, valid license issued under Chapter 4723. of the Revised	4146
Code and is designated as a clinical nurse specialist, certified	4147
nurse-midwife, or certified nurse practitioner;	4148
(b) A physician authorized under Chapter 4731. of the	4149
Revised Code to practice medicine and surgery or osteopathic	4150
medicine and surgery;	4151
(c) A physician assistant who is licensed under Chapter	4152
4730. of the Revised Code, holds a valid prescriber number	4153
issued by the state medical board, and has been granted	4154
physician-delegated prescriptive authority;	4155
<u>(d) A certified mental health assistant who is licensed</u>	4156
<u>under Chapter 4772. of the Revised Code and has been granted</u>	4157
<u>physician-delegated prescriptive authority by the physician</u>	4158

supervising the certified mental health assistant. 4159

(3) "Qualifying practitioner" has the same meaning as in 4160
section 303(g) (2) (G) (iii) of the "Controlled Substances Act of 4161
1970," 21 U.S.C. 823(g) (2) (G) (iii), as amended. 4162

(B) Before initiating medication-assisted treatment, a 4163
prescriber shall give the patient or the patient's 4164
representative information about all drugs approved by the 4165
United States food and drug administration for use in 4166
medication-assisted treatment. The information must be provided 4167
both orally and in writing. The prescriber or the prescriber's 4168
delegate shall note in the patient's medical record when this 4169
information was provided and make the record available to 4170
employees of the board of nursing or state medical board on 4171
their request. 4172

If the prescriber is not a qualifying practitioner and the 4173
patient's choice is opioid treatment and the prescriber 4174
determines that such treatment is clinically appropriate and 4175
meets generally accepted standards of medicine, the prescriber 4176
shall refer the patient to an opioid treatment program licensed 4177
under section 5119.37 of the Revised Code or a qualifying 4178
practitioner. The prescriber or the prescriber's delegate shall 4179
make a notation in the patient's medical record naming the 4180
program or practitioner to whom the patient was referred and 4181
specifying when the referral was made. 4182

Sec. 3719.121. (A) Except as otherwise provided in section 4183
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or 4734.41, or~~ 4184
4772.20 of the Revised Code, the license, certificate, or 4185
registration of any dentist, chiropractor, physician, 4186
podiatrist, registered nurse, advanced practice registered 4187
nurse, licensed practical nurse, physician assistant, 4188

pharmacist, pharmacy intern, pharmacy technician trainee, 4189
registered pharmacy technician, certified pharmacy technician, 4190
optometrist, ~~or~~ veterinarian, or certified mental health 4191
assistant who is or becomes addicted to the use of controlled 4192
substances shall be suspended by the board that authorized the 4193
person's license, certificate, or registration until the person 4194
offers satisfactory proof to the board that the person no longer 4195
is addicted to the use of controlled substances. 4196

(B) If the board under which a person has been issued a 4197
license, certificate, or evidence of registration determines 4198
that there is clear and convincing evidence that continuation of 4199
the person's professional practice or method of administering, 4200
prescribing, preparing, distributing, dispensing, or personally 4201
furnishing controlled substances or other dangerous drugs 4202
presents a danger of immediate and serious harm to others, the 4203
board may suspend the person's license, certificate, or 4204
registration without a hearing. Except as otherwise provided in 4205
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 4206
4734.36, and 4772.20 of the Revised Code, the board shall follow 4207
the procedure for suspension without a prior hearing in section 4208
119.07 of the Revised Code. The suspension shall remain in 4209
effect, unless removed by the board, until the board's final 4210
adjudication order becomes effective, except that if the board 4211
does not issue its final adjudication order within ninety days 4212
after the hearing, the suspension shall be void on the ninety- 4213
first day after the hearing. 4214

(C) On receiving notification pursuant to section 2929.42 4215
or 3719.12 of the Revised Code, the board under which a person 4216
has been issued a license, certificate, or evidence of 4217
registration immediately shall suspend the license, certificate, 4218
or registration of that person on a plea of guilty to, a finding 4219

by a jury or court of the person's guilt of, or conviction of a 4220
felony drug abuse offense; a finding by a court of the person's 4221
eligibility for intervention in lieu of conviction; a plea of 4222
guilty to, or a finding by a jury or court of the person's guilt 4223
of, or the person's conviction of an offense in another 4224
jurisdiction that is essentially the same as a felony drug abuse 4225
offense; or a finding by a court of the person's eligibility for 4226
treatment or intervention in lieu of conviction in another 4227
jurisdiction. The board shall notify the holder of the license, 4228
certificate, or registration of the suspension, which shall 4229
remain in effect until the board holds an adjudicatory hearing 4230
under Chapter 119. of the Revised Code. 4231

Sec. 3719.13. Prescriptions, orders, and records, required 4232
by Chapter 3719. of the Revised Code, and stocks of dangerous 4233
drugs and controlled substances, shall be open for inspection 4234
only to federal, state, county, and municipal officers, and 4235
employees of the state board of pharmacy whose duty it is to 4236
enforce the laws of this state or of the United States relating 4237
to controlled substances. Such prescriptions, orders, records, 4238
and stocks shall be open for inspection by employees of the 4239
state medical board for purposes of enforcing Chapters 4730.~~and~~ 4240
4731., and 4772. of the Revised Code, employees of the board 4241
of nursing for purposes of enforcing Chapter 4723. of the 4242
Revised Code, and employees of the department of mental health 4243
and addiction services for purposes of section 5119.37 of the 4244
Revised Code. No person having knowledge of any such 4245
prescription, order, or record shall divulge such knowledge, 4246
except in connection with a prosecution or proceeding in court 4247
or before a licensing or registration board or officer, to which 4248
prosecution or proceeding the person to whom such prescriptions, 4249
orders, or records relate is a party. 4250

Sec. 3719.81. (A) As used in this section, "sample drug" 4251
has the same meaning as in section 2925.01 of the Revised Code. 4252

(B) A person may furnish another a sample drug, if all of 4253
the following apply: 4254

(1) The sample drug is furnished free of charge by a 4255
manufacturer, manufacturer's representative, or wholesale dealer 4256
in pharmaceuticals to a licensed health professional authorized 4257
to prescribe drugs, or is furnished free of charge by such a 4258
professional to a patient for use as medication; 4259

(2) The sample drug is in the original container in which 4260
it was placed by the manufacturer, and the container is plainly 4261
marked as a sample; 4262

(3) Prior to its being furnished, the sample drug has been 4263
stored under the proper conditions to prevent its deterioration 4264
or contamination; 4265

(4) If the sample drug is of a type which deteriorates 4266
with time, the sample container is plainly marked with the date 4267
beyond which the sample drug is unsafe to use, and the date has 4268
not expired on the sample furnished. Compliance with the 4269
labeling requirements of the "Federal Food, Drug, and Cosmetic 4270
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 4271
be deemed compliance with this section. 4272

(5) The sample drug is distributed, stored, or discarded 4273
in such a way that the sample drug may not be acquired or used 4274
by any unauthorized person, or by any person, including a child, 4275
for whom it may present a health or safety hazard. 4276

(C) Division (B) of this section does not do any of the 4277
following: 4278

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

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

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

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

(D) The state board of pharmacy shall, in accordance with Chapter 119. of the Revised Code, adopt rules as necessary to give effect to this section.

Sec. 4729.01. As used in this chapter:

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

(B) "Practice of pharmacy" means providing pharmacist care 4308
requiring specialized knowledge, judgment, and skill derived 4309
from the principles of biological, chemical, behavioral, social, 4310
pharmaceutical, and clinical sciences. As used in this division, 4311
"pharmacist care" includes the following: 4312

(1) Interpreting prescriptions; 4313

(2) Dispensing drugs and drug therapy related devices; 4314

(3) Compounding drugs; 4315

(4) Counseling individuals with regard to their drug 4316
therapy, recommending drug therapy related devices, and 4317
assisting in the selection of drugs and appliances for treatment 4318
of common diseases and injuries and providing instruction in the 4319
proper use of the drugs and appliances; 4320

(5) Performing drug regimen reviews with individuals by 4321
discussing all of the drugs that the individual is taking and 4322
explaining the interactions of the drugs; 4323

(6) Performing drug utilization reviews with licensed 4324
health professionals authorized to prescribe drugs when the 4325
pharmacist determines that an individual with a prescription has 4326
a drug regimen that warrants additional discussion with the 4327
prescriber; 4328

(7) Advising an individual and the health care 4329
professionals treating an individual with regard to the 4330
individual's drug therapy; 4331

(8) Acting pursuant to a consult agreement, if an 4332
agreement has been established; 4333

(9) Engaging in the administration of immunizations to the 4334
extent authorized by section 4729.41 of the Revised Code; 4335

(10) Engaging in the administration of drugs to the extent 4336
authorized by section 4729.45 of the Revised Code. 4337

(C) "Compounding" means the preparation, mixing, 4338
assembling, packaging, and labeling of one or more drugs in any 4339
of the following circumstances: 4340

(1) Pursuant to a prescription issued by a licensed health 4341
professional authorized to prescribe drugs; 4342

(2) Pursuant to the modification of a prescription made in 4343
accordance with a consult agreement; 4344

(3) As an incident to research, teaching activities, or 4345
chemical analysis; 4346

(4) In anticipation of orders for drugs pursuant to 4347
prescriptions, based on routine, regularly observed dispensing 4348
patterns; 4349

(5) Pursuant to a request made by a licensed health 4350
professional authorized to prescribe drugs for a drug that is to 4351
be used by the professional for the purpose of direct 4352
administration to patients in the course of the professional's 4353
practice, if all of the following apply: 4354

(a) At the time the request is made, the drug is not 4355
commercially available regardless of the reason that the drug is 4356
not available, including the absence of a manufacturer for the 4357
drug or the lack of a readily available supply of the drug from 4358
a manufacturer. 4359

(b) A limited quantity of the drug is compounded and 4360
provided to the professional. 4361

(c) The drug is compounded and provided to the 4362
professional as an occasional exception to the normal practice 4363

of dispensing drugs pursuant to patient-specific prescriptions. 4364

(D) "Consult agreement" means an agreement that has been 4365
entered into under section 4729.39 of the Revised Code. 4366

(E) "Drug" means: 4367

(1) Any article recognized in the United States 4368
pharmacopoeia and national formulary, or any supplement to them, 4369
intended for use in the diagnosis, cure, mitigation, treatment, 4370
or prevention of disease in humans or animals; 4371

(2) Any other article intended for use in the diagnosis, 4372
cure, mitigation, treatment, or prevention of disease in humans 4373
or animals; 4374

(3) Any article, other than food, intended to affect the 4375
structure or any function of the body of humans or animals; 4376

(4) Any article intended for use as a component of any 4377
article specified in division (E) (1), (2), or (3) of this 4378
section; but does not include devices or their components, 4379
parts, or accessories. 4380

"Drug" does not include "hemp" or a "hemp product" as 4381
those terms are defined in section 928.01 of the Revised Code. 4382

(F) "Dangerous drug" means any of the following: 4383

(1) Any drug to which either of the following applies: 4384

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4385
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4386
required to bear a label containing the legend "Caution: Federal 4387
law prohibits dispensing without prescription" or "Caution: 4388
Federal law restricts this drug to use by or on the order of a 4389
licensed veterinarian" or any similar restrictive statement, or 4390

the drug may be dispensed only upon a prescription; 4391

(b) Under Chapter 3715. or 3719. of the Revised Code, the 4392
drug may be dispensed only upon a prescription. 4393

(2) Any drug that contains a schedule V controlled 4394
substance and that is exempt from Chapter 3719. of the Revised 4395
Code or to which that chapter does not apply; 4396

(3) Any drug intended for administration by injection into 4397
the human body other than through a natural orifice of the human 4398
body; 4399

(4) Any drug that is a biological product, as defined in 4400
section 3715.01 of the Revised Code. 4401

(G) "Federal drug abuse control laws" has the same meaning 4402
as in section 3719.01 of the Revised Code. 4403

(H) "Prescription" means all of the following: 4404

(1) A written, electronic, or oral order for drugs or 4405
combinations or mixtures of drugs to be used by a particular 4406
individual or for treating a particular animal, issued by a 4407
licensed health professional authorized to prescribe drugs; 4408

(2) For purposes of sections 4723.4810, 4729.282, 4409
4730.432, and 4731.93 of the Revised Code, a written, 4410
electronic, or oral order for a drug to treat chlamydia, 4411
gonorrhoea, or trichomoniasis issued to and in the name of a 4412
patient who is not the intended user of the drug but is the 4413
sexual partner of the intended user; 4414

(3) For purposes of sections 3313.7110, 3313.7111, 4415
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4416
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4417
or oral order for an epinephrine autoinjector issued to and in 4418

the name of a school, school district, or camp; 4419

(4) For purposes of Chapter 3728. and sections 4723.483, 4420
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4421
electronic, or oral order for an epinephrine autoinjector issued 4422
to and in the name of a qualified entity, as defined in section 4423
3728.01 of the Revised Code; 4424

(5) For purposes of sections 3313.7115, 3313.7116, 4425
3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 4426
5101.78 of the Revised Code, a written, electronic, or oral 4427
order for injectable or nasally administered glucagon in the 4428
name of a school, school district, or camp. 4429

(I) "Licensed health professional authorized to prescribe 4430
drugs" or "prescriber" means an individual who is authorized by 4431
law to prescribe drugs or dangerous drugs or drug therapy 4432
related devices in the course of the individual's professional 4433
practice, including only the following: 4434

(1) A dentist licensed under Chapter 4715. of the Revised 4435
Code; 4436

(2) A clinical nurse specialist, certified nurse-midwife, 4437
or certified nurse practitioner who holds a current, valid 4438
license issued under Chapter 4723. of the Revised Code to 4439
practice nursing as an advanced practice registered nurse; 4440

(3) A certified registered nurse anesthetist who holds a 4441
current, valid license issued under Chapter 4723. of the Revised 4442
Code to practice nursing as an advanced practice registered 4443
nurse, but only to the extent of the nurse's authority under 4444
sections 4723.43 and 4723.434 of the Revised Code; 4445

(4) An optometrist licensed under Chapter 4725. of the 4446
Revised Code to practice optometry; 4447

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

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

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

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

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

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

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

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

or establish responsibility. 4477

(N) "Price information" means the price charged for a 4478
prescription for a particular drug product and, in an easily 4479
understandable manner, all of the following: 4480

(1) The proprietary name of the drug product; 4481

(2) The established (generic) name of the drug product; 4482

(3) The strength of the drug product if the product 4483
contains a single active ingredient or if the drug product 4484
contains more than one active ingredient and a relevant strength 4485
can be associated with the product without indicating each 4486
active ingredient. The established name and quantity of each 4487
active ingredient are required if such a relevant strength 4488
cannot be so associated with a drug product containing more than 4489
one ingredient. 4490

(4) The dosage form; 4491

(5) The price charged for a specific quantity of the drug 4492
product. The stated price shall include all charges to the 4493
consumer, including, but not limited to, the cost of the drug 4494
product, professional fees, handling fees, if any, and a 4495
statement identifying professional services routinely furnished 4496
by the pharmacy. Any mailing fees and delivery fees may be 4497
stated separately without repetition. The information shall not 4498
be false or misleading. 4499

(O) "Wholesale distributor of dangerous drugs" or 4500
"wholesale distributor" means a person engaged in the sale of 4501
dangerous drugs at wholesale and includes any agent or employee 4502
of such a person authorized by the person to engage in the sale 4503
of dangerous drugs at wholesale. 4504

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4505
means a person, other than a pharmacist or prescriber, who 4506
manufactures dangerous drugs and who is engaged in the sale of 4507
those dangerous drugs. 4508

(Q) "Terminal distributor of dangerous drugs" or "terminal 4509
distributor" means a person who is engaged in the sale of 4510
dangerous drugs at retail, or any person, other than a 4511
manufacturer, repackager, outsourcing facility, third-party 4512
logistics provider, wholesale distributor, or pharmacist, who 4513
has possession, custody, or control of dangerous drugs for any 4514
purpose other than for that person's own use and consumption. 4515
"Terminal distributor" includes pharmacies, hospitals, nursing 4516
homes, and laboratories and all other persons who procure 4517
dangerous drugs for sale or other distribution by or under the 4518
supervision of a pharmacist, licensed health professional 4519
authorized to prescribe drugs, or other person authorized by the 4520
state board of pharmacy. 4521

(R) "Promote to the public" means disseminating a 4522
representation to the public in any manner or by any means, 4523
other than by labeling, for the purpose of inducing, or that is 4524
likely to induce, directly or indirectly, the purchase of a 4525
dangerous drug at retail. 4526

(S) "Person" includes any individual, partnership, 4527
association, limited liability company, or corporation, the 4528
state, any political subdivision of the state, and any district, 4529
department, or agency of the state or its political 4530
subdivisions. 4531

(T) (1) "Animal shelter" means a facility operated by a 4532
humane society or any society organized under Chapter 1717. of 4533
the Revised Code or a dog pound operated pursuant to Chapter 4534

955. of the Revised Code. 4535

(2) "County dog warden" means a dog warden or deputy dog warden appointed or employed under section 955.12 of the Revised Code. 4536
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(U) "Food" has the same meaning as in section 3715.01 of the Revised Code. 4539
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(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code. 4541
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(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. 4543
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"Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code. 4548
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(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition. 4551
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(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs. 4556
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(Z) "Repackager of dangerous drugs" or "repackager" means 4563

a person that repacks and relabels dangerous drugs for sale or distribution. 4564
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(AA) "Outsourcing facility" means a facility that is 4566
engaged in the compounding and sale of sterile drugs and is 4567
registered as an outsourcing facility with the United States 4568
food and drug administration. 4569

(BB) "Laboratory" means a laboratory licensed under this 4570
chapter as a terminal distributor of dangerous drugs and 4571
entrusted to have custody of any of the following drugs and to 4572
use the drugs for scientific and clinical purposes and for 4573
purposes of instruction: dangerous drugs that are not controlled 4574
substances, as defined in section 3719.01 of the Revised Code; 4575
dangerous drugs that are controlled substances, as defined in 4576
that section; and controlled substances in schedule I, as 4577
defined in that section. 4578

(CC) "Overdose reversal drug" means both of the following: 4579

(1) Naloxone; 4580

(2) Any other drug that the state board of pharmacy, 4581
through rules adopted in accordance with Chapter 119. of the 4582
Revised Code, designates as a drug that is approved by the 4583
federal food and drug administration for the reversal of a known 4584
or suspected opioid-related overdose. 4585

Sec. 4729.51. (A) No person other than a licensed 4586
manufacturer of dangerous drugs, outsourcing facility, third- 4587
party logistics provider, repackager of dangerous drugs, or 4588
wholesale distributor of dangerous drugs shall possess for sale, 4589
sell, distribute, or deliver, at wholesale, dangerous drugs or 4590
investigational drugs or products, except as follows: 4591

(1) A licensed terminal distributor of dangerous drugs 4592

that is a pharmacy may make occasional sales of dangerous drugs 4593
or investigational drugs or products at wholesale. 4594

(2) A licensed terminal distributor of dangerous drugs 4595
having more than one licensed location may transfer or deliver 4596
dangerous drugs from one licensed location to another licensed 4597
location owned by the terminal distributor if the license issued 4598
for each location is in effect at the time of the transfer or 4599
delivery. 4600

(3) A licensed terminal distributor of dangerous drugs 4601
that is not a pharmacy may make occasional sales of the 4602
following at wholesale: 4603

(a) Overdose reversal drugs; 4604

(b) Dangerous drugs if the drugs being sold are in 4605
shortage, as defined in rules adopted under section 4729.26 of 4606
the Revised Code; 4607

(c) Dangerous drugs other than those described in 4608
divisions (A) (3) (a) and (b) of this section or investigational 4609
drugs or products if authorized by rules adopted under section 4610
4729.26 of the Revised Code. 4611

(B) No licensed manufacturer, outsourcing facility, third- 4612
party logistics provider, repackager, or wholesale distributor 4613
shall possess for sale, sell, or distribute, at wholesale, 4614
dangerous drugs or investigational drugs or products to any 4615
person other than the following: 4616

(1) Subject to division (D) of this section, a licensed 4617
terminal distributor of dangerous drugs; 4618

(2) Subject to division (C) of this section, any person 4619
exempt from licensure as a terminal distributor of dangerous 4620

drugs under section 4729.541 of the Revised Code; 4621

(3) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4622
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(4) A terminal distributor, manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor that is located in another state, is not engaged in the sale of dangerous drugs within this state, and is actively licensed to engage in the sale of dangerous drugs by the state in which the distributor conducts business. 4624
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(C) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess for sale, sell, or distribute, at wholesale, dangerous drugs or investigational drugs or products to either of the following: 4630
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(1) A prescriber who is employed by a pain management clinic that is not licensed as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code; 4635
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(2) A business entity described in division (A)(2) or (3) of section 4729.541 of the Revised Code that is, or is operating, a pain management clinic without a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code. 4639
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(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous 4645
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drugs, except as follows: 4650

(1) In the case of a terminal distributor with a category 4651
II license, only dangerous drugs in category II, as defined in 4652
division (A) (1) of section 4729.54 of the Revised Code; 4653

(2) In the case of a terminal distributor with a category 4654
III license, dangerous drugs in category II and category III, as 4655
defined in divisions (A) (1) and (2) of section 4729.54 of the 4656
Revised Code; 4657

(3) In the case of a terminal distributor with a limited 4658
category II or III license, only the dangerous drugs specified 4659
in the license. 4660

(E) (1) Except as provided in division (E) (2) of this 4661
section, no person shall do any of the following: 4662

(a) Sell or distribute, at retail, dangerous drugs; 4663

(b) Possess for sale, at retail, dangerous drugs; 4664

(c) Possess dangerous drugs. 4665

(2) (a) Divisions (E) (1) (a), (b), and (c) of this section 4666
do not apply to any of the following: 4667

(i) A licensed terminal distributor of dangerous drugs; 4668

(ii) A person who possesses, or possesses for sale or 4669
sells, at retail, a dangerous drug in accordance with Chapters 4670
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741., and~~ 4671
4772. of the Revised Code; 4672

(iii) Any of the persons identified in divisions (A) (1) to 4673
(5) and (18) of section 4729.541 of the Revised Code, but only 4674
to the extent specified in that section. 4675

(b) Division (E) (1) (c) of this section does not apply to 4676

any of the following: 4677

(i) A licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor; 4678
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(ii) Any of the persons identified in divisions (A) (6) to (16) of section 4729.541 of the Revised Code, but only to the extent specified in that section. 4680
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(F) No licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code shall purchase dangerous drugs or investigational drugs or products from any person other than a licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor, except as follows: 4683
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(1) A licensed terminal distributor of dangerous drugs or person that is exempt from licensure under section 4729.541 of the Revised Code may make occasional purchases of dangerous drugs or investigational drugs or products that are sold in accordance with division (A) (1) or (3) of this section. 4690
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(2) A licensed terminal distributor of dangerous drugs having more than one licensed location may transfer or deliver dangerous drugs or investigational drugs or products from one licensed location to another licensed location if the license issued for each location is in effect at the time of the transfer or delivery. 4695
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(G) No licensed terminal distributor of dangerous drugs shall engage in the retail sale or other distribution of dangerous drugs or investigational drugs or products or maintain possession, custody, or control of dangerous drugs or investigational drugs or products for any purpose other than the 4701
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distributor's personal use or consumption, at any establishment 4706
or place other than that or those described in the license 4707
issued by the state board of pharmacy to such terminal 4708
distributor. 4709

(H) Nothing in this section shall be construed to 4710
interfere with the performance of official duties by any law 4711
enforcement official authorized by municipal, county, state, or 4712
federal law to collect samples of any drug, regardless of its 4713
nature or in whose possession it may be. 4714

(I) Notwithstanding anything to the contrary in this 4715
section, the board of education of a city, local, exempted 4716
village, or joint vocational school district may distribute 4717
epinephrine autoinjectors for use in accordance with section 4718
3313.7110 of the Revised Code, may distribute inhalers for use 4719
in accordance with section 3313.7113 of the Revised Code, and 4720
may distribute injectable or nasally administered glucagon for 4721
use in accordance with section 3313.7115 of the Revised Code. 4722

Sec. 4731.051. The state medical board shall adopt rules 4723
in accordance with Chapter 119. of the Revised Code establishing 4724
universal blood and body fluid precautions that shall be used by 4725
each person who performs exposure prone invasive procedures and 4726
is authorized to practice by this chapter or Chapter 4730., 4727
4759., 4760., 4761., 4762., 4772., or 4774. of the Revised Code. 4728
The rules shall define and establish requirements for universal 4729
blood and body fluid precautions that include the following: 4730

(A) Appropriate use of hand washing; 4731

(B) Disinfection and sterilization of equipment; 4732

(C) Handling and disposal of needles and other sharp 4733
instruments; 4734

(D) Wearing and disposal of gloves and other protective 4735
garments and devices. 4736

Sec. 4731.07. (A) The state medical board shall keep a 4737
record of its proceedings. The minutes of a meeting of the board 4738
shall, on approval by the board, constitute an official record 4739
of its proceedings. 4740

(B) The board shall keep a register of applicants for 4741
licenses and certificates issued under this chapter; licenses 4742
issued under Chapters 4730., 4760., 4762., 4772., 4774., and 4743
4778.; and licenses and limited permits issued under Chapters 4744
4759. and 4761. of the Revised Code. The register shall show the 4745
name of the applicant and whether the applicant was granted or 4746
refused the license, certificate, or limited permit being 4747
sought. 4748

With respect to applicants to practice medicine and 4749
surgery or osteopathic medicine and surgery, the register shall 4750
show the name of the institution that granted the applicant the 4751
degree of doctor of medicine or osteopathic medicine. With 4752
respect to applicants to practice respiratory care, the register 4753
shall show the addresses of the person's last known place of 4754
business, the effective date and identification number of the 4755
license or limited permit, and, if applicable, the name and 4756
location of the institution that granted the person's degree or 4757
certificate of completion of respiratory care educational 4758
requirements and the date the degree or certificate of 4759
completion was issued. 4760

(C) The books and records of the board shall be prima- 4761
facie evidence of matters therein contained. 4762

Sec. 4731.071. The state medical board shall develop and 4763

publish on its internet web site a directory containing the 4764
names of, and business address for, all persons who hold 4765
current, valid certificates or licenses issued by the board 4766
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 4767
4772., 4774., or 4778. of the Revised Code. Except as provided 4768
in section 4731.10 of the Revised Code, the directory shall be 4769
the sole source for verifying that a person holds a current, 4770
valid certificate or license issued by the board. 4771

Sec. 4731.22. (A) The state medical board, by an 4772
affirmative vote of not fewer than six of its members, may 4773
limit, revoke, or suspend a license or certificate to practice 4774
or certificate to recommend, refuse to grant a license or 4775
certificate, refuse to renew a license or certificate, refuse to 4776
reinstate a license or certificate, or reprimand or place on 4777
probation the holder of a license or certificate if the 4778
individual applying for or holding the license or certificate is 4779
found by the board to have committed fraud during the 4780
administration of the examination for a license or certificate 4781
to practice or to have committed fraud, misrepresentation, or 4782
deception in applying for, renewing, or securing any license or 4783
certificate to practice or certificate to recommend issued by 4784
the board. 4785

(B) Except as provided in division (P) of this section, 4786
the board, by an affirmative vote of not fewer than six members, 4787
shall, to the extent permitted by law, limit, revoke, or suspend 4788
a license or certificate to practice or certificate to 4789
recommend, refuse to issue a license or certificate, refuse to 4790
renew a license or certificate, refuse to reinstate a license or 4791
certificate, or reprimand or place on probation the holder of a 4792
license or certificate for one or more of the following reasons: 4793

(1) Permitting one's name or one's license or certificate 4794
to practice to be used by a person, group, or corporation when 4795
the individual concerned is not actually directing the treatment 4796
given; 4797

(2) Failure to maintain minimal standards applicable to 4798
the selection or administration of drugs, or failure to employ 4799
acceptable scientific methods in the selection of drugs or other 4800
modalities for treatment of disease; 4801

(3) Except as provided in section 4731.97 of the Revised 4802
Code, selling, giving away, personally furnishing, prescribing, 4803
or administering drugs for other than legal and legitimate 4804
therapeutic purposes or a plea of guilty to, a judicial finding 4805
of guilt of, or a judicial finding of eligibility for 4806
intervention in lieu of conviction of, a violation of any 4807
federal or state law regulating the possession, distribution, or 4808
use of any drug; 4809

(4) Willfully betraying a professional confidence. 4810

For purposes of this division, "willfully betraying a 4811
professional confidence" does not include providing any 4812
information, documents, or reports under sections 307.621 to 4813
307.629 of the Revised Code to a child fatality review board; 4814
does not include providing any information, documents, or 4815
reports under sections 307.631 to 307.6410 of the Revised Code 4816
to a drug overdose fatality review committee, a suicide fatality 4817
review committee, or hybrid drug overdose fatality and suicide 4818
fatality review committee; does not include providing any 4819
information, documents, or reports under sections 307.651 to 4820
307.659 of the Revised Code to a domestic violence fatality 4821
review board; does not include providing any information, 4822
documents, or reports to the director of health pursuant to 4823

guidelines established under section 3701.70 of the Revised 4824
Code; does not include written notice to a mental health 4825
professional under section 4731.62 of the Revised Code; and does 4826
not include the making of a report of an employee's use of a 4827
drug of abuse, or a report of a condition of an employee other 4828
than one involving the use of a drug of abuse, to the employer 4829
of the employee as described in division (B) of section 2305.33 4830
of the Revised Code. Nothing in this division affects the 4831
immunity from civil liability conferred by section 2305.33 or 4832
4731.62 of the Revised Code upon a physician who makes a report 4833
in accordance with section 2305.33 or notifies a mental health 4834
professional in accordance with section 4731.62 of the Revised 4835
Code. As used in this division, "employee," "employer," and 4836
"physician" have the same meanings as in section 2305.33 of the 4837
Revised Code. 4838

(5) Making a false, fraudulent, deceptive, or misleading 4839
statement in the solicitation of or advertising for patients; in 4840
relation to the practice of medicine and surgery, osteopathic 4841
medicine and surgery, podiatric medicine and surgery, or a 4842
limited branch of medicine; or in securing or attempting to 4843
secure any license or certificate to practice issued by the 4844
board. 4845

As used in this division, "false, fraudulent, deceptive, 4846
or misleading statement" means a statement that includes a 4847
misrepresentation of fact, is likely to mislead or deceive 4848
because of a failure to disclose material facts, is intended or 4849
is likely to create false or unjustified expectations of 4850
favorable results, or includes representations or implications 4851
that in reasonable probability will cause an ordinarily prudent 4852
person to misunderstand or be deceived. 4853

(6) A departure from, or the failure to conform to, 4854
minimal standards of care of similar practitioners under the 4855
same or similar circumstances, whether or not actual injury to a 4856
patient is established; 4857

(7) Representing, with the purpose of obtaining 4858
compensation or other advantage as personal gain or for any 4859
other person, that an incurable disease or injury, or other 4860
incurable condition, can be permanently cured; 4861

(8) The obtaining of, or attempting to obtain, money or 4862
anything of value by fraudulent misrepresentations in the course 4863
of practice; 4864

(9) A plea of guilty to, a judicial finding of guilt of, 4865
or a judicial finding of eligibility for intervention in lieu of 4866
conviction for, a felony; 4867

(10) Commission of an act that constitutes a felony in 4868
this state, regardless of the jurisdiction in which the act was 4869
committed; 4870

(11) A plea of guilty to, a judicial finding of guilt of, 4871
or a judicial finding of eligibility for intervention in lieu of 4872
conviction for, a misdemeanor committed in the course of 4873
practice; 4874

(12) Commission of an act in the course of practice that 4875
constitutes a misdemeanor in this state, regardless of the 4876
jurisdiction in which the act was committed; 4877

(13) A plea of guilty to, a judicial finding of guilt of, 4878
or a judicial finding of eligibility for intervention in lieu of 4879
conviction for, a misdemeanor involving moral turpitude; 4880

(14) Commission of an act involving moral turpitude that 4881

constitutes a misdemeanor in this state, regardless of the 4882
jurisdiction in which the act was committed; 4883

(15) Violation of the conditions of limitation placed by 4884
the board upon a license or certificate to practice; 4885

(16) Failure to pay license renewal fees specified in this 4886
chapter; 4887

(17) Except as authorized in section 4731.31 of the 4888
Revised Code, engaging in the division of fees for referral of 4889
patients, or the receiving of a thing of value in return for a 4890
specific referral of a patient to utilize a particular service 4891
or business; 4892

(18) Subject to section 4731.226 of the Revised Code, 4893
violation of any provision of a code of ethics of the American 4894
medical association, the American osteopathic association, the 4895
American podiatric medical association, or any other national 4896
professional organizations that the board specifies by rule. The 4897
state medical board shall obtain and keep on file current copies 4898
of the codes of ethics of the various national professional 4899
organizations. The individual whose license or certificate is 4900
being suspended or revoked shall not be found to have violated 4901
any provision of a code of ethics of an organization not 4902
appropriate to the individual's profession. 4903

For purposes of this division, a "provision of a code of 4904
ethics of a national professional organization" does not include 4905
any provision that would preclude the making of a report by a 4906
physician of an employee's use of a drug of abuse, or of a 4907
condition of an employee other than one involving the use of a 4908
drug of abuse, to the employer of the employee as described in 4909
division (B) of section 2305.33 of the Revised Code. Nothing in 4910

this division affects the immunity from civil liability 4911
conferred by that section upon a physician who makes either type 4912
of report in accordance with division (B) of that section. As 4913
used in this division, "employee," "employer," and "physician" 4914
have the same meanings as in section 2305.33 of the Revised 4915
Code. 4916

(19) Inability to practice according to acceptable and 4917
prevailing standards of care by reason of mental illness or 4918
physical illness, including, but not limited to, physical 4919
deterioration that adversely affects cognitive, motor, or 4920
perceptive skills. 4921

In enforcing this division, the board, upon a showing of a 4922
possible violation, shall refer any individual who is authorized 4923
to practice by this chapter or who has submitted an application 4924
pursuant to this chapter to the monitoring organization that 4925
conducts the confidential monitoring program established under 4926
section 4731.25 of the Revised Code. The board also may compel 4927
the individual to submit to a mental examination, physical 4928
examination, including an HIV test, or both a mental and a 4929
physical examination. The expense of the examination is the 4930
responsibility of the individual compelled to be examined. 4931
Failure to submit to a mental or physical examination or consent 4932
to an HIV test ordered by the board constitutes an admission of 4933
the allegations against the individual unless the failure is due 4934
to circumstances beyond the individual's control, and a default 4935
and final order may be entered without the taking of testimony 4936
or presentation of evidence. If the board finds an individual 4937
unable to practice because of the reasons set forth in this 4938
division, the board shall require the individual to submit to 4939
care, counseling, or treatment by physicians approved or 4940
designated by the board, as a condition for initial, continued, 4941

reinstated, or renewed authority to practice. An individual 4942
affected under this division shall be afforded an opportunity to 4943
demonstrate to the board the ability to resume practice in 4944
compliance with acceptable and prevailing standards under the 4945
provisions of the individual's license or certificate. For the 4946
purpose of this division, any individual who applies for or 4947
receives a license or certificate to practice under this chapter 4948
accepts the privilege of practicing in this state and, by so 4949
doing, shall be deemed to have given consent to submit to a 4950
mental or physical examination when directed to do so in writing 4951
by the board, and to have waived all objections to the 4952
admissibility of testimony or examination reports that 4953
constitute a privileged communication. 4954

(20) Except as provided in division (F)(1)(b) of section 4955
4731.282 of the Revised Code or when civil penalties are imposed 4956
under section 4731.225 of the Revised Code, and subject to 4957
section 4731.226 of the Revised Code, violating or attempting to 4958
violate, directly or indirectly, or assisting in or abetting the 4959
violation of, or conspiring to violate, any provisions of this 4960
chapter or any rule promulgated by the board. 4961

This division does not apply to a violation or attempted 4962
violation of, assisting in or abetting the violation of, or a 4963
conspiracy to violate, any provision of this chapter or any rule 4964
adopted by the board that would preclude the making of a report 4965
by a physician of an employee's use of a drug of abuse, or of a 4966
condition of an employee other than one involving the use of a 4967
drug of abuse, to the employer of the employee as described in 4968
division (B) of section 2305.33 of the Revised Code. Nothing in 4969
this division affects the immunity from civil liability 4970
conferred by that section upon a physician who makes either type 4971
of report in accordance with division (B) of that section. As 4972

used in this division, "employee," "employer," and "physician" 4973
have the same meanings as in section 2305.33 of the Revised 4974
Code. 4975

(21) The violation of section 3701.79 of the Revised Code 4976
or of any abortion rule adopted by the director of health 4977
pursuant to section 3701.341 of the Revised Code; 4978

(22) Any of the following actions taken by an agency 4979
responsible for authorizing, certifying, or regulating an 4980
individual to practice a health care occupation or provide 4981
health care services in this state or another jurisdiction, for 4982
any reason other than the nonpayment of fees: the limitation, 4983
revocation, or suspension of an individual's license to 4984
practice; acceptance of an individual's license surrender; 4985
denial of a license; refusal to renew or reinstate a license; 4986
imposition of probation; or issuance of an order of censure or 4987
other reprimand; 4988

(23) The violation of section 2919.12 of the Revised Code 4989
or the performance or inducement of an abortion upon a pregnant 4990
woman with actual knowledge that the conditions specified in 4991
division (B) of section 2317.56 of the Revised Code have not 4992
been satisfied or with a heedless indifference as to whether 4993
those conditions have been satisfied, unless an affirmative 4994
defense as specified in division (H) (2) of that section would 4995
apply in a civil action authorized by division (H) (1) of that 4996
section; 4997

(24) The revocation, suspension, restriction, reduction, 4998
or termination of clinical privileges by the United States 4999
department of defense or department of veterans affairs or the 5000
termination or suspension of a certificate of registration to 5001
prescribe drugs by the drug enforcement administration of the 5002

United States department of justice; 5003

(25) Termination or suspension from participation in the 5004
medicare or medicaid programs by the department of health and 5005
human services or other responsible agency; 5006

(26) Impairment of ability to practice according to 5007
acceptable and prevailing standards of care because of substance 5008
use disorder or excessive use or abuse of drugs, alcohol, or 5009
other substances that may impair ability to practice. 5010

For the purposes of this division, any individual 5011
authorized to practice by this chapter accepts the privilege of 5012
practicing in this state subject to supervision by the board. By 5013
filing an application for or holding a license or certificate to 5014
practice under this chapter, an individual shall be deemed to 5015
have given consent to submit to a mental or physical examination 5016
when ordered to do so by the board in writing, and to have 5017
waived all objections to the admissibility of testimony or 5018
examination reports that constitute privileged communications. 5019

If it has reason to believe that any individual authorized 5020
to practice by this chapter or any applicant for licensure or 5021
certification to practice suffers such impairment, the board 5022
shall refer the individual to the monitoring organization that 5023
conducts the confidential monitoring program established under 5024
section 4731.25 of the Revised Code. The board also may compel 5025
the individual to submit to a mental or physical examination, or 5026
both. The expense of the examination is the responsibility of 5027
the individual compelled to be examined. Any mental or physical 5028
examination required under this division shall be undertaken by 5029
a treatment provider or physician who is qualified to conduct 5030
the examination and who is approved under section 4731.251 of 5031
the Revised Code. 5032

Failure to submit to a mental or physical examination 5033
ordered by the board constitutes an admission of the allegations 5034
against the individual unless the failure is due to 5035
circumstances beyond the individual's control, and a default and 5036
final order may be entered without the taking of testimony or 5037
presentation of evidence. If the board determines that the 5038
individual's ability to practice is impaired, the board shall 5039
suspend the individual's license or certificate or deny the 5040
individual's application and shall require the individual, as a 5041
condition for initial, continued, reinstated, or renewed 5042
licensure or certification to practice, to submit to treatment. 5043

Before being eligible to apply for reinstatement of a 5044
license or certificate suspended under this division, the 5045
impaired practitioner shall demonstrate to the board the ability 5046
to resume practice in compliance with acceptable and prevailing 5047
standards of care under the provisions of the practitioner's 5048
license or certificate. The demonstration shall include, but 5049
shall not be limited to, the following: 5050

(a) Certification from a treatment provider approved under 5051
section 4731.251 of the Revised Code that the individual has 5052
successfully completed any required inpatient treatment; 5053

(b) Evidence of continuing full compliance with an 5054
aftercare contract or consent agreement; 5055

(c) Two written reports indicating that the individual's 5056
ability to practice has been assessed and that the individual 5057
has been found capable of practicing according to acceptable and 5058
prevailing standards of care. The reports shall be made by 5059
individuals or providers approved by the board for making the 5060
assessments and shall describe the basis for their 5061
determination. 5062

The board may reinstate a license or certificate suspended 5063
under this division after that demonstration and after the 5064
individual has entered into a written consent agreement. 5065

When the impaired practitioner resumes practice, the board 5066
shall require continued monitoring of the individual. The 5067
monitoring shall include, but not be limited to, compliance with 5068
the written consent agreement entered into before reinstatement 5069
or with conditions imposed by board order after a hearing, and, 5070
upon termination of the consent agreement, submission to the 5071
board for at least two years of annual written progress reports 5072
made under penalty of perjury stating whether the individual has 5073
maintained sobriety. 5074

(27) A second or subsequent violation of section 4731.66 5075
or 4731.69 of the Revised Code; 5076

(28) Except as provided in division (N) of this section: 5077

(a) Waiving the payment of all or any part of a deductible 5078
or copayment that a patient, pursuant to a health insurance or 5079
health care policy, contract, or plan that covers the 5080
individual's services, otherwise would be required to pay if the 5081
waiver is used as an enticement to a patient or group of 5082
patients to receive health care services from that individual; 5083

(b) Advertising that the individual will waive the payment 5084
of all or any part of a deductible or copayment that a patient, 5085
pursuant to a health insurance or health care policy, contract, 5086
or plan that covers the individual's services, otherwise would 5087
be required to pay. 5088

(29) Failure to use universal blood and body fluid 5089
precautions established by rules adopted under section 4731.051 5090
of the Revised Code; 5091

(30) Failure to provide notice to, and receive 5092
acknowledgment of the notice from, a patient when required by 5093
section 4731.143 of the Revised Code prior to providing 5094
nonemergency professional services, or failure to maintain that 5095
notice in the patient's medical record; 5096

(31) Failure of a physician supervising a physician 5097
assistant to maintain supervision in accordance with the 5098
requirements of Chapter 4730. of the Revised Code and the rules 5099
adopted under that chapter; 5100

(32) Failure of a physician or podiatrist to enter into a 5101
standard care arrangement with a clinical nurse specialist, 5102
certified nurse-midwife, or certified nurse practitioner with 5103
whom the physician or podiatrist is in collaboration pursuant to 5104
section 4731.27 of the Revised Code or failure to fulfill the 5105
responsibilities of collaboration after entering into a standard 5106
care arrangement; 5107

(33) Failure to comply with the terms of a consult 5108
agreement entered into with a pharmacist pursuant to section 5109
4729.39 of the Revised Code; 5110

(34) Failure to cooperate in an investigation conducted by 5111
the board under division (F) of this section, including failure 5112
to comply with a subpoena or order issued by the board or 5113
failure to answer truthfully a question presented by the board 5114
in an investigative interview, an investigative office 5115
conference, at a deposition, or in written interrogatories, 5116
except that failure to cooperate with an investigation shall not 5117
constitute grounds for discipline under this section if a court 5118
of competent jurisdiction has issued an order that either 5119
quashes a subpoena or permits the individual to withhold the 5120
testimony or evidence in issue; 5121

(35) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;	5122 5123 5124
(36) Assisting suicide, as defined in section 3795.01 of the Revised Code;	5125 5126
(37) Failure to comply with the requirements of section 2317.561 of the Revised Code;	5127 5128
(38) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	5129 5130 5131
(39) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	5132 5133 5134 5135
(40) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	5136 5137 5138 5139
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	5140 5141 5142 5143
(42) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	5144 5145 5146 5147
(43) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure	5148 5149

to submit to the department of health in accordance with a court 5150
order a complete report as described in section 2919.171 or 5151
2919.202 of the Revised Code; 5152

(44) Practicing at a facility that is subject to licensure 5153
as a category III terminal distributor of dangerous drugs with a 5154
pain management clinic classification unless the person 5155
operating the facility has obtained and maintains the license 5156
with the classification; 5157

(45) Owning a facility that is subject to licensure as a 5158
category III terminal distributor of dangerous drugs with a pain 5159
management clinic classification unless the facility is licensed 5160
with the classification; 5161

(46) Failure to comply with any of the requirements 5162
regarding making or maintaining medical records or documents 5163
described in division (A) of section 2919.192, division (C) of 5164
section 2919.193, division (B) of section 2919.195, or division 5165
(A) of section 2919.196 of the Revised Code; 5166

(47) Failure to comply with the requirements in section 5167
3719.061 of the Revised Code before issuing for a minor a 5168
prescription for an opioid analgesic, as defined in section 5169
3719.01 of the Revised Code; 5170

(48) Failure to comply with the requirements of section 5171
4731.30 of the Revised Code or rules adopted under section 5172
4731.301 of the Revised Code when recommending treatment with 5173
medical marijuana; 5174

(49) A pattern of continuous or repeated violations of 5175
division (E) (2) or (3) of section 3963.02 of the Revised Code; 5176

(50) Failure to fulfill the responsibilities of a 5177
collaboration agreement entered into with an athletic trainer as 5178

described in section 4755.621 of the Revised Code; 5179

(51) Failure to take the steps specified in section 5180
4731.911 of the Revised Code following an abortion or attempted 5181
abortion in an ambulatory surgical facility or other location 5182
that is not a hospital when a child is born alive; 5183

(52) Failure of a physician supervising a certified mental 5184
health assistant to maintain supervision in accordance with the 5185
requirements of Chapter 4772. of the Revised Code and the rules 5186
adopted under that chapter. 5187

(C) Disciplinary actions taken by the board under 5188
divisions (A) and (B) of this section shall be taken pursuant to 5189
an adjudication under Chapter 119. of the Revised Code, except 5190
that in lieu of an adjudication, the board may enter into a 5191
consent agreement with an individual to resolve an allegation of 5192
a violation of this chapter or any rule adopted under it. A 5193
consent agreement, when ratified by an affirmative vote of not 5194
fewer than six members of the board, shall constitute the 5195
findings and order of the board with respect to the matter 5196
addressed in the agreement. If the board refuses to ratify a 5197
consent agreement, the admissions and findings contained in the 5198
consent agreement shall be of no force or effect. 5199

A telephone conference call may be utilized for 5200
ratification of a consent agreement that revokes or suspends an 5201
individual's license or certificate to practice or certificate 5202
to recommend. The telephone conference call shall be considered 5203
a special meeting under division (F) of section 121.22 of the 5204
Revised Code. 5205

If the board takes disciplinary action against an 5206
individual under division (B) of this section for a second or 5207

subsequent plea of guilty to, or judicial finding of guilt of, a 5208
violation of section 2919.123 or 2919.124 of the Revised Code, 5209
the disciplinary action shall consist of a suspension of the 5210
individual's license or certificate to practice for a period of 5211
at least one year or, if determined appropriate by the board, a 5212
more serious sanction involving the individual's license or 5213
certificate to practice. Any consent agreement entered into 5214
under this division with an individual that pertains to a second 5215
or subsequent plea of guilty to, or judicial finding of guilt 5216
of, a violation of that section shall provide for a suspension 5217
of the individual's license or certificate to practice for a 5218
period of at least one year or, if determined appropriate by the 5219
board, a more serious sanction involving the individual's 5220
license or certificate to practice. 5221

(D) For purposes of divisions (B) (10), (12), and (14) of 5222
this section, the commission of the act may be established by a 5223
finding by the board, pursuant to an adjudication under Chapter 5224
119. of the Revised Code, that the individual committed the act. 5225
The board does not have jurisdiction under those divisions if 5226
the trial court renders a final judgment in the individual's 5227
favor and that judgment is based upon an adjudication on the 5228
merits. The board has jurisdiction under those divisions if the 5229
trial court issues an order of dismissal upon technical or 5230
procedural grounds. 5231

(E) The sealing or expungement of conviction records by 5232
any court shall have no effect upon a prior board order entered 5233
under this section or upon the board's jurisdiction to take 5234
action under this section if, based upon a plea of guilty, a 5235
judicial finding of guilt, or a judicial finding of eligibility 5236
for intervention in lieu of conviction, the board issued a 5237
notice of opportunity for a hearing prior to the court's order 5238

to seal or expunge the records. The board shall not be required 5239
to seal, expunge, destroy, redact, or otherwise modify its 5240
records to reflect the court's sealing of conviction records. 5241

(F) (1) The board shall investigate evidence that appears 5242
to show that a person has violated any provision of this chapter 5243
or any rule adopted under it. Any person may report to the board 5244
in a signed writing any information that the person may have 5245
that appears to show a violation of any provision of this 5246
chapter or any rule adopted under it. In the absence of bad 5247
faith, any person who reports information of that nature or who 5248
testifies before the board in any adjudication conducted under 5249
Chapter 119. of the Revised Code shall not be liable in damages 5250
in a civil action as a result of the report or testimony. Each 5251
complaint or allegation of a violation received by the board 5252
shall be assigned a case number and shall be recorded by the 5253
board. 5254

(2) Investigations of alleged violations of this chapter 5255
or any rule adopted under it shall be supervised by the 5256
supervising member elected by the board in accordance with 5257
section 4731.02 of the Revised Code and by the secretary as 5258
provided in section 4731.39 of the Revised Code. The president 5259
may designate another member of the board to supervise the 5260
investigation in place of the supervising member. No member of 5261
the board who supervises the investigation of a case shall 5262
participate in further adjudication of the case. 5263

(3) In investigating a possible violation of this chapter 5264
or any rule adopted under this chapter, or in conducting an 5265
inspection under division (E) of section 4731.054 of the Revised 5266
Code, the board may question witnesses, conduct interviews, 5267
administer oaths, order the taking of depositions, inspect and 5268

copy any books, accounts, papers, records, or documents, issue 5269
subpoenas, and compel the attendance of witnesses and production 5270
of books, accounts, papers, records, documents, and testimony, 5271
except that a subpoena for patient record information shall not 5272
be issued without consultation with the attorney general's 5273
office and approval of the secretary of the board. 5274

(a) Before issuance of a subpoena for patient record 5275
information, the secretary shall determine whether there is 5276
probable cause to believe that the complaint filed alleges a 5277
violation of this chapter or any rule adopted under it and that 5278
the records sought are relevant to the alleged violation and 5279
material to the investigation. The subpoena may apply only to 5280
records that cover a reasonable period of time surrounding the 5281
alleged violation. 5282

(b) On failure to comply with any subpoena issued by the 5283
board and after reasonable notice to the person being 5284
subpoenaed, the board may move for an order compelling the 5285
production of persons or records pursuant to the Rules of Civil 5286
Procedure. 5287

(c) A subpoena issued by the board may be served by a 5288
sheriff, the sheriff's deputy, or a board employee or agent 5289
designated by the board. Service of a subpoena issued by the 5290
board may be made by delivering a copy of the subpoena to the 5291
person named therein, reading it to the person, or leaving it at 5292
the person's usual place of residence, usual place of business, 5293
or address on file with the board. When serving a subpoena to an 5294
applicant for or the holder of a license or certificate issued 5295
under this chapter, service of the subpoena may be made by 5296
certified mail, return receipt requested, and the subpoena shall 5297
be deemed served on the date delivery is made or the date the 5298

person refuses to accept delivery. If the person being served 5299
refuses to accept the subpoena or is not located, service may be 5300
made to an attorney who notifies the board that the attorney is 5301
representing the person. 5302

(d) A sheriff's deputy who serves a subpoena shall receive 5303
the same fees as a sheriff. Each witness who appears before the 5304
board in obedience to a subpoena shall receive the fees and 5305
mileage provided for under section 119.094 of the Revised Code. 5306

(4) All hearings, investigations, and inspections of the 5307
board shall be considered civil actions for the purposes of 5308
section 2305.252 of the Revised Code. 5309

(5) A report required to be submitted to the board under 5310
this chapter, a complaint, or information received by the board 5311
pursuant to an investigation or pursuant to an inspection under 5312
division (E) of section 4731.054 of the Revised Code is 5313
confidential and not subject to discovery in any civil action. 5314

The board shall conduct all investigations or inspections 5315
and proceedings in a manner that protects the confidentiality of 5316
patients and persons who file complaints with the board. The 5317
board shall not make public the names or any other identifying 5318
information about patients or complainants unless proper consent 5319
is given or, in the case of a patient, a waiver of the patient 5320
privilege exists under division (B) of section 2317.02 of the 5321
Revised Code, except that consent or a waiver of that nature is 5322
not required if the board possesses reliable and substantial 5323
evidence that no bona fide physician-patient relationship 5324
exists. 5325

The board may share any information it receives pursuant 5326
to an investigation or inspection, including patient records and 5327

patient record information, with law enforcement agencies, other 5328
licensing boards, and other governmental agencies that are 5329
prosecuting, adjudicating, or investigating alleged violations 5330
of statutes or administrative rules. An agency or board that 5331
receives the information shall comply with the same requirements 5332
regarding confidentiality as those with which the state medical 5333
board must comply, notwithstanding any conflicting provision of 5334
the Revised Code or procedure of the agency or board that 5335
applies when it is dealing with other information in its 5336
possession. In a judicial proceeding, the information may be 5337
admitted into evidence only in accordance with the Rules of 5338
Evidence, but the court shall require that appropriate measures 5339
are taken to ensure that confidentiality is maintained with 5340
respect to any part of the information that contains names or 5341
other identifying information about patients or complainants 5342
whose confidentiality was protected by the state medical board 5343
when the information was in the board's possession. Measures to 5344
ensure confidentiality that may be taken by the court include 5345
sealing its records or deleting specific information from its 5346
records. 5347

(6) On a quarterly basis, the board shall prepare a report 5348
that documents the disposition of all cases during the preceding 5349
three months. The report shall contain the following information 5350
for each case with which the board has completed its activities: 5351

(a) The case number assigned to the complaint or alleged 5352
violation; 5353

(b) The type of license or certificate to practice, if 5354
any, held by the individual against whom the complaint is 5355
directed; 5356

(c) A description of the allegations contained in the 5357

complaint; 5358

(d) The disposition of the case. 5359

The report shall state how many cases are still pending 5360
and shall be prepared in a manner that protects the identity of 5361
each person involved in each case. The report shall be a public 5362
record under section 149.43 of the Revised Code. 5363

(G) If the secretary and supervising member determine both 5364
of the following, they may recommend that the board suspend an 5365
individual's license or certificate to practice or certificate 5366
to recommend without a prior hearing: 5367

(1) That there is clear and convincing evidence that an 5368
individual has violated division (B) of this section; 5369

(2) That the individual's continued practice presents a 5370
danger of immediate and serious harm to the public. 5371

Written allegations shall be prepared for consideration by 5372
the board. The board, upon review of those allegations and by an 5373
affirmative vote of not fewer than six of its members, excluding 5374
the secretary and supervising member, may suspend a license or 5375
certificate without a prior hearing. A telephone conference call 5376
may be utilized for reviewing the allegations and taking the 5377
vote on the summary suspension. 5378

The board shall serve a written order of suspension in 5379
accordance with sections 119.05 and 119.07 of the Revised Code. 5380
The order shall not be subject to suspension by the court during 5381
pendency of any appeal filed under section 119.12 of the Revised 5382
Code. If the individual subject to the summary suspension 5383
requests an adjudicatory hearing by the board, the date set for 5384
the hearing shall be within fifteen days, but not earlier than 5385
seven days, after the individual requests the hearing, unless 5386

otherwise agreed to by both the board and the individual. 5387

Any summary suspension imposed under this division shall 5388
remain in effect, unless reversed on appeal, until a final 5389
adjudicative order issued by the board pursuant to this section 5390
and Chapter 119. of the Revised Code becomes effective. The 5391
board shall issue its final adjudicative order within seventy- 5392
five days after completion of its hearing. A failure to issue 5393
the order within seventy-five days shall result in dissolution 5394
of the summary suspension order but shall not invalidate any 5395
subsequent, final adjudicative order. 5396

(H) If the board takes action under division (B) (9), (11), 5397
or (13) of this section and the judicial finding of guilt, 5398
guilty plea, or judicial finding of eligibility for intervention 5399
in lieu of conviction is overturned on appeal, upon exhaustion 5400
of the criminal appeal, a petition for reconsideration of the 5401
order may be filed with the board along with appropriate court 5402
documents. Upon receipt of a petition of that nature and 5403
supporting court documents, the board shall reinstate the 5404
individual's license or certificate to practice. The board may 5405
then hold an adjudication under Chapter 119. of the Revised Code 5406
to determine whether the individual committed the act in 5407
question. Notice of an opportunity for a hearing shall be given 5408
in accordance with Chapter 119. of the Revised Code. If the 5409
board finds, pursuant to an adjudication held under this 5410
division, that the individual committed the act or if no hearing 5411
is requested, the board may order any of the sanctions 5412
identified under division (B) of this section. 5413

(I) The license or certificate to practice issued to an 5414
individual under this chapter and the individual's practice in 5415
this state are automatically suspended as of the date of the 5416

individual's second or subsequent plea of guilty to, or judicial 5417
finding of guilt of, a violation of section 2919.123 or 2919.124 5418
of the Revised Code. In addition, the license or certificate to 5419
practice or certificate to recommend issued to an individual 5420
under this chapter and the individual's practice in this state 5421
are automatically suspended as of the date the individual pleads 5422
guilty to, is found by a judge or jury to be guilty of, or is 5423
subject to a judicial finding of eligibility for intervention in 5424
lieu of conviction in this state or treatment or intervention in 5425
lieu of conviction in another jurisdiction for any of the 5426
following criminal offenses in this state or a substantially 5427
equivalent criminal offense in another jurisdiction: aggravated 5428
murder, murder, voluntary manslaughter, felonious assault, 5429
kidnapping, rape, sexual battery, gross sexual imposition, 5430
aggravated arson, aggravated robbery, or aggravated burglary. 5431
Continued practice after suspension shall be considered 5432
practicing without a license or certificate. 5433

The board shall notify the individual subject to the 5434
suspension in accordance with sections 119.05 and 119.07 of the 5435
Revised Code. If an individual whose license or certificate is 5436
automatically suspended under this division fails to make a 5437
timely request for an adjudication under Chapter 119. of the 5438
Revised Code, the board shall do whichever of the following is 5439
applicable: 5440

(1) If the automatic suspension under this division is for 5441
a second or subsequent plea of guilty to, or judicial finding of 5442
guilt of, a violation of section 2919.123 or 2919.124 of the 5443
Revised Code, the board shall enter an order suspending the 5444
individual's license or certificate to practice for a period of 5445
at least one year or, if determined appropriate by the board, 5446
imposing a more serious sanction involving the individual's 5447

license or certificate to practice. 5448

(2) In all circumstances in which division (I)(1) of this 5449
section does not apply, enter a final order permanently revoking 5450
the individual's license or certificate to practice. 5451

(J) If the board is required by Chapter 119. of the 5452
Revised Code to give notice of an opportunity for a hearing and 5453
if the individual subject to the notice does not timely request 5454
a hearing in accordance with section 119.07 of the Revised Code, 5455
the board is not required to hold a hearing, but may adopt, by 5456
an affirmative vote of not fewer than six of its members, a 5457
final order that contains the board's findings. In that final 5458
order, the board may order any of the sanctions identified under 5459
division (A) or (B) of this section. 5460

(K) Any action taken by the board under division (B) of 5461
this section resulting in a suspension from practice shall be 5462
accompanied by a written statement of the conditions under which 5463
the individual's license or certificate to practice may be 5464
reinstated. The board shall adopt rules governing conditions to 5465
be imposed for reinstatement. Reinstatement of a license or 5466
certificate suspended pursuant to division (B) of this section 5467
requires an affirmative vote of not fewer than six members of 5468
the board. 5469

(L) When the board refuses to grant or issue a license or 5470
certificate to practice to an applicant, revokes an individual's 5471
license or certificate to practice, refuses to renew an 5472
individual's license or certificate to practice, or refuses to 5473
reinstate an individual's license or certificate to practice, 5474
the board may specify that its action is permanent. An 5475
individual subject to a permanent action taken by the board is 5476
forever thereafter ineligible to hold a license or certificate 5477

to practice and the board shall not accept an application for 5478
reinstatement of the license or certificate or for issuance of a 5479
new license or certificate. 5480

(M) Notwithstanding any other provision of the Revised 5481
Code, all of the following apply: 5482

(1) The surrender of a license or certificate issued under 5483
this chapter shall not be effective unless or until accepted by 5484
the board. A telephone conference call may be utilized for 5485
acceptance of the surrender of an individual's license or 5486
certificate to practice. The telephone conference call shall be 5487
considered a special meeting under division (F) of section 5488
121.22 of the Revised Code. Reinstatement of a license or 5489
certificate surrendered to the board requires an affirmative 5490
vote of not fewer than six members of the board. 5491

(2) An application for a license or certificate made under 5492
the provisions of this chapter may not be withdrawn without 5493
approval of the board. 5494

(3) Failure by an individual to renew a license or 5495
certificate to practice in accordance with this chapter or a 5496
certificate to recommend in accordance with rules adopted under 5497
section 4731.301 of the Revised Code does not remove or limit 5498
the board's jurisdiction to take any disciplinary action under 5499
this section against the individual. 5500

(4) The placement of an individual's license on retired 5501
status, as described in section 4731.283 of the Revised Code, 5502
does not remove or limit the board's jurisdiction to take any 5503
disciplinary action against the individual with regard to the 5504
license as it existed before being placed on retired status. 5505

(5) At the request of the board, a license or certificate 5506

holder shall immediately surrender to the board a license or 5507
certificate that the board has suspended, revoked, or 5508
permanently revoked. 5509

(N) Sanctions shall not be imposed under division (B) (28) 5510
of this section against any person who waives deductibles and 5511
copayments as follows: 5512

(1) In compliance with the health benefit plan that 5513
expressly allows such a practice. Waiver of the deductibles or 5514
copayments shall be made only with the full knowledge and 5515
consent of the plan purchaser, payer, and third-party 5516
administrator. Documentation of the consent shall be made 5517
available to the board upon request. 5518

(2) For professional services rendered to any other person 5519
authorized to practice pursuant to this chapter, to the extent 5520
allowed by this chapter and rules adopted by the board. 5521

(O) Under the board's investigative duties described in 5522
this section and subject to division (F) of this section, the 5523
board shall develop and implement a quality intervention program 5524
designed to improve through remedial education the clinical and 5525
communication skills of individuals authorized under this 5526
chapter to practice medicine and surgery, osteopathic medicine 5527
and surgery, and podiatric medicine and surgery. In developing 5528
and implementing the quality intervention program, the board may 5529
do all of the following: 5530

(1) Offer in appropriate cases as determined by the board 5531
an educational and assessment program pursuant to an 5532
investigation the board conducts under this section; 5533

(2) Select providers of educational and assessment 5534
services, including a quality intervention program panel of case 5535

reviewers;	5536
(3) Make referrals to educational and assessment service providers and approve individual educational programs recommended by those providers. The board shall monitor the progress of each individual undertaking a recommended individual educational program.	5537 5538 5539 5540 5541
(4) Determine what constitutes successful completion of an individual educational program and require further monitoring of the individual who completed the program or other action that the board determines to be appropriate;	5542 5543 5544 5545
(5) Adopt rules in accordance with Chapter 119. of the Revised Code to further implement the quality intervention program.	5546 5547 5548
An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program.	5549 5550 5551
(P) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.	5552 5553 5554 5555 5556 5557
Sec. 4731.224. (A) Within sixty days after the imposition of any formal disciplinary action taken by any health care facility, including a hospital, health care facility operated by a health insuring corporation, ambulatory surgical center, or similar facility, against any individual holding a valid license or certificate to practice issued pursuant to this chapter, the chief administrator or executive officer of the facility shall	5558 5559 5560 5561 5562 5563 5564

report to the state medical board the name of the individual, 5565
the action taken by the facility, and a summary of the 5566
underlying facts leading to the action taken. Upon request, the 5567
board shall be provided certified copies of the patient records 5568
that were the basis for the facility's action. Prior to release 5569
to the board, the summary shall be approved by the peer review 5570
committee that reviewed the case or by the governing board of 5571
the facility. As used in this division, "formal disciplinary 5572
action" means any action resulting in the revocation, 5573
restriction, reduction, or termination of clinical privileges 5574
for violations of professional ethics, or for reasons of medical 5575
incompetence or medical malpractice. "Formal disciplinary 5576
action" includes a summary action, an action that takes effect 5577
notwithstanding any appeal rights that may exist, and an action 5578
that results in an individual surrendering clinical privileges 5579
while under investigation and during proceedings regarding the 5580
action being taken or in return for not being investigated or 5581
having proceedings held. "Formal disciplinary action" does not 5582
include any action taken for the sole reason of failure to 5583
maintain records on a timely basis or failure to attend staff or 5584
section meetings. 5585

The filing or nonfiling of a report with the board, 5586
investigation by the board, or any disciplinary action taken by 5587
the board, shall not preclude any action by a health care 5588
facility to suspend, restrict, or revoke the individual's 5589
clinical privileges. 5590

In the absence of fraud or bad faith, no individual or 5591
entity that provides patient records to the board shall be 5592
liable in damages to any person as a result of providing the 5593
records. 5594

(B) (1) Except as provided in division (B) (2) of this 5595
section, if any individual authorized to practice under this 5596
chapter or any professional association or society of such 5597
individuals believes that a violation of any provision of this 5598
chapter, Chapter 4730., 4759., 4760., 4761., 4762., 4772., 5599
4774., or 4778. of the Revised Code, or any rule of the board 5600
has occurred, the individual, association, or society shall 5601
report to the board the information upon which the belief is 5602
based. 5603

(2) If any individual authorized to practice under this 5604
chapter or any professional association or society of such 5605
individuals believes that a violation of division (B) (19) or 5606
(26) of section 4731.22 of the Revised Code has occurred, the 5607
individual, association, or society shall report the information 5608
upon which the belief is based to the monitoring organization 5609
conducting the confidential monitoring program established under 5610
section 4731.25 of the Revised Code. If any such report is made 5611
to the board, it shall be referred to the monitoring 5612
organization unless the board is aware that the individual who 5613
is the subject of the report does not meet the program 5614
eligibility requirements of section 4731.252 of the Revised 5615
Code. 5616

(C) Any professional association or society composed 5617
primarily of doctors of medicine and surgery, doctors of 5618
osteopathic medicine and surgery, doctors of podiatric medicine 5619
and surgery, or practitioners of limited branches of medicine 5620
that suspends or revokes an individual's membership for 5621
violations of professional ethics, or for reasons of 5622
professional incompetence or professional malpractice, within 5623
sixty days after a final decision shall report to the board, on 5624
forms prescribed and provided by the board, the name of the 5625

individual, the action taken by the professional organization, 5626
and a summary of the underlying facts leading to the action 5627
taken. 5628

The filing of a report with the board or decision not to 5629
file a report, investigation by the board, or any disciplinary 5630
action taken by the board, does not preclude a professional 5631
organization from taking disciplinary action against an 5632
individual. 5633

(D) Any insurer providing professional liability insurance 5634
to an individual authorized to practice under this chapter, or 5635
any other entity that seeks to indemnify the professional 5636
liability of such an individual, shall notify the board within 5637
thirty days after the final disposition of any written claim for 5638
damages where such disposition results in a payment exceeding 5639
twenty-five thousand dollars. The notice shall contain the 5640
following information: 5641

(1) The name and address of the person submitting the 5642
notification; 5643

(2) The name and address of the insured who is the subject 5644
of the claim; 5645

(3) The name of the person filing the written claim; 5646

(4) The date of final disposition; 5647

(5) If applicable, the identity of the court in which the 5648
final disposition of the claim took place. 5649

(E) The board may investigate possible violations of this 5650
chapter or the rules adopted under it that are brought to its 5651
attention as a result of the reporting requirements of this 5652
section, except that the board shall conduct an investigation if 5653

a possible violation involves repeated malpractice. As used in 5654
this division, "repeated malpractice" means three or more claims 5655
for medical malpractice within the previous five-year period, 5656
each resulting in a judgment or settlement in excess of twenty- 5657
five thousand dollars in favor of the claimant, and each 5658
involving negligent conduct by the practicing individual. 5659

(F) All summaries, reports, and records received and 5660
maintained by the board pursuant to this section shall be held 5661
in confidence and shall not be subject to discovery or 5662
introduction in evidence in any federal or state civil action 5663
involving a health care professional or facility arising out of 5664
matters that are the subject of the reporting required by this 5665
section. The board may use the information obtained only as the 5666
basis for an investigation, as evidence in a disciplinary 5667
hearing against an individual whose practice is regulated under 5668
this chapter, or in any subsequent trial or appeal of a board 5669
action or order. 5670

The board may disclose the summaries and reports it 5671
receives under this section only to health care facility 5672
committees within or outside this state that are involved in 5673
credentialing or recredentialing the individual or in reviewing 5674
the individual's clinical privileges. The board shall indicate 5675
whether or not the information has been verified. Information 5676
transmitted by the board shall be subject to the same 5677
confidentiality provisions as when maintained by the board. 5678

(G) Except for reports filed by an individual pursuant to 5679
division (B) of this section, the board shall send a copy of any 5680
reports or summaries it receives pursuant to this section to the 5681
individual who is the subject of the reports or summaries. The 5682
individual shall have the right to file a statement with the 5683

board concerning the correctness or relevance of the 5684
information. The statement shall at all times accompany that 5685
part of the record in contention. 5686

(H) An individual or entity that, pursuant to this 5687
section, reports to the board, reports to the monitoring 5688
organization described in section 4731.25 of the Revised Code, 5689
or refers an impaired practitioner to a treatment provider 5690
approved by the board under section 4731.251 of the Revised Code 5691
shall not be subject to suit for civil damages as a result of 5692
the report, referral, or provision of the information. 5693

(I) In the absence of fraud or bad faith, no professional 5694
association or society of individuals authorized to practice 5695
under this chapter that sponsors a committee or program to 5696
provide peer assistance to practitioners with substance abuse 5697
problems, no representative or agent of such a committee or 5698
program, no representative or agent of the monitoring 5699
organization described in section 4731.25 of the Revised Code, 5700
and no member of the state medical board shall be held liable in 5701
damages to any person by reason of actions taken to refer a 5702
practitioner to a treatment provider approved under section 5703
4731.251 of the Revised Code for examination or treatment. 5704

Sec. 4731.24. Except as provided in sections 4731.281 and 5705
4731.40 of the Revised Code, all receipts of the state medical 5706
board, from any source, shall be deposited in the state 5707
treasury. The funds shall be deposited to the credit of the 5708
state medical board operating fund, which is hereby created. 5709
Except as provided in sections 4730.252, 4731.225, 4731.24, 5710
4759.071, 4760.133, 4761.091, 4762.133, 4772.203, 4774.133, and 5711
4778.141 of the Revised Code, all funds deposited into the state 5712
treasury under this section shall be used solely for the 5713

administration and enforcement of this chapter and Chapters 5714
4730., 4759., 4760., 4761., 4762., 4772., 4774., and 4778. of 5715
the Revised Code by the board. 5716

Sec. 4731.25. (A) As used in this section and in sections 5717
4731.251 to 4731.255 of the Revised Code: 5718

(1) "Applicant" means an individual who has applied under 5719
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4772., 4774., 5720
or 4778. of the Revised Code for a license, training or other 5721
certificate, limited permit, or other authority to practice as 5722
any one of the following practitioners: a physician assistant, 5723
physician, podiatrist, limited branch of medicine practitioner, 5724
dietitian, anesthesiologist assistant, respiratory care 5725
professional, acupuncturist, certified mental health assistant, 5726
radiologist assistant, or genetic counselor. "Applicant" may 5727
include an individual who has been granted authority by the 5728
state medical board to practice as one type of practitioner, but 5729
has applied for authority to practice as another type of 5730
practitioner. 5731

(2) "Impaired" or "impairment" means either or both of the 5732
following: 5733

(a) Impairment of ability to practice as described in 5734
division (B) (5) of section 4730.25, division (B) (26) of section 5735
4731.22, division (A) (18) of section 4759.07, division (B) (6) of 5736
section 4760.13, division (A) (18) of section 4761.09, division 5737
(B) (6) of section 4762.13, division (B) (6) of section 4772.20, 5738
division (B) (6) of section 4774.13, or division (B) (6) of 5739
section 4778.14 of the Revised Code; 5740

(b) Inability to practice as described in division (B) (4) 5741
of section 4730.25, division (B) (19) of section 4731.22, 5742

division (A) (14) of section 4759.07, division (B) (5) of section 4760.13, division (A) (14) of section 4761.09, division (B) (5) of section 4762.13, division (B) (5) of section 4774.13, or division (B) (5) of section 4778.14 of the Revised Code.

(3) "Practitioner" means any of the following:

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine;

(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant;

(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian;

(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant;

(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care;

(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;

(g) An individual licensed under Chapter 4772. of the Revised Code to practice as a certified mental health assistant;

(h) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;

~~(h)~~ (i) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.

(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be,

impaired and also meet the eligibility conditions described in 5770
section 4731.252 or 4731.253 of the Revised Code. The program 5771
shall be known as the confidential monitoring program. 5772

The board shall contract with a monitoring organization to 5773
conduct the program and perform monitoring services. To be 5774
qualified to contract with the board, an organization shall meet 5775
all of the following requirements: 5776

(1) Be a professionals health program sponsored by one or 5777
more professional associations or societies of practitioners; 5778

(2) Be organized as a not-for-profit entity and exempt 5779
from federal income taxation under subsection 501(c)(3) of the 5780
Internal Revenue Code; 5781

(3) Contract with or employ a medical director who is 5782
authorized under this chapter to practice medicine and surgery 5783
or osteopathic medicine and surgery and specializes or has 5784
training and expertise in addiction medicine; 5785

(4) Contract with or employ licensed health care 5786
professionals necessary for the organization's operation. 5787

(C) The monitoring organization shall do all of the 5788
following pursuant to the contract: 5789

(1) Receive from the board a referral regarding an 5790
applicant or receive any report of suspected practitioner 5791
impairment from any source, including from the board; 5792

(2) Notify a practitioner who is the subject of a report 5793
received under division (C)(1) of this section that the report 5794
has been made and that the practitioner may be eligible to 5795
participate in the program conducted under this section; 5796

(3) Provide a practitioner who is the subject of a report 5797

received under division (C) (1) of this section with the list of 5798
approved evaluators and treatment providers prepared and updated 5799
as described in section 4731.251 of the Revised Code; 5800

(4) Determine whether a practitioner reported or applicant 5801
referred to the monitoring organization is eligible to 5802
participate in the program, which in the case of an applicant 5803
may include evaluating records as described in division (E) (1) 5804
(d) of this section, and notify the practitioner or applicant of 5805
the determination; 5806

(5) In the case of a practitioner reported by a treatment 5807
provider, notify the treatment provider of the eligibility 5808
determination; 5809

(6) Report to the board any practitioner or applicant who 5810
is determined ineligible to participate in the program; 5811

(7) Refer an eligible practitioner who chooses to 5812
participate in the program for evaluation by an evaluator 5813
approved by the monitoring organization, unless the report 5814
received by the monitoring organization was made by an approved 5815
evaluator and the practitioner has already been evaluated; 5816

(8) Monitor the evaluation of an eligible practitioner; 5817

(9) Refer an eligible practitioner who chooses to 5818
participate in the program to a treatment provider approved by 5819
the monitoring organization; 5820

(10) Establish, in consultation with the treatment 5821
provider to which a practitioner is referred, the terms and 5822
conditions with which the practitioner must comply for continued 5823
participation in and successful completion of the program; 5824

(11) Report to the board any practitioner who does not 5825

complete evaluation or treatment or does not comply with any of 5826
the terms and conditions established by the monitoring 5827
organization and the treatment provider; 5828

(12) Perform any other activities specified in the 5829
contract with the board or that the monitoring organization 5830
considers necessary to comply with this section and sections 5831
4731.251 to 4731.255 of the Revised Code. 5832

(D) The monitoring organization shall not disclose to the 5833
board the name of a practitioner or applicant or any records 5834
relating to a practitioner or applicant, unless any of the 5835
following occurs: 5836

(1) The practitioner or applicant is determined to be 5837
ineligible to participate in the program. 5838

(2) The practitioner or applicant requests the disclosure. 5839

(3) The practitioner or applicant is unwilling or unable 5840
to complete or comply with any part of the program, including 5841
evaluation, treatment, or monitoring. 5842

(4) The practitioner or applicant presents an imminent 5843
danger to oneself or the public, as a result of the 5844
practitioner's or applicant's impairment. 5845

(5) The practitioner's impairment has not been 5846
substantially alleviated by participation in the program. 5847

(E) (1) The monitoring organization shall develop 5848
procedures governing each of the following: 5849

(a) Receiving reports of practitioner impairment; 5850

(b) Notifying practitioners of reports and eligibility 5851
determinations; 5852

(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;	5853 5854
(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;	5855 5856 5857
(e) Notifying applicants of eligibility determinations;	5858
(f) Referring eligible practitioners for evaluation or treatment;	5859 5860
(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	5861 5862
(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.	5863 5864 5865 5866
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	5867 5868
(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;	5869 5870 5871 5872 5873
(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;	5874 5875 5876
(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;	5877 5878 5879

(d) Reporting to the board any practitioner or applicant 5880
whose impairment was not substantially alleviated by 5881
participation in the program. 5882

Sec. 4731.251. (A) In addition to the duties described in 5883
section 4731.25 of the Revised Code, the monitoring organization 5884
shall conduct a review of individuals and entities providing 5885
impairment evaluation and treatment services to determine which 5886
should be approved as evaluators and treatment providers by the 5887
organization. The individuals and entities may include those 5888
with experience providing evaluation and treatment services as 5889
part of a professionals health program sponsored by one or more 5890
professional associations or societies of practitioners. The 5891
monitoring organization shall conduct its review in accordance 5892
with criteria developed under this section. 5893

Following its review, the monitoring organization shall 5894
grant or deny approval to evaluators and treatment providers, 5895
which may include physicians and facilities. The monitoring 5896
organization shall prepare a list of evaluators approved to 5897
serve under the program and a list of treatment providers 5898
approved to serve under the program or as described in division 5899
(B) (5) of section 4730.25, division (B) (26) of section 4731.22, 5900
division (A) (18) of section 4759.07, division (B) (6) of section 5901
4760.13, division (A) (18) of section 4761.09, division (B) (6) of 5902
section 4762.13, division (B) (6) of section 4772.20, division 5903
(B) (6) of section 4774.13, or division (B) (6) of section 4778.14 5904
of the Revised Code. 5905

In accordance with criteria developed under this section, 5906
the monitoring organization shall periodically review and update 5907
the list of approved evaluators and treatment providers, 5908
including by examining evaluator and treatment provider outcomes 5909

and operations. As part of its periodic review, the organization 5910
may approve additional evaluators or treatment providers and add 5911
them to the list. The organization also may withdraw approval 5912
for evaluators and treatment providers. Such additions and 5913
withdrawals shall be reflected in the list. 5914

(B) The monitoring organization and state medical board 5915
together shall develop criteria and procedures for the review 5916
and approval of impairment evaluators and treatment providers. 5917
The criteria and procedures shall address reviews conducted on a 5918
periodic basis, including the examination of approved evaluator 5919
and treatment provider outcomes and operations. 5920

(C) Separate from the confidential monitoring program 5921
established under section 4731.25 of the Revised Code, the board 5922
may contract with the monitoring organization to assist the 5923
board in monitoring impaired practitioners who are subject to 5924
formal disciplinary action by the board. 5925

(D) Any practitioner who is evaluated or treated as part 5926
of the confidential monitoring program, who enters into a 5927
participation agreement with the monitoring organization, or who 5928
is treated by an approved treatment provider shall be deemed to 5929
have waived any confidentiality requirements that would 5930
otherwise prevent the monitoring organization or treatment 5931
provider from making reports required under sections 4731.25 to 5932
4731.255 of the Revised Code. 5933

Sec. 4734.99. (A) Whoever violates section 4734.14 or 5934
4734.141 of the Revised Code is guilty of a felony of the fifth 5935
degree on a first offense, unless the offender previously has 5936
been convicted of or has pleaded guilty to a violation of 5937
section 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 5938
2913.40, 2913.47, 2913.48, 2913.51, 2921.13, 4715.09, 4723.03, 5939

4725.02, 4725.41, 4729.27, 4729.28, 4729.36, 4729.51, 4729.61, 5940
4730.02, 4731.41, 4731.43, 4731.46, 4731.47, 4731.60, 4732.21, 5941
4741.18, 4741.19, 4755.48, 4757.02, 4759.02, 4761.10, 4772.02, 5942
or 4773.02 of the Revised Code or an offense under an existing 5943
or former law of this state, another state, or the United States 5944
that is or was substantially equivalent to a violation of any of 5945
those sections, in which case the offender is guilty of a felony 5946
of the fourth degree. For each subsequent offense, the offender 5947
is guilty of a felony of the fourth degree. 5948

(B) Whoever violates section 4734.161 of the Revised Code 5949
is guilty of a misdemeanor of the first degree. 5950

(C) Whoever violates division (A), (B), (C), or (D) of 5951
section 4734.32 of the Revised Code is guilty of a minor 5952
misdemeanor on a first offense; on each subsequent offense, the 5953
person is guilty of a misdemeanor of the fourth degree, except 5954
that an individual guilty of a subsequent offense shall not be 5955
subject to imprisonment, but to a fine alone of up to one 5956
thousand dollars for each offense. 5957

Sec. 4743.09. (A) As used in this section: 5958

(1) "Durable medical equipment" means a type of equipment, 5959
such as a remote monitoring device utilized by a physician, 5960
physician assistant, or advanced practice registered nurse in 5961
accordance with this section, that can withstand repeated use, 5962
is primarily and customarily used to serve a medical purpose, 5963
and generally is not useful to a person in the absence of 5964
illness or injury and, in addition, includes repair and 5965
replacement parts for the equipment. 5966

(2) "Facility fee" means any fee charged or billed for 5967
telehealth services provided in a facility that is intended to 5968

compensate the facility for its operational expenses and is	5969
separate and distinct from a professional fee.	5970
(3) "Health care professional" means:	5971
(a) An advanced practice registered nurse, as defined in	5972
section 4723.01 of the Revised Code;	5973
(b) An optometrist licensed under Chapter 4725. of the	5974
Revised Code to practice optometry;	5975
(c) A pharmacist licensed under Chapter 4729. of the	5976
Revised Code;	5977
(d) A physician assistant licensed under Chapter 4730. of	5978
the Revised Code;	5979
(e) A physician licensed under Chapter 4731. of the	5980
Revised Code to practice medicine and surgery, osteopathic	5981
medicine and surgery, or podiatric medicine and surgery;	5982
(f) A psychologist, independent school psychologist, or	5983
school psychologist licensed under Chapter 4732. of the Revised	5984
Code;	5985
(g) A chiropractor licensed under Chapter 4734. of the	5986
Revised Code;	5987
(h) An audiologist or speech-language pathologist licensed	5988
under Chapter 4753. of the Revised Code;	5989
(i) An occupational therapist or physical therapist	5990
licensed under Chapter 4755. of the Revised Code;	5991
(j) An occupational therapy assistant or physical	5992
therapist assistant licensed under Chapter 4755. of the Revised	5993
Code;	5994
(k) A professional clinical counselor, independent social	5995

worker, independent marriage and family therapist, art	5996
therapist, or music therapist licensed under Chapter 4757. of	5997
the Revised Code;	5998
(l) An independent chemical dependency counselor licensed	5999
under Chapter 4758. of the Revised Code;	6000
(m) A dietitian licensed under Chapter 4759. of the	6001
Revised Code;	6002
(n) A respiratory care professional licensed under Chapter	6003
4761. of the Revised Code;	6004
(o) A genetic counselor licensed under Chapter 4778. of	6005
the Revised Code;	6006
(p) A certified Ohio behavior analyst certified under	6007
Chapter 4783. of the Revised Code;	6008
<u>(q) A certified mental health assistant licensed under</u>	6009
<u>Chapter 4772. of the Revised Code.</u>	6010
(4) "Health care professional licensing board" means any	6011
of the following:	6012
(a) The board of nursing;	6013
(b) The state vision professionals board;	6014
(c) The state board of pharmacy;	6015
(d) The state medical board;	6016
(e) The state board of psychology;	6017
(f) The state chiropractic board;	6018
(g) The state speech and hearing professionals board;	6019
(h) The Ohio occupational therapy, physical therapy, and	6020

athletic trainers board; 6021

(i) The counselor, social worker, and marriage and family therapist board; 6022
6023

(j) The chemical dependency professionals board. 6024

(5) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 6025
6026

(6) "Telehealth services" means health care services provided through the use of information and communication technology by a health care professional, within the professional's scope of practice, who is located at a site other than the site where either of the following is located: 6027
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6029
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(a) The patient receiving the services; 6032

(b) Another health care professional with whom the provider of the services is consulting regarding the patient. 6033
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(B) (1) Each health care professional licensing board shall permit a health care professional under its jurisdiction to provide the professional's services as telehealth services in accordance with this section. Subject to division (B) (2) of this section, a board may adopt any rules it considers necessary to implement this section. All rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. Any such rules adopted by a board are not subject to the requirements of division (F) of section 121.95 of the Revised Code. 6035
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(2) (a) Except as provided in division (B) (2) (b) of this section, the rules adopted by a health care professional licensing board under this section shall establish a standard of care for telehealth services that is equal to the standard of 6045
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6048

care for in-person services. 6049

(b) Subject to division (B) (2) (c) of this section, a board 6050
may require an initial in-person visit prior to prescribing a 6051
schedule II controlled substance to a new patient, equivalent to 6052
applicable state and federal requirements. 6053

(c) (i) A board shall not require an initial in-person 6054
visit for a new patient whose medical record indicates that the 6055
patient is receiving hospice or palliative care, who is 6056
receiving medication-assisted treatment or any other medication 6057
for opioid-use disorder, who is a patient with a mental health 6058
condition, or who, as determined by the clinical judgment of a 6059
health care professional, is in an emergency situation. 6060

(ii) Notwithstanding division (B) of section 3796.01 of 6061
the Revised Code, medical marijuana shall not be considered a 6062
schedule II controlled substance. 6063

(C) With respect to the provision of telehealth services, 6064
all of the following apply: 6065

(1) A health care professional may use synchronous or 6066
asynchronous technology to provide telehealth services to a 6067
patient during an initial visit if the appropriate standard of 6068
care for an initial visit is satisfied. 6069

(2) A health care professional may deny a patient 6070
telehealth services and, instead, require the patient to undergo 6071
an in-person visit. 6072

(3) When providing telehealth services in accordance with 6073
this section, a health care professional shall comply with all 6074
requirements under state and federal law regarding the 6075
protection of patient information. A health care professional 6076
shall ensure that any username or password information and any 6077

electronic communications between the professional and a patient 6078
are securely transmitted and stored. 6079

(4) A health care professional may use synchronous or 6080
asynchronous technology to provide telehealth services to a 6081
patient during an annual visit if the appropriate standard of 6082
care for an annual visit is satisfied. 6083

(5) In the case of a health care professional who is a 6084
physician, physician assistant, or advanced practice registered 6085
nurse, both of the following apply: 6086

(a) The professional may provide telehealth services to a 6087
patient located outside of this state if permitted by the laws 6088
of the state in which the patient is located. 6089

(b) The professional may provide telehealth services 6090
through the use of medical devices that enable remote 6091
monitoring, including such activities as monitoring a patient's 6092
blood pressure, heart rate, or glucose level. 6093

(D) When a patient has consented to receiving telehealth 6094
services, the health care professional who provides those 6095
services is not liable in damages under any claim made on the 6096
basis that the services do not meet the same standard of care 6097
that would apply if the services were provided in-person. 6098

(E) (1) A health care professional providing telehealth 6099
services shall not charge a patient or a health plan issuer 6100
covering telehealth services under section 3902.30 of the 6101
Revised Code any of the following: a facility fee, an 6102
origination fee, or any fee associated with the cost of the 6103
equipment used at the provider site to provide telehealth 6104
services. 6105

A health care professional providing telehealth services 6106

may charge a health plan issuer for durable medical equipment 6107
used at a patient or client site. 6108

(2) A health care professional may negotiate with a health 6109
plan issuer to establish a reimbursement rate for fees 6110
associated with the administrative costs incurred in providing 6111
telehealth services as long as a patient is not responsible for 6112
any portion of the fee. 6113

(3) A health care professional providing telehealth 6114
services shall obtain a patient's consent before billing for the 6115
cost of providing the services, but the requirement to do so 6116
applies only once. 6117

(F) Nothing in this section limits or otherwise affects 6118
any other provision of the Revised Code that requires a health 6119
care professional who is not a physician to practice under the 6120
supervision of, in collaboration with, in consultation with, or 6121
pursuant to the referral of another health care professional. 6122

(G) It is the intent of the general assembly, through the 6123
amendments to this section, to expand access to and investment 6124
in telehealth services in this state in congruence with the 6125
expansion and investment in telehealth services made during the 6126
COVID-19 pandemic. 6127

Sec. 4765.51. Nothing in this chapter prevents or 6128
restricts the practice, services, or activities of any 6129
registered nurse practicing within the scope of the registered 6130
nurse's practice. 6131

Nothing in this chapter prevents or restricts the 6132
practice, services, or activities of any physician assistant 6133
practicing in accordance with a supervision agreement entered 6134
into under section 4730.19 of the Revised Code, including, if 6135

applicable, the policies of the health care facility in which 6136
the physician assistant is practicing. 6137

Nothing in this chapter prevents or restricts the 6138
practice, services, or activities of any certified mental health 6139
assistant practicing in accordance with a supervision agreement 6140
entered into under section 4772.10 of the Revised Code. 6141

Sec. 4769.01. As used in this chapter: 6142

(A) "Medicare" means the program established by Title 6143
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 6144
U.S.C.A. 301, as amended. 6145

(B) "Balance billing" means charging or collecting from a 6146
medicare beneficiary an amount in excess of the medicare 6147
reimbursement rate for medicare-covered services or supplies 6148
provided to a medicare beneficiary, except when medicare is the 6149
secondary insurer. When medicare is the secondary insurer, the 6150
health care practitioner may pursue full reimbursement under the 6151
terms and conditions of the primary coverage and, if applicable, 6152
the charge allowed under the terms and conditions of the 6153
appropriate provider contract, from the primary insurer, but the 6154
medicare beneficiary cannot be balance billed above the medicare 6155
reimbursement rate for a medicare-covered service or supply. 6156
"Balance billing" does not include charging or collecting 6157
deductibles or coinsurance required by the program. 6158

(C) "Health care practitioner" means all of the following: 6159

(1) A dentist or dental hygienist licensed under Chapter 6160
4715. of the Revised Code; 6161

(2) A registered or licensed practical nurse licensed 6162
under Chapter 4723. of the Revised Code; 6163

(3) An optometrist licensed under Chapter 4725. of the Revised Code;	6164 6165
(4) A dispensing optician, spectacle dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	6166 6167 6168
(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	6169 6170
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	6171 6172 6173
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	6174 6175
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	6176 6177
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	6178 6179
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	6180 6181
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	6182 6183
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	6184 6185
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	6186 6187
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	6188 6189
(15) A licensed professional clinical counselor, licensed	6190

professional counselor, social worker, or independent social
worker licensed, or a social work assistant registered, under
Chapter 4757. of the Revised Code;

(16) A dietitian licensed under Chapter 4759. of the
Revised Code;

(17) A respiratory care professional licensed under
Chapter 4761. of the Revised Code;

(18) An emergency medical technician-basic, emergency
medical technician-intermediate, or emergency medical
technician-paramedic certified under Chapter 4765. of the
Revised Code;

(19) A certified mental health assistant licensed under
Chapter 4772. of the Revised Code.

Sec. 4772.01. As used in this chapter:

(A) "Certified mental health assistant" means an
individual who, under physician supervision, provides mental
health care by engaging in any of the activities authorized
under section 4772.09 of the Revised Code.

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

(C) "Drug database" means the database established and
maintained by the state board of pharmacy pursuant to section
4729.75 of the Revised Code.

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

(E) "Physician" means an individual authorized under
Chapter 4731. of the Revised Code to practice medicine and

surgery or osteopathic medicine and surgery. 6218

Sec. 4772.02. (A) No person shall hold that person out as 6219
being able to function as a certified mental health assistant, 6220
or use any words or letters indicating or implying that the 6221
person is a certified mental health assistant, without a 6222
current, valid license to practice as a certified mental health 6223
assistant issued pursuant to this chapter. 6224

(B) No person shall practice as a certified mental health 6225
assistant without the supervision, control, and direction of a 6226
physician. 6227

(C) No person shall practice as a certified mental health 6228
assistant without having entered into a supervision agreement 6229
with a supervising physician under section 4772.10 of the 6230
Revised Code. 6231

(D) No person acting as the supervising physician of a 6232
certified mental health assistant shall authorize the certified 6233
mental health assistant to perform services if either of the 6234
following is the case: 6235

(1) The services are not within the physician's normal 6236
course of practice and expertise. 6237

(2) The services are inconsistent with the supervision 6238
agreement under which the certified mental health assistant is 6239
being supervised. 6240

(E) No person shall advertise to provide services as a 6241
certified mental health assistant, except for the purpose of 6242
seeking employment. 6243

(F) No person practicing as a certified mental health 6244
assistant shall fail to wear at all times when on duty a 6245

placard, plate, or other device identifying that person as a 6246
"certified mental health assistant." 6247

Sec. 4772.03. Nothing in this chapter shall: 6248

(A) Be construed to affect or interfere with the 6249
performance of duties of any medical personnel who are either of 6250
the following: 6251

(1) In active service in the army, navy, coast guard, 6252
marine corps, air force, public health service, or marine 6253
hospital service of the United States while so serving; 6254

(2) Employed by the veterans administration of the United 6255
States while so employed. 6256

(B) Prevent any person from performing any of the services 6257
a certified mental health assistant may be authorized to 6258
perform, if the person's professional scope of practice 6259
established under any other chapter of the Revised Code 6260
authorizes the person to perform the services; 6261

(C) Prohibit a physician from delegating responsibilities 6262
to any nurse or other qualified person who does not hold a 6263
license to practice as a certified mental health assistant, 6264
provided that the nurse or other qualified person is not held 6265
out to be a certified mental health assistant; 6266

(D) Be construed as authorizing a certified mental health 6267
assistant independently to order or direct the execution of 6268
procedures or techniques by a registered nurse or licensed 6269
practical nurse in the care and treatment of a person in any 6270
setting, except to the extent that the certified mental health 6271
assistant is authorized to do so by a physician who is 6272
responsible for supervising the certified mental health 6273
assistant. 6274

Sec. 4772.04. (A) An individual seeking a license to 6275
practice as a certified mental health assistant shall file with 6276
the state medical board a written application on a form 6277
prescribed and supplied by the board. The application shall 6278
include all the information the board considers necessary to 6279
process the application, including evidence satisfactory to the 6280
board that the applicant meets the requirements specified in 6281
division (B) of this section. 6282

At the time an application is submitted, the applicant 6283
shall pay the board the application fee specified by the board 6284
in rules adopted under section 4772.19 of the Revised Code. No 6285
part of the fee shall be returned. 6286

(B) To be eligible to receive a license to practice as a 6287
certified mental health assistant, an applicant shall meet all 6288
of the following requirements: 6289

(1) Be at least eighteen years of age; 6290

(2) Hold a bachelor's degree in any field of study 6291
obtained from an accredited educational institution; 6292

(3) Meet either of the following additional educational 6293
requirements: 6294

(a) Hold a master's or higher degree obtained from a 6295
certified mental health assistant program, as described in 6296
section 4772.05 of the Revised Code; 6297

(b) Meet both of the following requirements: 6298

(i) Hold a diploma from a medical school or osteopathic 6299
medical school that, at the time the diploma was issued, was a 6300
medical school accredited by the liaison committee on medical 6301
education or an osteopathic medical school accredited by the 6302

American osteopathic association; 6303

(ii) Have completed twelve months of coursework from a 6304
certified mental health assistant program, as described in 6305
section 4772.05 of the Revised Code. 6306

(C) The board shall review all applications received under 6307
this section. Not later than sixty days after receiving an 6308
application the board considers to be complete, the board shall 6309
determine whether the applicant meets the requirements to 6310
receive a license to practice as a certified mental health 6311
assistant. 6312

Sec. 4772.041. In addition to any other eligibility 6313
requirement set forth in this chapter, each applicant for a 6314
license to practice as a certified mental health assistant shall 6315
comply with sections 4776.01 to 4776.04 of the Revised Code. 6316

Sec. 4772.05. (A) To constitute a certified mental health 6317
assistant program for purposes of section 4772.04 of the Revised 6318
Code, an education program approved by the chancellor of higher 6319
education shall be at least thirty credit hours of graduate 6320
coursework that includes courses in each of the following areas: 6321

(1) Psychiatric diagnoses included in the diagnostic and 6322
statistical manual of mental disorders published by the American 6323
psychiatric association; 6324

(2) Laboratory studies used in diagnosing or managing 6325
psychiatric conditions; 6326

(3) Medical conditions that mimic or present as 6327
psychiatric conditions; 6328

(4) Medical conditions associated with psychiatric 6329
conditions or treatment; 6330

<u>(5) Psychopharmacology, including treatment of psychiatric</u>	6331
<u>conditions, interactions, and recognition and management of drug</u>	6332
<u>side effects and complications;</u>	6333
<u>(6) Psychosocial interventions;</u>	6334
<u>(7) Conducting suicide and homicide risk assessments;</u>	6335
<u>(8) Forensic issues in psychiatry;</u>	6336
<u>(9) Basic behavioral health counseling;</u>	6337
<u>(10) Clinical experiences in inpatient psychiatric units,</u>	6338
<u>outpatient mental health clinics, psychiatric consultation and</u>	6339
<u>liaison services, and addiction services.</u>	6340
<u>(B) The chancellor of higher education, in the process of</u>	6341
<u>approving or disapproving the certified mental health assistant</u>	6342
<u>program, shall consider feedback and recommendations from the</u>	6343
<u>advisory committee created pursuant to division (C) of this</u>	6344
<u>section.</u>	6345
<u>(C) (1) An advisory committee on certified mental health</u>	6346
<u>assistant programs is created within the state medical board.</u>	6347
<u>The committee shall consist of five members appointed by the</u>	6348
<u>board's executive director. The following organizations may</u>	6349
<u>recommend appointments to the executive director for</u>	6350
<u>consideration:</u>	6351
<u>(a) Ohio state medical association;</u>	6352
<u>(b) Northeast Ohio medical university;</u>	6353
<u>(c) Ohio psychiatric physicians association.</u>	6354
<u>(2) The executive director shall appoint initial members</u>	6355
<u>and fill vacancies after considering the recommendations the</u>	6356
<u>executive director receives. If the executive director does not</u>	6357

receive any recommendations or receives an insufficient number 6358
of recommendations, the executive director shall appoint members 6359
and fill vacancies on the executive director's own advice. 6360

Initial appointments to the committee shall be made not 6361
later than sixty days after the effective date of this section. 6362
Subject to division (C) (4) of this section regarding the 6363
duration of the committee, all of the following apply: 6364

(a) Of the initial appointments described in division (C) 6365
(1) of this section, two shall be for terms of one year and 6366
three shall be for terms of two years. Thereafter, terms shall 6367
be for two years, with each term ending on the same day of the 6368
same month as did the term that it succeeds. 6369

(b) Members may be reappointed; 6370

(c) Vacancies shall be filled in the same manner as 6371
appointments; 6372

(d) When the term of any member expires, a successor shall 6373
be appointed in the same manner as the initial appointment. Any 6374
member appointed to fill a vacancy occurring prior to the 6375
expiration of the term for which the member's predecessor was 6376
appointed holds office for the remainder of that term. 6377

(e) A member shall continue in office subsequent to the 6378
expiration date of the member's term until the member's 6379
successor takes office or until a period of sixty days has 6380
elapsed, whichever occurs first. 6381

(3) The committee shall organize by selecting a 6382
chairperson from among its members. The committee may select a 6383
new chairperson at any time. Three members constitute a quorum 6384
for the transaction of official business. Meetings may be 6385
conducted by virtual means, at the discretion of the 6386

chairperson. Notwithstanding division (C) of section 121.22 of 6387
the Revised Code, a committee member who attends a meeting by 6388
virtual means is considered present in person at the meeting, 6389
may vote at the meeting, and is counted for purposes of 6390
determining whether a quorum is present at the meeting. 6391

Members shall serve without compensation but receive 6392
payment for their actual and necessary expenses incurred in the 6393
performance of their official duties. The expenses shall be paid 6394
by the board. 6395

(4) The committee shall advise the board and the 6396
department of higher education regarding certified mental health 6397
assistant programs until such time that there is a national 6398
accrediting body for certified mental health assistants. Until 6399
there is a national accrediting body, the committee, in 6400
providing feedback and recommendations, shall reference the 6401
physician assistant accrediting standards from the accreditation 6402
review commission on education for the physician assistant. Once 6403
there is a national accrediting body, the committee ceases to 6404
exist. 6405

Sec. 4772.06. If the state medical board determines under 6406
section 4772.04 of the Revised Code that an applicant meets the 6407
requirements for a license to practice as a certified mental 6408
health assistant, the secretary of the board shall register the 6409
applicant as a certified mental health assistant and issue to 6410
the applicant a license to practice as a certified mental health 6411
assistant. The license shall be valid for a two-year period 6412
unless revoked or suspended, shall expire on the date that is 6413
two years after the date of issuance, and may be renewed for 6414
additional two-year periods in accordance with section 4772.08 6415
of the Revised Code. 6416

Sec. 4772.07. On application by the holder of a license to practice as a certified mental health assistant, the state medical board shall issue a duplicate license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate license is thirty-five dollars. 6417
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Sec. 4772.08. (A) An individual seeking to renew a license to practice as a certified mental health assistant shall, on or before the license's expiration date, apply to the state medical board for renewal. The board shall provide renewal notices to license holders at least one month prior to the expiration date. 6423
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4772.19 of the Revised Code. 6428
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The applicant shall report any criminal offense that constitutes grounds for refusing to issue a license under section 4772.20 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a certified mental health assistant. 6432
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(B) To be eligible for renewal, a certified mental health assistant shall certify to the board that the assistant has complied with the renewal eligibility requirements established under section 4772.081 of the Revised Code that pertain to the applicant. 6439
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal 6444
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pursuant to division (B) of this section, the board shall issue 6446
to the applicant a renewed license to practice as a certified 6447
mental health assistant. 6448

(D) The board may require a random sample of license 6449
holders to submit materials documenting that the continuing 6450
education requirements of section 4772.081 of the Revised Code, 6451
and any other continuing education required by the board's 6452
rules, have been satisfied. 6453

Division (D) of this section does not limit the board's 6454
authority to conduct investigations pursuant to section 4772.20 6455
of the Revised Code. 6456

(E) A license that is not renewed on or before its 6457
expiration date is automatically suspended on its expiration 6458
date, subject to the provisions of section 119.06 of the Revised 6459
Code specifying that an applicant who appropriately files a 6460
renewal application is not required to discontinue practicing 6461
merely because the board has failed to act on the application. 6462

If a license has been suspended pursuant to this division 6463
for two years or less, the board shall reinstate the license 6464
upon an applicant's submission of a renewal application, the 6465
biennial renewal fee, and the applicable monetary penalty. The 6466
penalty for reinstatement is fifty dollars. 6467

If a license has been suspended pursuant to this division 6468
for more than two years, it may be restored. Subject to section 6469
4772.082 of the Revised Code, the board may restore the license 6470
upon an applicant's submission of a restoration application, the 6471
biennial renewal fee, the applicable monetary penalty, and 6472
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6473
The board shall not restore a license unless the board, in its 6474

discretion, decides that the results of the criminal records 6475
check do not make the applicant ineligible for a certificate 6476
issued pursuant to section 4772.06 of the Revised Code. The 6477
penalty for restoration is one hundred dollars. 6478

(F) (1) If, through a random sample conducted under 6479
division (D) of this section or any other means, the board finds 6480
that an individual who certified completion of the continuing 6481
education required to renew, reinstate, or restore a license to 6482
practice did not complete the requisite continuing medical 6483
education, the board may do either of the following: 6484

(a) Take disciplinary action against the individual under 6485
section 4772.20 of the Revised Code, impose a civil penalty, or 6486
both; 6487

(b) Permit the individual to agree in writing to complete 6488
the continuing medical education and pay a civil penalty. 6489

(2) The board's finding in any disciplinary action taken 6490
under division (F) (1) (a) of this section shall be made pursuant 6491
to an adjudication under Chapter 119. of the Revised Code and by 6492
an affirmative vote of not fewer than six of its members. 6493

(3) A civil penalty imposed under division (F) (1) (a) of 6494
this section or paid under division (F) (1) (b) of this section 6495
shall be in an amount specified by the board of not more than 6496
five thousand dollars. The board shall deposit civil penalties 6497
in accordance with section 4731.24 of the Revised Code. 6498

Sec. 4772.081. (A) To be eligible for renewal of a license 6499
to practice as a certified mental health assistant, an applicant 6500
who has been granted physician-delegated prescriptive authority 6501
by the physician supervising the certified mental health 6502
assistant is subject to both of the following: 6503

(1) The applicant shall complete every two years at least twelve hours of continuing education in pharmacology obtained through a program or course approved by the state medical board or a person the board has authorized to approve continuing pharmacology education programs and courses. Except as provided in section 5903.12 of the Revised Code, the continuing education shall be completed not later than the date on which the applicant's license expires. 6504
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(2) (a) Except as provided in division (A) (2) (b) of this section, in the case of an applicant who prescribes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database. 6512
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(b) The requirement described in division (A) (2) (a) of this section does not apply if any of the following is the case: 6518
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(i) The state board of pharmacy notifies the state medical board pursuant to section 4729.861 of the Revised Code that the applicant has been restricted from obtaining further information from the drug database. 6520
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(ii) The state board of pharmacy no longer maintains the drug database. 6524
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(iii) The applicant does not practice as a certified mental health assistant in this state. 6526
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(c) If an applicant certifies to the state medical board that the applicant has been granted access to the drug database and the board finds through an audit or other means that the applicant has not been granted access, the board may take action under section 4772.20 of the Revised Code. 6528
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(B) The state medical board shall provide for pro rata 6533
reductions by month of the number of hours of continuing 6534
education in pharmacology that is required to be completed for 6535
certified mental health assistants who have been disabled due to 6536
illness or accident or have been absent from the country. The 6537
board shall adopt rules, in accordance with Chapter 119. of the 6538
Revised Code, as necessary to implement this division. 6539

(C) The continuing education required by this section is 6540
in addition to any other continuing education required by the 6541
board's rules. 6542

(D) If the board chooses to authorize persons to approve 6543
continuing pharmacology education programs and courses, it shall 6544
establish standards for granting that authority and grant the 6545
authority in accordance with the standards. 6546

Sec. 4772.082. (A) This section applies to both of the 6547
following: 6548

(1) An applicant seeking restoration of a license issued 6549
under this chapter that has been in a suspended or inactive 6550
state for any cause for more than two years; 6551

(2) An applicant seeking issuance of a license pursuant to 6552
this chapter who for more than two years has not been practicing 6553
as a certified mental health assistant as either of the 6554
following: 6555

(a) An active practitioner; 6556

(b) A student in an academic program as described in 6557
section 4772.04 of the Revised Code. 6558

(B) Before issuing a license to an applicant subject to 6559
this section or restoring a license to good standing for an 6560

applicant subject to this section, the state medical board may 6561
impose terms and conditions including any one or more of the 6562
following: 6563

(1) Requiring the applicant to pass an oral or written 6564
examination, or both, to determine the applicant's present 6565
fitness to resume practice; 6566

(2) Requiring the applicant to obtain additional training 6567
and to pass an examination upon completion of such training; 6568

(3) Requiring an assessment of the applicant's physical 6569
skills for purposes of determining whether the applicant's 6570
coordination, fine motor skills, and dexterity are sufficient 6571
for performing evaluations and procedures in a manner that meets 6572
the minimal standards of care; 6573

(4) Requiring an assessment of the applicant's skills in 6574
recognizing and understanding diseases and conditions; 6575

(5) Requiring the applicant to undergo a comprehensive 6576
physical examination, which may include an assessment of 6577
physical abilities, evaluation of sensory capabilities, or 6578
screening for the presence of neurological disorders; 6579

(6) Restricting or limiting the extent, scope, or type of 6580
practice of the applicant. 6581

The board shall consider the moral background and the 6582
activities of the applicant during the period of suspension or 6583
inactivity. The board shall not issue or restore a license under 6584
this section unless the applicant complies with sections 4776.01 6585
to 4776.04 of the Revised Code. 6586

Sec. 4772.09. A license to practice as a certified mental 6587
health assistant issued under this chapter authorizes the holder 6588

to practice as a certified mental health assistant as follows: 6589

(A) The certified mental health assistant shall practice 6590
only under the supervision, control, and direction of a 6591
physician with whom the certified mental health assistant has 6592
entered into a supervision agreement under section 4772.10 of 6593
the Revised Code. 6594

(B) The certified mental health assistant shall practice 6595
in accordance with the supervision agreement entered into with 6596
the physician who is responsible for supervising the certified 6597
mental health assistant. 6598

(C) Subject to division (D) of this section, a certified 6599
mental health assistant licensed under this chapter may perform 6600
any of the following services authorized by the supervising 6601
physician that are part of the supervising physician's normal 6602
course of practice and expertise: 6603

(1) Ordering diagnostic, therapeutic, and other medical 6604
services as appropriate based on a patient's diagnosis that has 6605
been made in accordance with division (D) of this section; 6606

(2) Ordering, prescribing, personally furnishing, and 6607
administering drugs and medical devices in accordance with 6608
sections 4772.12 to 4772.15 of the Revised Code; 6609

(3) Ordering occupational therapy or referring a patient 6610
to an occupational therapist for occupational therapy, if 6611
related to a diagnosis that has been made in accordance with 6612
division (D) of this section; 6613

(4) Referring a patient to emergency medical services for 6614
acute safety concerns, provided the certified mental health 6615
assistant consults with the assistant's supervising physician as 6616
soon as possible thereafter. 6617

(D) A certified mental health assistant shall not do any 6618
of the following: 6619

(1) Make an initial diagnosis; 6620

(2) Treat a patient for any diagnosis or condition not 6621
found in the most recent edition of the diagnostic and 6622
statistical manual of mental disorders published by the American 6623
psychiatric association, or a similar publication if designated 6624
by the board; 6625

(3) Engage in electroconvulsive therapy, transcranial 6626
magnetic stimulation, or any other intervention designated as 6627
invasive by the board's rules. 6628

Sec. 4772.091. A certified mental health assistant may 6629
provide telehealth services in accordance with section 4743.09 6630
of the Revised Code. 6631

Sec. 4772.092. (A) Acting pursuant to a supervision 6632
agreement, a certified mental health assistant may delegate 6633
performance of a task to implement a patient's plan of care or, 6634
if the conditions in division (C) of this section are met, may 6635
delegate administration of a drug. Subject to division (D) of 6636
section 4772.03 of the Revised Code, delegation may be to any 6637
person. The certified mental health assistant must be physically 6638
present at the location where the task is performed or the drug 6639
administered. 6640

(B) Prior to delegating a task or administration of a 6641
drug, a certified mental health assistant shall determine that 6642
the task or drug is appropriate for the patient and the person 6643
to whom the delegation is to be made may safely perform the task 6644
or administer the drug. 6645

(C) A certified mental health assistant may delegate 6646

administration of a drug only if all of the following conditions 6647
are met: 6648

(1) The certified mental health assistant has been granted 6649
physician-delegated prescriptive authority by the physician 6650
supervising the certified mental health assistant and is 6651
authorized to prescribe the drug. 6652

(2) The drug is not a controlled substance. 6653

(3) The drug will not be administered intravenously. 6654

(4) The drug will not be administered in a hospital 6655
inpatient care unit, as defined in section 3727.50 of the 6656
Revised Code; a hospital emergency department; a freestanding 6657
emergency department; or an ambulatory surgical facility 6658
licensed under section 3702.30 of the Revised Code. 6659

(D) A person not otherwise authorized to administer a drug 6660
or perform a specific task may do so in accordance with a 6661
certified mental health assistant's delegation under this 6662
section. 6663

Sec. 4772.10. (A) Before initiating supervision of one or 6664
more certified mental health assistants licensed under this 6665
chapter, a physician shall enter into a supervision agreement 6666
with each certified mental health assistant who will be 6667
supervised. A supervision agreement may apply to one or more 6668
certified mental health assistants, but, except as provided in 6669
division (B) (5) of this section, may apply to not more than one 6670
physician. The supervision agreement shall specify that the 6671
physician agrees to supervise the certified mental health 6672
assistant and the certified mental health assistant agrees to 6673
practice under that physician's supervision. 6674

The agreement shall clearly state that the supervising 6675

physician is legally responsible and assumes legal liability for 6676
the services provided by the certified mental health assistant. 6677
The agreement shall be signed by the physician and the certified 6678
mental health assistant. 6679

(B) A supervision agreement shall include terms that 6680
specify all of the following: 6681

(1) The responsibilities to be fulfilled by the physician 6682
in supervising the certified mental health assistant; 6683

(2) The responsibilities to be fulfilled by the certified 6684
mental health assistant when performing services under the 6685
physician's supervision; 6686

(3) Any limitations on the responsibilities to be 6687
fulfilled by the certified mental health assistant; 6688

(4) The circumstances under which the certified mental 6689
health assistant is required to refer a patient to the 6690
supervising physician; 6691

(5) If the supervising physician chooses to designate 6692
physicians to act as alternate supervising physicians, the 6693
names, business addresses, and business telephone numbers of the 6694
physicians who have agreed to act in that capacity. 6695

(C) A supervision agreement may be amended to modify the 6696
responsibilities of one or more certified mental health 6697
assistants or to include one or more additional certified mental 6698
health assistants. 6699

(D) The supervising physician who entered into a 6700
supervision agreement shall retain a copy of the agreement in 6701
the records maintained by the supervising physician. Each 6702
certified mental health assistant who entered into the 6703

supervision agreement shall retain a copy of the agreement in 6704
the records maintained by the certified mental health assistant. 6705

(E)(1) If the board finds, through a review conducted 6706
under this section or through any other means, any of the 6707
following, the board may take disciplinary action against the 6708
individual under section 4731.22 or 4772.20 of the Revised Code, 6709
impose a civil penalty, or both: 6710

(a) That a certified mental health assistant has practiced 6711
in a manner that departs from, or fails to conform to, the terms 6712
of a supervision agreement entered into under this section; 6713

(b) That a physician has supervised a certified mental 6714
health assistant in a manner that departs from, or fails to 6715
conform to, the terms of a supervision agreement entered into 6716
under this section; 6717

(c) That a physician or certified mental health assistant 6718
failed to comply with division (A) or (B) of this section. 6719

(2) If the board finds, through a review conducted under 6720
this section or through any other means, that a physician or 6721
certified mental health assistant failed to comply with division 6722
(D) of this section, the board may do either of the following: 6723

(a) Take disciplinary action against the individual under 6724
section 4731.22 or 4772.20 of the Revised Code, impose a civil 6725
penalty, or both; 6726

(b) Permit the individual to agree in writing to update 6727
the records to comply with division (D) of this section and pay 6728
a civil penalty. 6729

(3) The board's finding in any disciplinary action taken 6730
under division (E) of this section shall be made pursuant to an 6731

adjudication conducted under Chapter 119. of the Revised Code. 6732

(4) A civil penalty imposed under division (E) (1) or (2) 6733
(a) of this section or paid under division (E) (2) (b) of this 6734
section shall be in an amount specified by the board of not more 6735
than five thousand dollars and shall be deposited in accordance 6736
with section 4731.24 of the Revised Code. 6737

Sec. 4772.11. (A) The supervising physician of a certified 6738
mental health assistant exercises supervision, control, and 6739
direction of the certified mental health assistant. A certified 6740
mental health assistant may practice in any setting within which 6741
the supervising physician has supervision, control, and 6742
direction of the certified mental health assistant. 6743

In supervising a certified mental health assistant, all of 6744
the following apply: 6745

(1) (a) Except as provided in division (A) (1) (b) of this 6746
section, the supervising physician shall be continuously 6747
available for direct communication with the certified mental 6748
health assistant by either of the following means: 6749

(i) Being physically present at the location where the 6750
certified mental health assistant is practicing; 6751

(ii) Being readily available to the certified mental 6752
health assistant through some means of telecommunication and 6753
being in a location that is a distance from the location where 6754
the certified mental health assistant is practicing that 6755
reasonably allows the physician to assure proper care of 6756
patients. 6757

(b) During the first one thousand hours of a certified 6758
mental health assistant's practice, including any exercise of 6759
prescriptive authority, the supervising physician shall be 6760

continuously available for direct communication with the 6761
certified mental health assistant only by being physically 6762
present at the location where the certified mental health 6763
assistant is practicing. This division does not require that the 6764
supervising physician be in the same room as the certified 6765
mental health assistant. 6766

(2) Prior to a certified mental health assistant providing 6767
services to a patient, the supervising physician must have 6768
evaluated the patient and diagnosed the patient with a diagnosis 6769
or condition found in the most recent edition of the diagnostic 6770
and statistical manual of mental disorders published by the 6771
American psychiatric association, or a similar publication if 6772
designated by the state medical board. 6773

(3) (a) After the initial diagnosis, the supervising 6774
physician shall personally and actively review the certified 6775
mental health assistant's professional activities, on not less 6776
than a weekly basis. 6777

(b) (i) Except as provided in division (A) (3) (b) (ii) of 6778
this section, the supervising physician must reevaluate the 6779
patient not less than every two years, and sooner if there is a 6780
significant change in the patient's condition or possible change 6781
in the patient's diagnosis. 6782

(ii) The supervising physician shall reevaluate a patient 6783
annually if the patient has been prescribed by a certified 6784
mental health assistant, in accordance with section 4772.13 of 6785
the Revised Code, a controlled substance related to a diagnosis 6786
or condition found in the most recent edition of the diagnostic 6787
and statistical manual of mental disorders published by the 6788
American psychiatric association, or a similar publication if 6789
designated by the board. 6790

(4) The supervising physician shall comply with the 6791
quality assurance standards established by the board in rules 6792
adopted pursuant to section 4772.19 of the Revised Code. The 6793
supervising physician may perform other quality assurance 6794
activities that the supervising physician considers to be 6795
appropriate. 6796

(5) The supervising physician shall regularly perform any 6797
other reviews of the certified mental health assistant that the 6798
supervising physician considers necessary. 6799

(B) A physician may enter into supervision agreements with 6800
any number of certified mental health assistants, but the 6801
physician may not supervise more than five certified mental 6802
health assistants at any one time. A certified mental health 6803
assistant may enter into supervision agreements with any number 6804
of supervising physicians. 6805

(C) A supervising physician may authorize a certified 6806
mental health assistant to perform a service only if the 6807
physician is satisfied that the certified mental health 6808
assistant is capable of competently performing the service. A 6809
supervising physician shall not authorize a certified mental 6810
health assistant to perform any service that is beyond the 6811
physician's or the certified mental health assistant's normal 6812
course of practice and expertise. 6813

(D) Each time a certified mental health assistant writes a 6814
medical order, including prescriptions written in the exercise 6815
of physician-delegated prescriptive authority, the certified 6816
mental health assistant shall sign the form on which the order 6817
is written and record on the form the time and date that the 6818
order is written. 6819

(E) When performing authorized services, a certified 6820
mental health assistant acts as the agent of the certified 6821
mental health assistant's supervising physician. The supervising 6822
physician is legally responsible and assumes legal liability for 6823
the services provided by the certified mental health assistant. 6824

The physician is not responsible or liable for any 6825
services provided by the certified mental health assistant after 6826
their supervision agreement expires or is terminated. 6827

Sec. 4772.12. (A) A license issued by the state medical 6828
board under section 4772.06 of the Revised Code authorizes the 6829
license holder to prescribe and personally furnish drugs and 6830
therapeutic devices in the exercise of physician-delegated 6831
prescriptive authority. 6832

(B) In exercising physician-delegated prescriptive 6833
authority, a certified mental health assistant is subject to 6834
section 4772.13 of the Revised Code and all of the following: 6835

(1) The certified mental health assistant shall exercise 6836
physician-delegated prescriptive authority only to the extent 6837
that the physician supervising the certified mental health 6838
assistant has granted that authority. 6839

(2) (a) The certified mental health assistant shall comply 6840
with all conditions placed on the physician-delegated 6841
prescriptive authority, as specified by the supervising 6842
physician who is supervising the certified mental health 6843
assistant in the exercise of physician-delegated prescriptive 6844
authority. If conditions are placed on that authority, the 6845
supervising physician shall maintain a written record of the 6846
conditions and make the record available to the state medical 6847
board on request. 6848

(b) The conditions that a supervising physician may place on the physician-delegated prescriptive authority granted to a certified mental health assistant include the following: 6849
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(i) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the certified mental health assistant to prescribe; 6852
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(ii) Limitations on the dosage units or refills that the certified mental health assistant is authorized to prescribe; 6856
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(iii) Specification of circumstances under which the certified mental health assistant is required to refer patients to the supervising physician or another physician when exercising physician-delegated prescriptive authority; 6858
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(iv) Responsibilities to be fulfilled by the physician in supervising the certified mental health assistant that are not otherwise specified in the supervision agreement or otherwise required by this chapter. 6862
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(3) If the certified mental health assistant possesses physician-delegated prescriptive authority for controlled substances, both of the following apply: 6866
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(a) The certified mental health assistant shall register with the federal drug enforcement administration. 6869
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(b) The certified mental health assistant shall comply with section 4772.13 of the Revised Code. 6871
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(4) If the certified mental health assistant possesses physician-delegated prescriptive authority to prescribe for a minor an opioid analgesic, as those terms are defined in sections 3719.01 and 3719.061 of the Revised Code, respectively, 6873
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the certified mental health assistant shall comply with section 3719.061 of the Revised Code. 6877
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(C) A certified mental health assistant shall not prescribe any drug in violation of state or federal law. 6879
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Sec. 4772.13. (A) Subject to division (B) of this section, a certified mental health assistant may prescribe to a patient a controlled substance only if the controlled substance is one of the following: 6881
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(1) Buprenorphine, but only for a patient that is actively engaged in opioid use disorder treatment; 6885
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(2) A benzodiazepine, but only in the following circumstances: 6887
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(a) For a patient diagnosed by the supervising physician as having a chronic anxiety disorder; 6889
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(b) For a patient with acute anxiety or agitation, but only in an amount indicated for a period not to exceed seven days. 6891
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(3) A stimulant that has been approved by the federal food and drug administration for the treatment of attention deficit hyperactivity disorder, but only if the supervising physician has diagnosed the patient with, or confirmed the patient's diagnosis of, attention deficit hyper activity disorder. 6894
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(B) Except as provided in division (C) of this section, a certified mental health assistant licensed under this chapter who has been granted physician-delegated prescriptive authority by the physician supervising the certified mental health assistant shall comply with all of the following as conditions of prescribing a controlled substance identified in division (A) 6899
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of this section as part of a patient's course of treatment for a 6905
particular condition: 6906

(1) Before initially prescribing the drug, the certified 6907
mental health assistant or the certified mental health 6908
assistant's delegate shall request from the drug database a 6909
report of information related to the patient that covers at 6910
least the twelve months immediately preceding the date of the 6911
request. If the certified mental health assistant practices 6912
primarily in a county of this state that adjoins another state, 6913
the certified mental health assistant or delegate also shall 6914
request a report of any information available in the drug 6915
database that pertains to prescriptions issued or drugs 6916
furnished to the patient in the state adjoining that county. 6917

(2) If the patient's course of treatment for the condition 6918
continues for more than ninety days after the initial report is 6919
requested, the certified mental health assistant or delegate 6920
shall make periodic requests for reports of information from the 6921
drug database until the course of treatment has ended. The 6922
requests shall be made at intervals not exceeding ninety days, 6923
determined according to the date the initial request was made. 6924
The request shall be made in the same manner provided in 6925
division (B)(1) of this section for requesting the initial 6926
report of information from the drug database. 6927

(3) On receipt of a report under division (B)(1) or (2) of 6928
this section, the certified mental health assistant shall assess 6929
the information in the report. The certified mental health 6930
assistant shall document in the patient's record that the report 6931
was received and the information was assessed. 6932

(C) Division (B) of this section does not apply in any of 6933
the following circumstances: 6934

(1) A drug database report regarding the patient is not available, in which case the certified mental health assistant shall document in the patient's record the reason that the report is not available. 6935
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(2) The drug is prescribed in an amount indicated for a period not to exceed seven days. 6939
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(3) The drug is prescribed to a hospice patient in a hospice care program, as those terms are defined in section 3712.01 of the Revised Code, or any other patient diagnosed as terminally ill. 6941
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(4) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 6945
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(5) If the state board of pharmacy no longer maintains the drug database. 6947
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(D) The state medical board shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including both of the following: 6949
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6951

(1) Standards and procedures to be followed by a certified mental health assistant who has been granted physician-delegated prescriptive authority regarding the review of patient information available through the drug database under division (A) (5) of section 4729.80 of the Revised Code. 6952
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The rules adopted under this division do not apply if the state board of pharmacy no longer maintains the drug database. 6957
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(2) Standards and procedures to be followed by a certified mental health assistant in the use of buprenorphine for use in medication-assisted treatment, including regarding detoxification, relapse prevention, patient assessment, 6959
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individual treatment planning, counseling and recovery supports, 6963
diversion control, and other topics selected by the board after 6964
considering best practices in medication-assisted treatment. 6965

The board may apply the rules to all circumstances in 6966
which a certified mental health assistant prescribes drugs for 6967
use in medication-assisted treatment or limit the application of 6968
the rules to prescriptions for medication-assisted treatment 6969
issued for patients being treated in office-based practices or 6970
other practice types or locations specified by the board. 6971

The rules adopted under this division shall be consistent 6972
with this chapter and, to the extent consistent with this 6973
chapter, rules adopted under sections 4723.51, 4730.55, and 6974
4731.056 of the Revised Code. 6975

Sec. 4772.14. (A) A certified mental health assistant who 6976
has been granted physician-delegated prescriptive authority by 6977
the physician supervising the certified mental health assistant 6978
may personally furnish to a patient samples of drugs and 6979
therapeutic devices that are included in the certified mental 6980
health assistant's physician-delegated prescriptive authority, 6981
subject to all of the following: 6982

(1) The amount of the sample furnished shall not exceed a 6983
seventy-two-hour supply, except when the minimum available 6984
quantity of the sample is packaged in an amount that is greater 6985
than a seventy-two-hour supply, in which case the certified 6986
mental health assistant may furnish the sample in the package 6987
amount. 6988

(2) No charge may be imposed for the sample or for 6989
furnishing it. 6990

(3) Samples of controlled substances may not be personally 6991

furnished. 6992

(B) A certified mental health assistant who has been 6993
granted physician-delegated prescriptive authority by the 6994
physician supervising the certified mental health assistant may 6995
personally furnish to a patient a complete or partial supply of 6996
the drugs and therapeutic devices that are included in the 6997
certified mental health assistant's physician-delegated 6998
prescriptive authority, subject to all of the following: 6999

(1) The certified mental health assistant shall not 7000
furnish the drugs and devices in locations other than the 7001
following: 7002

(a) A health department operated by the board of health of 7003
a city or general health district or the authority having the 7004
duties of a board of health under section 3709.05 of the Revised 7005
Code; 7006

(b) A federally funded comprehensive primary care clinic; 7007

(c) A nonprofit health care clinic or program; 7008

(d) An employer-based clinic that provides health care 7009
services to the employer's employees. 7010

(2) The certified mental health assistant shall comply 7011
with all standards and procedures for personally furnishing 7012
supplies of drugs and devices, as established in rules adopted 7013
under this section. 7014

(3) Complete or partial supplies of controlled substances 7015
may not be personally furnished. 7016

(C) The state medical board shall adopt rules establishing 7017
standards and procedures to be followed by a certified mental 7018
health assistant in personally furnishing samples of drugs or 7019

complete or partial supplies of drugs to patients under this 7020
section. Rules adopted under this section shall be adopted in 7021
accordance with Chapter 119. of the Revised Code. 7022

Sec. 4772.15. (A) As used in this section, "community 7023
addiction services provider" has the same meaning as in section 7024
5119.01 of the Revised Code. 7025

(B) A certified mental health assistant shall comply with 7026
section 3719.064 of the Revised Code and rules adopted under 7027
section 4772.13 of the Revised Code when treating a patient with 7028
medication-assisted treatment or proposing to initiate such 7029
treatment. 7030

(C) A certified mental health assistant who fails to 7031
comply with this section shall treat not more than thirty 7032
patients at any one time with medication-assisted treatment even 7033
if the facility or location at which the treatment is provided 7034
is either of the following: 7035

(1) Exempted by divisions (B)(2)(a) to (d) or (i) of 7036
section 4729.553 of the Revised Code from being required to 7037
possess a category III terminal distributor of dangerous drugs 7038
license with an office-based opioid treatment classification; 7039

(2) A community addiction services provider that provides 7040
alcohol and drug addiction services that are certified by the 7041
department of mental health and addiction services under section 7042
5119.36 of the Revised Code. 7043

Sec. 4772.19. (A) The state medical board shall adopt 7044
rules in accordance with Chapter 119. of the Revised Code to 7045
implement and administer this chapter. 7046

(B) The rules adopted under this section shall include all 7047
of the following: 7048

<u>(1) Standards and procedures for issuing and renewing licenses to practice as a certified mental health assistant;</u>	7049
	7050
<u>(2) Application fees for an initial or renewed license;</u>	7051
<u>(3) Rules governing physician-delegated prescriptive authority for certified mental health assistants;</u>	7052
	7053
<u>(4) Rules establishing quality assurance standards for certified mental health assistants, including a process to be used for all of the following:</u>	7054
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	7056
<u>(a) Routine review by the supervising physician of selected patient record entries made by the certified mental health assistant and selected medical orders issued by the certified mental health assistant;</u>	7057
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<u>(b) Discussion of complex cases;</u>	7061
<u>(c) Discussion of new medical developments relevant to the practice of the supervising physician and certified mental health assistant;</u>	7062
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<u>(d) Performance of any other quality assurance activities the board considers necessary.</u>	7065
	7066
<u>(5) Any other standards and procedures the board considers necessary to govern the practice of certified mental health assistants, the supervisory relationship between certified mental health assistants and supervising physicians, and the administration and enforcement of this chapter.</u>	7067
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<u>Sec. 4772.20.</u> (A) <u>The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a certified mental health assistant to an individual found by the board to have committed fraud, misrepresentation, or deception in applying for</u>	7072
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or securing the license.

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(B) The board, by an affirmative vote of not fewer than
six members, shall, except as provided in division (C) of this
section, and to the extent permitted by law, limit, revoke, or
suspend an individual's license to practice as a certified
mental health assistant, refuse to issue a license to an
applicant, refuse to renew a license, refuse to reinstate a
license, or reprimand or place on probation the holder of a
license for any of the following reasons:

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(1) Permitting the holder's name or license to be used by
another person;

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(2) Failure to comply with the requirements of this
chapter, Chapter 4731. of the Revised Code, or any rules adopted
by the board;

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(3) Violating or attempting to violate, directly or
indirectly, or assisting in or abetting the violation of, or
conspiring to violate, any provision of this chapter, Chapter
4731. of the Revised Code, or the rules adopted by the board;

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(4) A departure from, or failure to conform to, minimal
standards of care of similar practitioners under the same or
similar circumstances whether or not actual injury to the
patient is established;

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(5) Inability to practice according to acceptable and
prevailing standards of care by reason of mental illness or
physical illness, including physical deterioration that
adversely affects cognitive, motor, or perceptive skills;

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(6) Impairment of ability to practice according to
acceptable and prevailing standards of care because of habitual
or excessive use or abuse of drugs, alcohol, or other substances

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that impair ability to practice; 7106

(7) Willfully betraying a professional confidence; 7107

(8) Making a false, fraudulent, deceptive, or misleading
statement in securing or attempting to secure a license to
practice as a certified mental health assistant. 7108
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As used in this division, "false, fraudulent, deceptive,
or misleading statement" means a statement that includes a
misrepresentation of fact, is likely to mislead or deceive
because of a failure to disclose material facts, is intended or
is likely to create false or unjustified expectations of
favorable results, or includes representations or implications
that in reasonable probability will cause an ordinarily prudent
person to misunderstand or be deceived. 7111
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(9) The obtaining of, or attempting to obtain, money or a
thing of value by fraudulent misrepresentations in the course of
practice; 7119
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(10) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for, a felony; 7122
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(11) Commission of an act that constitutes a felony in
this state, regardless of the jurisdiction in which the act was
committed; 7125
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(12) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of
conviction for, a misdemeanor committed in the course of
practice; 7128
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(13) A plea of guilty to, a judicial finding of guilt of,
or a judicial finding of eligibility for intervention in lieu of 7132
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conviction for, a misdemeanor involving moral turpitude; 7134

(14) Commission of an act in the course of practice that 7135
constitutes a misdemeanor in this state, regardless of the 7136
jurisdiction in which the act was committed; 7137

(15) Commission of an act involving moral turpitude that 7138
constitutes a misdemeanor in this state, regardless of the 7139
jurisdiction in which the act was committed; 7140

(16) A plea of guilty to, a judicial finding of guilt of, 7141
or a judicial finding of eligibility for intervention in lieu of 7142
conviction for violating any state or federal law regulating the 7143
possession, distribution, or use of any drug, including 7144
trafficking in drugs; 7145

(17) Any of the following actions taken by the state 7146
agency responsible for regulating the practice of certified 7147
mental health assistants in another jurisdiction, for any reason 7148
other than the nonpayment of fees: the limitation, revocation, 7149
or suspension of an individual's license to practice; acceptance 7150
of an individual's license surrender; denial of a license; 7151
refusal to renew or reinstate a license; imposition of 7152
probation; or issuance of an order of censure or other 7153
reprimand; 7154

(18) Violation of the conditions placed by the board on a 7155
license to practice as a certified mental health assistant; 7156

(19) Failure to use universal blood and body fluid 7157
precautions established by rules adopted under section 4731.051 7158
of the Revised Code; 7159

(20) Failure to cooperate in an investigation conducted by 7160
the board under section 4772.21 of the Revised Code, including 7161
failure to comply with a subpoena or order issued by the board 7162

or failure to answer truthfully a question presented by the 7163
board at a deposition or in written interrogatories, except that 7164
failure to cooperate with an investigation shall not constitute 7165
grounds for discipline under this section if a court of 7166
competent jurisdiction has issued an order that either quashes a 7167
subpoena or permits the individual to withhold the testimony or 7168
evidence in issue; 7169

(21) Failure to practice in accordance with the 7170
supervising physician's supervision agreement with the certified 7171
mental health assistant; 7172

(22) Administering drugs for purposes other than those 7173
authorized under this chapter; 7174

(23) Failure to comply with section 4772.13 of the Revised 7175
Code, unless the board no longer maintains a drug database 7176
pursuant to section 4729.75 of the Revised Code; 7177

(24) Assisting suicide, as defined in section 3795.01 of 7178
the Revised Code. 7179

(C) The board shall not refuse to issue a license to an 7180
applicant because of a plea of guilty to, a judicial finding of 7181
guilt of, or a judicial finding of eligibility for intervention 7182
in lieu of conviction for an offense unless the refusal is in 7183
accordance with section 9.79 of the Revised Code. 7184

(D) Disciplinary actions taken by the board under 7185
divisions (A) and (B) of this section shall be taken pursuant to 7186
an adjudication under Chapter 119. of the Revised Code, except 7187
that in lieu of an adjudication, the board may enter into a 7188
consent agreement with a certified mental health assistant or 7189
applicant to resolve an allegation of a violation of this 7190
chapter or any rule adopted under it. A consent agreement, when 7191

ratified by an affirmative vote of not fewer than six members of 7192
the board, shall constitute the findings and order of the board 7193
with respect to the matter addressed in the agreement. If the 7194
board refuses to ratify a consent agreement, the admissions and 7195
findings contained in the consent agreement shall be of no force 7196
or effect. 7197

(E) For purposes of divisions (B) (11), (14), and (15) of 7198
this section, the commission of the act may be established by a 7199
finding by the board, pursuant to an adjudication under Chapter 7200
119. of the Revised Code, that the applicant or license holder 7201
committed the act in question. The board shall have no 7202
jurisdiction under these divisions in cases where the trial 7203
court renders a final judgment in the license holder's favor and 7204
that judgment is based upon an adjudication on the merits. The 7205
board shall have jurisdiction under these divisions in cases 7206
where the trial court issues an order of dismissal on technical 7207
or procedural grounds. 7208

(F) The sealing or expungement of conviction records by 7209
any court shall have no effect on a prior board order entered 7210
under the provisions of this section or on the board's 7211
jurisdiction to take action under the provisions of this section 7212
if, based upon a plea of guilty, a judicial finding of guilt, or 7213
a judicial finding of eligibility for intervention in lieu of 7214
conviction, the board issued a notice of opportunity for a 7215
hearing prior to the court's order to seal or expunge the 7216
records. The board shall not be required to seal, destroy, 7217
redact, or otherwise modify its records to reflect the court's 7218
sealing or expungement of conviction records. 7219

(G) For purposes of this division, any individual who 7220
holds a license to practice as a certified mental health 7221

assistant issued under this chapter, or applies for a license, 7222
shall be deemed to have given consent to submit to a mental or 7223
physical examination when directed to do so in writing by the 7224
board and to have waived all objections to the admissibility of 7225
testimony or examination reports that constitute a privileged 7226
communication. 7227

(1) In enforcing division (B)(5) of this section, the 7228
board, on a showing of a possible violation, may compel any 7229
individual who holds a license to practice as a certified mental 7230
health assistant issued under this chapter or who has applied 7231
for a license to submit to a mental or physical examination, or 7232
both. A physical examination may include an HIV test. The 7233
expense of the examination is the responsibility of the 7234
individual compelled to be examined. Failure to submit to a 7235
mental or physical examination or consent to an HIV test ordered 7236
by the board constitutes an admission of the allegations against 7237
the individual unless the failure is due to circumstances beyond 7238
the individual's control, and a default and final order may be 7239
entered without the taking of testimony or presentation of 7240
evidence. If the board finds a certified mental health assistant 7241
unable to practice because of the reasons set forth in division 7242
(B)(5) of this section, the board shall require the certified 7243
mental health assistant to submit to care, counseling, or 7244
treatment by physicians approved or designated by the board, as 7245
a condition for an initial, continued, reinstated, or renewed 7246
license. An individual affected by this division shall be 7247
afforded an opportunity to demonstrate to the board the ability 7248
to resume practicing in compliance with acceptable and 7249
prevailing standards of care. 7250

(2) For purposes of division (B)(6) of this section, if 7251
the board has reason to believe that any individual who holds a 7252

license to practice as a certified mental health assistant 7253
issued under this chapter or any applicant for a license suffers 7254
such impairment, the board may compel the individual to submit 7255
to a mental or physical examination, or both. The expense of the 7256
examination is the responsibility of the individual compelled to 7257
be examined. Any mental or physical examination required under 7258
this division shall be undertaken by a treatment provider or 7259
physician qualified to conduct such examination and chosen by 7260
the board. 7261

Failure to submit to a mental or physical examination 7262
ordered by the board constitutes an admission of the allegations 7263
against the individual unless the failure is due to 7264
circumstances beyond the individual's control, and a default and 7265
final order may be entered without the taking of testimony or 7266
presentation of evidence. If the board determines that the 7267
individual's ability to practice is impaired, the board shall 7268
suspend the individual's license or deny the individual's 7269
application and shall require the individual, as a condition for 7270
an initial, continued, reinstated, or renewed license to 7271
practice, to submit to treatment. 7272

Before being eligible to apply for reinstatement of a 7273
license suspended under this division, the certified mental 7274
health assistant shall demonstrate to the board the ability to 7275
resume practice in compliance with acceptable and prevailing 7276
standards of care. The demonstration shall include the 7277
following: 7278

(a) Certification from a treatment provider approved under 7279
section 4731.25 of the Revised Code that the individual has 7280
successfully completed any required inpatient treatment; 7281

(b) Evidence of continuing full compliance with an 7282

aftercare contract or consent agreement; 7283

(c) Two written reports indicating that the individual's 7284
ability to practice has been assessed and that the individual 7285
has been found capable of practicing according to acceptable and 7286
prevailing standards of care. The reports shall be made by 7287
individuals or providers approved by the board for making such 7288
assessments and shall describe the basis for their 7289
determination. 7290

The board may reinstate a license suspended under this 7291
division after such demonstration and after the individual has 7292
entered into a written consent agreement. 7293

When the impaired certified mental health assistant 7294
resumes practice, the board shall require continued monitoring 7295
of the certified mental health assistant. The monitoring shall 7296
include monitoring of compliance with the written consent 7297
agreement entered into before reinstatement or with conditions 7298
imposed by board order after a hearing, and, on termination of 7299
the consent agreement, submission to the board for at least two 7300
years of annual written progress reports made under penalty of 7301
falsification stating whether the certified mental health 7302
assistant has maintained sobriety. 7303

(H) If the secretary and supervising member determine that 7304
there is clear and convincing evidence that a certified mental 7305
health assistant has violated division (B) of this section and 7306
that the individual's continued practice presents a danger of 7307
immediate and serious harm to the public, they may recommend 7308
that the board suspend the individual's license to practice 7309
without a prior hearing. Written allegations shall be prepared 7310
for consideration by the board. 7311

The board, on review of the allegations and by an 7312
affirmative vote of not fewer than six of its members, excluding 7313
the secretary and supervising member, may suspend a license 7314
without a prior hearing. A telephone conference call may be 7315
utilized for reviewing the allegations and taking the vote on 7316
the summary suspension. 7317

The board shall issue a written order of suspension by 7318
certified mail or in person in accordance with section 119.07 of 7319
the Revised Code. The order shall not be subject to suspension 7320
by the court during pendency of any appeal filed under section 7321
119.12 of the Revised Code. If the certified mental health 7322
assistant requests an adjudicatory hearing by the board, the 7323
date set for the hearing shall be within fifteen days, but not 7324
earlier than seven days, after the certified mental health 7325
assistant requests the hearing, unless otherwise agreed to by 7326
both the board and the license holder. 7327

A summary suspension imposed under this division shall 7328
remain in effect, unless reversed on appeal, until a final 7329
adjudicative order issued by the board pursuant to this section 7330
and Chapter 119. of the Revised Code becomes effective. The 7331
board shall issue its final adjudicative order within sixty days 7332
after completion of its hearing. Failure to issue the order 7333
within sixty days shall result in dissolution of the summary 7334
suspension order, but shall not invalidate any subsequent, final 7335
adjudicative order. 7336

(I) If the board takes action under division (B) (10), 7337
(12), or (13) of this section, and the judicial finding of 7338
guilt, guilty plea, or judicial finding of eligibility for 7339
intervention in lieu of conviction is overturned on appeal, on 7340
exhaustion of the criminal appeal, a petition for 7341

reconsideration of the order may be filed with the board along 7342
with appropriate court documents. On receipt of a petition and 7343
supporting court documents, the board shall reinstate the 7344
license to practice as a certified mental health assistant. The 7345
board may then hold an adjudication under Chapter 119. of the 7346
Revised Code to determine whether the individual committed the 7347
act in question. Notice of opportunity for hearing shall be 7348
given in accordance with Chapter 119. of the Revised Code. If 7349
the board finds, pursuant to an adjudication held under this 7350
division, that the individual committed the act, or if no 7351
hearing is requested, it may order any of the sanctions 7352
specified in division (B) of this section. 7353

(J) The license to practice of a certified mental health 7354
assistant and the assistant's practice in this state are 7355
automatically suspended as of the date the certified mental 7356
health assistant pleads guilty to, is found by a judge or jury 7357
to be guilty of, or is subject to a judicial finding of 7358
eligibility for intervention in lieu of conviction in this state 7359
or treatment of intervention in lieu of conviction in another 7360
jurisdiction for any of the following criminal offenses in this 7361
state or a substantially equivalent criminal offense in another 7362
jurisdiction: aggravated murder, murder, voluntary manslaughter, 7363
felonious assault, kidnapping, rape, sexual battery, gross 7364
sexual imposition, aggravated arson, aggravated robbery, or 7365
aggravated burglary. Continued practice after the suspension 7366
shall be considered practicing without a license. 7367

The board shall notify the individual subject to the 7368
suspension by certified mail or in person in accordance with 7369
section 119.07 of the Revised Code. If an individual whose 7370
license is suspended under this division fails to make a timely 7371
request for an adjudication under Chapter 119. of the Revised 7372

Code, the board shall enter a final order permanently revoking 7373
the individual's license. 7374

(K) In any instance in which the board is required by 7375
Chapter 119. of the Revised Code to give notice of opportunity 7376
for hearing and the individual subject to the notice does not 7377
timely request a hearing in accordance with section 119.07 of 7378
the Revised Code, the board is not required to hold a hearing, 7379
but may adopt, by an affirmative vote of not fewer than six of 7380
its members, a final order that contains the board's findings. 7381
In the final order, the board may order any of the sanctions 7382
identified under division (A) or (B) of this section. 7383

(L) Any action taken by the board under division (B) of 7384
this section resulting in a suspension shall be accompanied by a 7385
written statement of the conditions under which the certified 7386
mental health assistant's license may be reinstated. The board 7387
shall adopt rules in accordance with Chapter 119. of the Revised 7388
Code governing conditions to be imposed for reinstatement. 7389
Reinstatement of a license suspended pursuant to division (B) of 7390
this section requires an affirmative vote of not fewer than six 7391
members of the board. 7392

(M) When the board refuses to grant or issue a license to 7393
practice as a certified mental health assistant to an applicant, 7394
revokes an individual's license, refuses to renew an 7395
individual's license, or refuses to reinstate an individual's 7396
license, the board may specify that its action is permanent. An 7397
individual subject to a permanent action taken by the board is 7398
forever thereafter ineligible to hold a license to practice as a 7399
certified mental health assistant and the board shall not accept 7400
an application for reinstatement of the license or for issuance 7401
of a new license. 7402

(N) Notwithstanding any other provision of the Revised Code, all of the following apply: 7403
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(1) The surrender of a license to practice as a certified mental health assistant issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board. 7405
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(2) An application made under this chapter for a license to practice may not be withdrawn without approval of the board. 7410
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(3) Failure by an individual to renew a license to practice in accordance with section 4772.08 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual. 7412
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Sec. 4772.201. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the state medical board shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license to practice as a certified mental health assistant issued under this chapter. 7416
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Sec. 4772.202. If the state medical board has reason to believe that any person who has been granted a license to practice as a certified mental health assistant under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which the person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by the board secretary or a member of the board secretary's staff, whereupon the same proceedings shall be had as provided in Chapter 5122. of the Revised Code. The attorney general may represent the board in 7422
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any proceeding commenced under this section. 7432

If any person who has been granted a license is adjudged 7433
by a probate court to be mentally ill or mentally incompetent, 7434
the person's license shall be automatically suspended until the 7435
person has filed with the state medical board a certified copy 7436
of an adjudication by a probate court of the person's subsequent 7437
restoration to competency or has submitted to the board proof, 7438
satisfactory to the board, that the person has been discharged 7439
as having a restoration to competency in the manner and form 7440
provided in section 5122.38 of the Revised Code. The judge of 7441
the probate court shall forthwith notify the state medical board 7442
of an adjudication of mental illness or mental incompetence, and 7443
shall note any suspension of a license in the margin of the 7444
court's record of such license. 7445

Sec. 4772.203. (A) (1) If a certified mental health 7446
assistant violates any section of this chapter or any rule 7447
adopted under this chapter, the state medical board may, 7448
pursuant to an adjudication under Chapter 119. of the Revised 7449
Code and an affirmative vote of not fewer than six of its 7450
members, impose a civil penalty. The amount of the civil penalty 7451
shall be determined by the board in accordance with the 7452
guidelines adopted under division (A) (2) of this section. The 7453
civil penalty may be in addition to any other action the board 7454
may take under section 4772.20 of the Revised Code. 7455

(2) The board shall adopt and may amend guidelines 7456
regarding the amounts of civil penalties to be imposed under 7457
this section. Adoption or amendment of the guidelines requires 7458
the approval of not fewer than six board members. 7459

Under the guidelines, no civil penalty amount shall exceed 7460
twenty thousand dollars. 7461

(B) Amounts received from payment of civil penalties 7462
imposed under this section shall be deposited by the board in 7463
accordance with section 4731.24 of the Revised Code. Amounts 7464
received from payment of civil penalties imposed for violations 7465
of division (B) (6) of section 4772.20 of the Revised Code shall 7466
be used by the board solely for investigations, enforcement, and 7467
compliance monitoring. 7468

Sec. 4772.21. (A) The state medical board shall 7469
investigate evidence that appears to show that any person has 7470
violated this chapter or the rules adopted under it. Any person 7471
may report to the board in a signed writing any information the 7472
person has that appears to show a violation of any provision of 7473
this chapter or the rules adopted under it. In the absence of 7474
bad faith, a person who reports such information or testifies 7475
before the board in an adjudication conducted under Chapter 119. 7476
of the Revised Code shall not be liable for civil damages as a 7477
result of reporting the information or providing testimony. Each 7478
complaint or allegation of a violation received by the board 7479
shall be assigned a case number and be recorded by the board. 7480

(B) Investigations of alleged violations of this chapter 7481
or rules adopted under it shall be supervised by the supervising 7482
member elected by the board in accordance with section 4731.02 7483
of the Revised Code and by the secretary as provided in section 7484
4772.24 of the Revised Code. The board's president may designate 7485
another member of the board to supervise the investigation in 7486
place of the supervising member. A member of the board who 7487
supervises the investigation of a case shall not participate in 7488
further adjudication of the case. 7489

(C) In investigating a possible violation of this chapter 7490
or the rules adopted under it, the board may administer oaths, 7491

order the taking of depositions, issue subpoenas, and compel the 7492
attendance of witnesses and production of books, accounts, 7493
papers, records, documents, and testimony, except that a 7494
subpoena for patient record information shall not be issued 7495
without consultation with the attorney general's office and 7496
approval of the secretary and supervising member of the board. 7497
Before issuance of a subpoena for patient record information, 7498
the secretary and supervising member shall determine whether 7499
there is probable cause to believe that the complaint filed 7500
alleges a violation of this chapter or the rules adopted under 7501
it and that the records sought are relevant to the alleged 7502
violation and material to the investigation. The subpoena may 7503
apply only to records that cover a reasonable period of time 7504
surrounding the alleged violation. 7505

On failure to comply with any subpoena issued by the board 7506
and after reasonable notice to the person being subpoenaed, the 7507
board may move for an order compelling the production of persons 7508
or records pursuant to the Rules of Civil Procedure. 7509

A subpoena issued by the board may be served by a sheriff, 7510
the sheriff's deputy, or a board employee designated by the 7511
board. Service of a subpoena issued by the board may be made by 7512
delivering a copy of the subpoena to the person named therein, 7513
reading it to the person, or leaving it at the person's usual 7514
place of residence. When the person being served is a certified 7515
mental health assistant, service of the subpoena may be made by 7516
certified mail, restricted delivery, return receipt requested, 7517
and the subpoena shall be deemed served on the date delivery is 7518
made or the date the person refuses to accept delivery. 7519

A sheriff's deputy who serves a subpoena shall receive the 7520
same fees as a sheriff. Each witness who appears before the 7521

board in obedience to a subpoena shall receive the fees and 7522
mileage provided for witnesses in civil cases in the courts of 7523
common pleas. 7524

(D) All hearings and investigations of the board shall be 7525
considered civil actions for the purposes of section 2305.252 of 7526
the Revised Code. 7527

(E) Information received by the board pursuant to an 7528
investigation is confidential and not subject to discovery in 7529
any civil action. 7530

The board shall conduct all investigations and proceedings 7531
in a manner that protects the confidentiality of patients and 7532
persons who file complaints with the board. The board shall not 7533
make public the names or any other identifying information about 7534
patients or complainants unless proper consent is given. 7535

The board may share any information it receives pursuant 7536
to an investigation, including patient records and patient 7537
record information, with law enforcement agencies, other 7538
licensing boards, and other governmental agencies that are 7539
prosecuting, adjudicating, or investigating alleged violations 7540
of statutes or administrative rules. An agency or board that 7541
receives the information shall comply with the same requirements 7542
regarding confidentiality as those with which the state medical 7543
board must comply, notwithstanding any conflicting provision of 7544
the Revised Code or procedure of the agency or board that 7545
applies when it is dealing with other information in its 7546
possession. In a judicial proceeding, the information may be 7547
admitted into evidence only in accordance with the Rules of 7548
Evidence, but the court shall require that appropriate measures 7549
are taken to ensure that confidentiality is maintained with 7550
respect to any part of the information that contains names or 7551

other identifying information about patients or complainants 7552
whose confidentiality was protected by the state medical board 7553
when the information was in the board's possession. Measures to 7554
ensure confidentiality that may be taken by the court include 7555
sealing its records or deleting specific information from its 7556
records. 7557

(F) On a quarterly basis, the board shall prepare a report 7558
that documents the disposition of all cases during the preceding 7559
three months. The report shall contain the following information 7560
for each case with which the board has completed its activities: 7561

(1) The case number assigned to the complaint or alleged 7562
violation; 7563

(2) The type of license, if any, held by the individual 7564
against whom the complaint is directed; 7565

(3) A description of the allegations contained in the 7566
complaint; 7567

(4) The disposition of the case. 7568

The report shall state how many cases are still pending, 7569
and shall be prepared in a manner that protects the identity of 7570
each person involved in each case. The report is a public record 7571
for purposes of section 149.43 of the Revised Code. 7572

Sec. 4772.22. (A) As used in this section, "prosecutor" 7573
has the same meaning as in section 2935.01 of the Revised Code. 7574

(B) Whenever any person holding a valid license to 7575
practice as a certified mental health assistant issued under 7576
this chapter pleads guilty to, is subject to a judicial finding 7577
of guilt of, or is subject to a judicial finding of eligibility 7578
for intervention in lieu of conviction for a violation of 7579

Chapter 2907., 2925., or 3719. of the Revised Code or of any 7580
substantively comparable ordinance of a municipal corporation in 7581
connection with the person's practice, the prosecutor in the 7582
case, on forms prescribed and provided by the state medical 7583
board, shall promptly notify the board of the conviction. Within 7584
thirty days of receipt of that information, the board shall 7585
initiate action in accordance with Chapter 119. of the Revised 7586
Code to determine whether to suspend or revoke the license under 7587
section 4772.20 of the Revised Code. 7588

(C) The prosecutor in any case against any person holding 7589
a valid license issued under this chapter, on forms prescribed 7590
and provided by the state medical board, shall notify the board 7591
of any of the following: 7592

(1) A plea of guilty to, a finding of guilt by a jury or 7593
court of, or judicial finding of eligibility for intervention in 7594
lieu of conviction for a felony, or a case in which the trial 7595
court issues an order of dismissal upon technical or procedural 7596
grounds of a felony charge; 7597

(2) A plea of guilty to, a finding of guilt by a jury or 7598
court of, or judicial finding of eligibility for intervention in 7599
lieu of conviction for a misdemeanor committed in the course of 7600
practice, or a case in which the trial court issues an order of 7601
dismissal upon technical or procedural grounds of a charge of a 7602
misdemeanor, if the alleged act was committed in the course of 7603
practice; 7604

(3) A plea of guilty to, a finding of guilt by a jury or 7605
court of, or judicial finding of eligibility for intervention in 7606
lieu of conviction for a misdemeanor involving moral turpitude, 7607
or a case in which the trial court issues an order of dismissal 7608
upon technical or procedural grounds of a charge of a 7609

misdemeanor involving moral turpitude. 7610

The report shall include the name and address of the 7611
license holder, the nature of the offense for which the action 7612
was taken, and the certified court documents recording the 7613
action. 7614

Sec. 4772.23. (A) Within sixty days after the imposition 7615
of any formal disciplinary action taken by any health care 7616
facility, including a hospital, health care facility operated by 7617
a health insuring corporation, ambulatory surgical facility, or 7618
similar facility, against any individual holding a valid license 7619
to practice as a certified mental health assistant, the chief 7620
administrator or executive officer of the facility shall report 7621
to the state medical board the name of the individual, the 7622
action taken by the facility, and a summary of the underlying 7623
facts leading to the action taken. On request, the board shall 7624
be provided certified copies of the patient records that were 7625
the basis for the facility's action. Prior to release to the 7626
board, the summary shall be approved by the peer review 7627
committee that reviewed the case or by the governing board of 7628
the facility. 7629

The filing of a report with the board or decision not to 7630
file a report, investigation by the board, or any disciplinary 7631
action taken by the board, does not preclude a health care 7632
facility from taking disciplinary action against a certified 7633
mental health assistant. 7634

In the absence of fraud or bad faith, no individual or 7635
entity that provides patient records to the board shall be 7636
liable in damages to any person as a result of providing the 7637
records. 7638

(B) (1) Except as provided in division (B) (2) of this 7639
section, a certified mental health assistant, professional 7640
association or society of certified mental health assistants, 7641
physician, or professional association or society of physicians 7642
that believes a violation of any provision of this chapter, 7643
Chapter 4731. of the Revised Code, or rule of the board has 7644
occurred shall report to the board the information on which the 7645
belief is based. 7646

(2) A certified mental health assistant, professional 7647
association or society of certified mental health assistants, 7648
physician, or professional association or society of physicians 7649
that believes a violation of division (B) (6) of section 4772.20 7650
of the Revised Code has occurred shall report the information 7651
upon which the belief is based to the monitoring organization 7652
conducting the program established by the board under section 7653
4731.251 of the Revised Code. If any such report is made to the 7654
board, it shall be referred to the monitoring organization 7655
unless the board is aware that the individual who is the subject 7656
of the report does not meet the program eligibility requirements 7657
of section 4731.252 of the Revised Code. 7658

(C) Any professional association or society composed 7659
primarily of certified mental health assistants that suspends or 7660
revokes an individual's membership for violations of 7661
professional ethics, or for reasons of professional incompetence 7662
or professional malpractice, within sixty days after a final 7663
decision, shall report to the board, on forms prescribed and 7664
provided by the board, the name of the individual, the action 7665
taken by the professional organization, and a summary of the 7666
underlying facts leading to the action taken. 7667

The filing of a report with the board or decision not to 7668

file a report, investigation by the board, or any disciplinary 7669
action taken by the board, does not preclude a professional 7670
organization from taking disciplinary action against a certified 7671
mental health assistant. 7672

(D) Any insurer providing professional liability insurance 7673
to any person holding a valid license to practice as a certified 7674
mental health assistant or any other entity that seeks to 7675
indemnify the professional liability of a certified mental 7676
health assistant shall notify the board within thirty days after 7677
the final disposition of any written claim for damages where 7678
such disposition results in a payment exceeding twenty-five 7679
thousand dollars. The notice shall contain the following 7680
information: 7681

(1) The name and address of the person submitting the 7682
notification; 7683

(2) The name and address of the insured who is the subject 7684
of the claim; 7685

(3) The name of the person filing the written claim; 7686

(4) The date of final disposition; 7687

(5) If applicable, the identity of the court in which the 7688
final disposition of the claim took place. 7689

(E) The board may investigate possible violations of this 7690
chapter or the rules adopted under it that are brought to its 7691
attention as a result of the reporting requirements of this 7692
section, except that the board shall conduct an investigation if 7693
a possible violation involves repeated malpractice. As used in 7694
this division, "repeated malpractice" means three or more claims 7695
for malpractice within the previous five-year period, each 7696
resulting in a judgment or settlement in excess of twenty-five 7697

thousand dollars in favor of the claimant, and each involving 7698
negligent conduct by the certified mental health assistant. 7699

(F) All summaries, reports, and records received and 7700
maintained by the board pursuant to this section shall be held 7701
in confidence and shall not be subject to discovery or 7702
introduction in evidence in any federal or state civil action 7703
involving a certified mental health assistant, supervising 7704
physician, or health care facility arising out of matters that 7705
are the subject of the reporting required by this section. The 7706
board may use the information obtained only as the basis for an 7707
investigation, as evidence in a disciplinary hearing against a 7708
certified mental health assistant or supervising physician, or 7709
in any subsequent trial or appeal of a board action or order. 7710

The board may disclose the summaries and reports it 7711
receives under this section only to health care facility 7712
committees within or outside this state that are involved in 7713
credentialing or recredentialing a certified mental health 7714
assistant or supervising physician, if applicable, or reviewing 7715
their privilege to practice within a particular facility. The 7716
board shall indicate whether or not the information has been 7717
verified. Information transmitted by the board shall be subject 7718
to the same confidentiality provisions as when maintained by the 7719
board. 7720

(G) Except for reports filed by an individual pursuant to 7721
division (B) of this section, the board shall send a copy of any 7722
reports or summaries it receives pursuant to this section to the 7723
certified mental health assistant. The certified mental health 7724
assistant shall have the right to file a statement with the 7725
board concerning the correctness or relevance of the 7726
information. The statement shall at all times accompany that 7727

part of the record in contention. 7728

(H) An individual or entity that reports to the board, 7729
reports to the monitoring organization described in section 7730
4731.251 of the Revised Code, or refers an impaired certified 7731
mental health assistant to a treatment provider approved by the 7732
board under section 4731.25 of the Revised Code shall not be 7733
subject to suit for civil damages as a result of the report, 7734
referral, or provision of the information. 7735

(I) In the absence of fraud or bad faith, a professional 7736
association or society of certified mental health assistants 7737
that sponsors a committee or program to provide peer assistance 7738
to a certified mental health assistant with substance abuse 7739
problems, a representative or agent of such a committee or 7740
program, a representative or agent of the monitoring 7741
organization described in section 4731.251 of the Revised Code, 7742
and a member of the state medical board shall not be held liable 7743
in damages to any person by reason of actions taken to refer a 7744
certified mental health assistant to a treatment provider 7745
approved under section 4731.25 of the Revised Code for 7746
examination or treatment. 7747

Sec. 4772.24. The secretary of the state medical board 7748
shall enforce the laws relating to the practice of certified 7749
mental health assistants. If the secretary has knowledge or 7750
notice of a violation of this chapter or the rules adopted under 7751
it, the secretary shall investigate the matter, and, upon 7752
probable cause appearing, file a complaint and prosecute the 7753
offender. When requested by the secretary, the prosecuting 7754
attorney of the proper county shall take charge of and conduct 7755
the prosecution. 7756

Sec. 4772.25. The attorney general, the prosecuting 7757

attorney of any county in which the offense was committed or the 7758
offender resides, the state medical board, or any other person 7759
having knowledge of a person engaged either directly or by 7760
complicity in practicing as a certified mental health assistant 7761
without having first obtained under this chapter a license to 7762
practice as a certified mental health assistant, may, in 7763
accordance with provisions of the Revised Code governing 7764
injunctions, maintain an action in the name of the state to 7765
enjoin any person from engaging either directly or by complicity 7766
in unlawfully practicing as a certified mental health assistant 7767
by applying for an injunction in any court of competent 7768
jurisdiction. 7769

Prior to application for an injunction, the secretary of 7770
the state medical board shall notify the person allegedly 7771
engaged either directly or by complicity in the unlawful 7772
practice by registered mail that the secretary has received 7773
information indicating that this person is so engaged. The 7774
person shall answer the secretary within thirty days showing 7775
that the person is either properly licensed for the stated 7776
activity or that the person is not in violation of this chapter. 7777
If the answer is not forthcoming within thirty days after notice 7778
by the secretary, the secretary shall request that the attorney 7779
general, the prosecuting attorney of the county in which the 7780
offense was committed or the offender resides, or the state 7781
medical board proceed as authorized in this section. 7782

Upon the filing of a verified petition in court, the court 7783
shall conduct a hearing on the petition and shall give the same 7784
preference to this proceeding as is given all proceedings under 7785
Chapter 119. of the Revised Code, irrespective of the position 7786
of the proceeding on the calendar of the court. 7787

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter. 7788
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Sec. 4772.26. The state medical board, subject to the approval of the controlling board, may establish fees in excess of the amounts specified in this chapter, except that the fees may not exceed the specified amounts by more than fifty per cent. 7791
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All fees, penalties, and other funds received by the board under this chapter shall be deposited in accordance with section 4731.24 of the Revised Code. 7796
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Sec. 4772.27. In the absence of fraud or bad faith, the state medical board, a current or former board member, an agent of the board, a person formally requested by the board to be the board's representative, or an employee of the board shall not be held liable in damages to any person as the result of any act, omission, proceeding, conduct, or decision related to official duties undertaken or performed pursuant to this chapter. If any such person asks to be defended by the state against any claim or action arising out of any act, omission, proceeding, conduct, or decision related to the person's official duties, and if the request is made in writing at a reasonable time before trial and the person requesting defense cooperates in good faith in the defense of the claim or action, the state shall provide and pay for the person's defense and shall pay any resulting judgment, compromise, or settlement. At no time shall the state pay any part of a claim or judgment that is for punitive or exemplary damages. 7799
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Sec. 4772.28. The state medical board shall comply with section 4776.20 of the Revised Code. 7816
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Sec. 4772.99. (A) Whoever violates section 4772.02 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense; on each subsequent offense, the person is guilty of a felony of the fourth degree. 7818
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(B) Whoever violates division (A), (B), (C), or (D) of section 4772.23 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense the person is guilty of a misdemeanor of the fourth degree, except that an individual guilty of a subsequent offense shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense. 7822
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Sec. 4776.01. As used in this chapter: 7829

(A) "License" means an authorization evidenced by a license, certificate, registration, permit, card, or other authority that is issued or conferred by a licensing agency to a licensee or to an applicant for an initial license by which the licensee or initial license applicant has or claims the privilege to engage in a profession, occupation, or occupational activity, or, except in the case of the state dental board, to have control of and operate certain specific equipment, machinery, or premises, over which the licensing agency has jurisdiction. 7830
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(B) Except as provided in section 4776.20 of the Revised Code, "licensee" means the person to whom the license is issued by a licensing agency. "Licensee" includes a person who, for purposes of section 3796.13 of the Revised Code, has complied with sections 4776.01 to 4776.04 of the Revised Code and has been determined by the division of marijuana control, as the applicable licensing agency, to meet the requirements for employment. 7840
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(C) Except as provided in section 4776.20 of the Revised Code, "licensing agency" means any of the following:

(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 4753., 4755., 4757., 4759., 4760., 4761., 4762., 4772., 4774., 4778., 4779., and 4783. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specific equipment, machinery, or premises.

(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code;

(3) The division of marijuana control, relative to its authority under Chapter 3796. of the Revised Code and any rules adopted under that chapter with respect to a person who is subject to section 3796.13 of the Revised Code;

(4) The director of agriculture, relative to the director's authority to issue licenses under Chapter 928. of the Revised Code.

(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state. "Applicant for an initial license" also includes a person who, for purposes of section 3796.13 of the Revised Code, is required to comply with sections 4776.01 to 4776.04 of the Revised Code.

(E) "Applicant for a restored license" includes persons seeking restoration of a license under section 4730.14, 4730.28, 4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061,

4761.06, 4761.061, 4762.06, 4762.061, 4772.08, 4772.082, 7877
4774.06, 4774.061, 4778.07, or 4778.071 of the Revised Code. 7878
"Applicant for a restored license" does not include a person 7879
seeking restoration of a license under section 4751.33 of the 7880
Revised Code. 7881

(F) "Criminal records check" has the same meaning as in 7882
section 109.572 of the Revised Code. 7883

Sec. 5123.47. (A) As used in this section: 7884

(1) "In-home care" means the supportive services provided 7885
within the home of an individual with a developmental disability 7886
who receives funding for the services through a county board of 7887
developmental disabilities, including any recipient of 7888
residential services funded as home and community-based 7889
services, family support services provided under section 5126.11 7890
of the Revised Code, or supported living provided in accordance 7891
with sections 5126.41 to 5126.47 of the Revised Code. "In-home 7892
care" includes care that is provided outside an individual's 7893
home in places incidental to the home, and while traveling to 7894
places incidental to the home, except that "in-home care" does 7895
not include care provided in the facilities of a county board of 7896
developmental disabilities or care provided in schools. 7897

(2) "Parent" means either parent of a child, including an 7898
adoptive parent but not a foster parent. 7899

(3) "Unlicensed in-home care worker" means an individual 7900
who provides in-home care but is not a health care professional. 7901

(4) "Family member" means a parent, sibling, spouse, son, 7902
daughter, grandparent, aunt, uncle, cousin, or guardian of the 7903
individual with a developmental disability if the individual 7904
with a developmental disability lives with the person and is 7905

dependent on the person to the extent that, if the supports were
withdrawn, another living arrangement would have to be found.

(5) "Health care professional" means any of the following:

(a) A dentist who holds a valid license issued under
Chapter 4715. of the Revised Code;

(b) A registered or licensed practical nurse who holds a
valid license issued under Chapter 4723. of the Revised Code;

(c) An optometrist who holds a valid license issued under
Chapter 4725. of the Revised Code;

(d) A pharmacist who holds a valid license issued under
Chapter 4729. of the Revised Code;

(e) A person who holds a valid license or certificate
issued under Chapter 4731. of the Revised Code to practice
medicine and surgery, osteopathic medicine and surgery,
podiatric medicine and surgery, or a limited brand of medicine;

(f) A physician assistant who holds a valid license issued
under Chapter 4730. of the Revised Code;

(g) An occupational therapist or occupational therapy
assistant or a physical therapist or physical therapist
assistant who holds a valid license issued under Chapter 4755.
of the Revised Code;

(h) A respiratory care professional who holds a valid
license issued under Chapter 4761. of the Revised Code;

(i) A certified mental health assistant who holds a valid
license issued under Chapter 4772. of the Revised Code.

(6) "Health care task" means a task that is prescribed,
ordered, delegated, or otherwise directed by a health care

professional acting within the scope of the professional's 7933
practice. "Health care task" includes the administration of oral 7934
and topical prescribed medications; administration of nutrition 7935
and medications through gastrostomy and jejunostomy tubes that 7936
are stable and labeled; administration of oxygen and metered 7937
dose inhaled medications; administration of insulin through 7938
subcutaneous injections, inhalation, and insulin pumps; and 7939
administration of prescribed medications for the treatment of 7940
metabolic glyceic disorders through subcutaneous injections. 7941

(B) Except as provided in division (E) of this section, a 7942
family member of an individual with a developmental disability 7943
may authorize an unlicensed in-home care worker to perform 7944
health care tasks as part of the in-home care the worker 7945
provides to the individual, if all of the following apply: 7946

(1) The family member is the primary supervisor of the 7947
care. 7948

(2) The unlicensed in-home care worker has been selected 7949
by the family member or the individual receiving care and is 7950
under the direct supervision of the family member. 7951

(3) The unlicensed in-home care worker is providing the 7952
care through an employment or other arrangement entered into 7953
directly with the family member and is not otherwise employed by 7954
or under contract with a person or government entity to provide 7955
services to individuals with developmental disabilities. 7956

(4) The health care task is completed in accordance with 7957
standard, written instructions. 7958

(5) Performance of the health care task requires no 7959
judgment based on specialized health care knowledge or 7960
expertise. 7961

(6) The outcome of the health care task is reasonably 7962
predictable. 7963

(7) Performance of the health care task requires no 7964
complex observation of the individual receiving the care. 7965

(8) Improper performance of the health care task will 7966
result in only minimal complications that are not life- 7967
threatening. 7968

(C) A family member shall obtain a prescription, if 7969
applicable, and written instructions from a health care 7970
professional for the care to be provided to the individual. The 7971
family member shall authorize the unlicensed in-home care worker 7972
to provide the care by preparing a written document granting the 7973
authority. The family member shall provide the unlicensed in- 7974
home care worker with appropriate training and written 7975
instructions in accordance with the instructions obtained from 7976
the health care professional. The family member or a health care 7977
professional shall be available to communicate with the 7978
unlicensed in-home care worker either in person or by 7979
telecommunication while the in-home care worker performs a 7980
health care task. 7981

(D) A family member who authorizes an unlicensed in-home 7982
care worker to administer oral and topical prescribed 7983
medications or perform other health care tasks retains full 7984
responsibility for the health and safety of the individual 7985
receiving the care and for ensuring that the worker provides the 7986
care appropriately and safely. No entity that funds or monitors 7987
the provision of in-home care may be held liable for the results 7988
of the care provided under this section by an unlicensed in-home 7989
care worker, including such entities as the county board of 7990
developmental disabilities and the department of developmental 7991

disabilities. 7992

An unlicensed in-home care worker who is authorized under 7993
this section by a family member to provide care to an individual 7994
may not be held liable for any injury caused in providing the 7995
care, unless the worker provides the care in a manner that is 7996
not in accordance with the training and instructions received or 7997
the worker acts in a manner that constitutes willful or wanton 7998
misconduct. 7999

(E) A county board of developmental disabilities may 8000
evaluate the authority granted by a family member under this 8001
section to an unlicensed in-home care worker at any time it 8002
considers necessary and shall evaluate the authority on receipt 8003
of a complaint. If the board determines that a family member has 8004
acted in a manner that is inappropriate for the health and 8005
safety of the individual receiving the care, the authorization 8006
granted by the family member to an unlicensed in-home care 8007
worker is void, and the family member may not authorize other 8008
unlicensed in-home care workers to provide the care. In making 8009
such a determination, the board shall use appropriately licensed 8010
health care professionals and shall provide the family member an 8011
opportunity to file a complaint under section 5126.06 of the 8012
Revised Code. 8013

Sec. 5164.95. (A) As used in this section, "telehealth 8014
service" means a health care service delivered to a patient 8015
through the use of interactive audio, video, or other 8016
telecommunications or electronic technology from a site other 8017
than the site where the patient is located. 8018

(B) The department of medicaid shall establish standards 8019
for medicaid payments for health care services the department 8020
determines are appropriate to be covered by the medicaid program 8021

when provided as telehealth services. The standards shall be 8022
established in rules adopted under section 5164.02 of the 8023
Revised Code. 8024

In accordance with section 5162.021 of the Revised Code, 8025
the medicaid director shall adopt rules authorizing the 8026
directors of other state agencies to adopt rules regarding the 8027
medicaid coverage of telehealth services under programs 8028
administered by the other state agencies. Any such rules adopted 8029
by the medicaid director or the directors of other state 8030
agencies are not subject to the requirements of division (F) of 8031
section 121.95 of the Revised Code. 8032

(C) (1) To the extent permitted under rules adopted under 8033
section 5164.02 of the Revised Code and applicable federal law, 8034
the following practitioners are eligible to provide telehealth 8035
services covered pursuant to this section: 8036

(a) A physician licensed under Chapter 4731. of the 8037
Revised Code to practice medicine and surgery, osteopathic 8038
medicine and surgery, or podiatric medicine and surgery; 8039

(b) A psychologist, independent school psychologist, or 8040
school psychologist licensed under Chapter 4732. of the Revised 8041
Code; 8042

(c) A physician assistant licensed under Chapter 4730. of 8043
the Revised Code; 8044

(d) A clinical nurse specialist, certified nurse-midwife, 8045
or certified nurse practitioner licensed under Chapter 4723. of 8046
the Revised Code; 8047

(e) An independent social worker, independent marriage and 8048
family therapist, or professional clinical counselor licensed 8049
under Chapter 4757. of the Revised Code; 8050

(f) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	8051 8052
(g) A supervised practitioner or supervised trainee;	8053
(h) An audiologist or speech-language pathologist licensed under Chapter 4753. of the Revised Code;	8054 8055
(i) An audiology aide or speech-language pathology aide, as defined in section 4753.072 of the Revised Code, or an individual holding a conditional license under section 4753.071 of the Revised Code;	8056 8057 8058 8059
(j) An occupational therapist or physical therapist licensed under Chapter 4755. of the Revised Code;	8060 8061
(k) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code.	8062 8063 8064
(l) A dietitian licensed under Chapter 4759. of the Revised Code;	8065 8066
(m) A chiropractor licensed under Chapter 4734. of the Revised Code;	8067 8068
(n) A pharmacist licensed under Chapter 4729. of the Revised Code;	8069 8070
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	8071 8072
(p) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry;	8073 8074
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	8075 8076
(r) A certified Ohio behavior analyst certified under	8077

Chapter 4783. of the Revised Code;	8078
(s) A practitioner who provides services through a medicaid school program;	8079 8080
(t) Subject to section 5119.368 of the Revised Code, a practitioner authorized to provide services and supports certified under section 5119.36 of the Revised Code through a community mental health services provider or community addiction services provider;	8081 8082 8083 8084 8085
<u>(u) A certified mental health assistant licensed under Chapter 4772. of the Revised Code;</u>	8086 8087
<u>(v) Any other practitioner the medicaid director considers eligible to provide telehealth services.</u>	8088 8089
(2) In accordance with division (B) of this section and to the extent permitted under rules adopted under section 5164.02 of the Revised Code and applicable federal law, the following provider types are eligible to submit claims for medicaid payments for providing telehealth services:	8090 8091 8092 8093 8094
(a) Any practitioner described in division (C)(1) of this section, except for those described in divisions (C)(1)(g), (i), and (k) of this section;	8095 8096 8097
(b) A professional medical group;	8098
(c) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	8099 8100 8101
(d) A rural health clinic;	8102
(e) An ambulatory health care clinic;	8103
(f) An outpatient hospital;	8104

(g) A medicaid school program;	8105
(h) Subject to section 5119.368 of the Revised Code, a community mental health services provider or community addiction services provider that offers services and supports certified under section 5119.36 of the Revised Code;	8106 8107 8108 8109
(i) Any other provider type the medicaid director considers eligible to submit the claims for payment.	8110 8111
(D) (1) When providing telehealth services under this section, a practitioner shall comply with all requirements under state and federal law regarding the protection of patient information. A practitioner shall ensure that any username or password information and any electronic communications between the practitioner and a patient are securely transmitted and stored.	8112 8113 8114 8115 8116 8117 8118
(2) When providing telehealth services under this section, every practitioner site shall have access to the medical records of the patient at the time telehealth services are provided.	8119 8120 8121
Sec. 5903.12. (A) As used in this section:	8122
"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 4735.141, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 , <u>and 4772.081</u> of the Revised Code.	8123 8124 8125 8126 8127 8128 8129 8130
"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.	8131 8132 8133

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Section 2. That existing sections 2305.234, 2305.51, 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3701.048, 3701.74, 3709.161, 3715.50, 3715.501, 3715.502, 3715.503, 3715.872, 3719.06, 3719.064, 3719.121, 3719.13, 3719.81, 4729.01, 4729.51, 4731.051, 4731.07, 4731.071, 4731.22, 4731.224, 4731.24, 4731.25, 4731.251, 4734.99, 4743.09, 4765.51, 4769.01, 4776.01, 5123.47, 5164.95, and 5903.12 of the Revised Code are hereby repealed.

Section 3. The Medicaid Director shall submit a request to the United States Centers for Medicare and Medicaid Services for a Medicaid waiver to allow services provided by a certified mental health assistant, as authorized by Chapter 4772. of the Revised Code, to be paid by the Medicaid program.

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,

presented in this act as composites of the sections as amended 8164
by the acts indicated, are the resulting versions of the 8165
sections in effect prior to the effective date of the sections 8166
as presented in this act: 8167

Section 3719.121 of the Revised Code as amended by both 8168
H.B. 216 and S.B. 319 of the 131st General Assembly. 8169

Section 4729.01 of the Revised Code as amended by both 8170
H.B. 509 and H.B. 558 of the 134th General Assembly. 8171