

As Introduced

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

S. B. No. 68

**Senator Hackett
Cosponsor: Senator Cirino**

A BILL

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

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

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

Sec. 9.45. Notwithstanding section 1321.32 of the Revised 17
Code, the state and any of its political subdivisions or 18

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

Sec. 2925.01. As used in this chapter:

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

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

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

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

(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana,

cocaine, L.S.D., heroin, any fentanyl-related compound, and 48
hashish and except as provided in division (D) (2), (5), or (6) 49
of this section, whichever of the following is applicable: 50

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

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

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

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

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

(f) An amount equal to or exceeding one hundred twenty 71
grams or thirty times the maximum daily dose in the usual dose 72
range specified in a standard pharmaceutical reference manual of 73
a compound, mixture, preparation, or substance that is or 74
contains any amount of a schedule II stimulant that is in a 75
final dosage form manufactured by a person authorized by the 76

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 77
U.S.C.A. 301, as amended, and the federal drug abuse control 78
laws, as defined in section 3719.01 of the Revised Code, that is 79
or contains any amount of a schedule II depressant substance or 80
a schedule II hallucinogenic substance; 81

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

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

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

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

(5) An amount equal to or exceeding two hundred solid 104
dosage units, sixteen grams, or sixteen milliliters of a 105

compound, mixture, preparation, or substance that is or contains 106
any amount of a schedule III anabolic steroid; 107

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

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

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

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

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

(2) A violation of an existing or former law of this or 133
any other state or of the United States that is substantially 134

equivalent to any section listed in division (G) (1) of this section; 135
136

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element; 137
138
139
140
141
142
143

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section. 144
145
146

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States. 147
148
149

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following: 150
151

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following: 152
153
154
155
156
157

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; 158
159
160
161

(b) Any aerosol propellant; 162

(c) Any fluorocarbon refrigerant;	163
(d) Any anesthetic gas.	164
(2) Gamma Butyrolactone;	165
(3) 1,4 Butanediol.	166
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	167 168 169 170 171 172
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	173 174 175 176
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	177 178 179 180 181 182
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	183 184 185
(N) "Juvenile" means a person under eighteen years of age.	186
(O) "Counterfeit controlled substance" means any of the following:	187 188
(1) Any drug that bears, or whose container or label	189

bears, a trademark, trade name, or other identifying mark used	190
without authorization of the owner of rights to that trademark,	191
trade name, or identifying mark;	192
(2) Any unmarked or unlabeled substance that is	193
represented to be a controlled substance manufactured,	194
processed, packed, or distributed by a person other than the	195
person that manufactured, processed, packed, or distributed it;	196
(3) Any substance that is represented to be a controlled	197
substance but is not a controlled substance or is a different	198
controlled substance;	199
(4) Any substance other than a controlled substance that a	200
reasonable person would believe to be a controlled substance	201
because of its similarity in shape, size, and color, or its	202
markings, labeling, packaging, distribution, or the price for	203
which it is sold or offered for sale.	204
(P) An offense is "committed in the vicinity of a school"	205
if the offender commits the offense on school premises, in a	206
school building, or within one thousand feet of the boundaries	207
of any school premises, regardless of whether the offender knows	208
the offense is being committed on school premises, in a school	209
building, or within one thousand feet of the boundaries of any	210
school premises.	211
(Q) "School" means any school operated by a board of	212
education, any community school established under Chapter 3314.	213
of the Revised Code, or any nonpublic school for which the state	214
board of education prescribes minimum standards under section	215
3301.07 of the Revised Code, whether or not any instruction,	216
extracurricular activities, or training provided by the school	217
is being conducted at the time a criminal offense is committed.	218

(R) "School premises" means either of the following:	219
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	220 221 222 223 224
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	225 226 227 228 229 230 231 232 233 234 235
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	236 237 238 239 240 241
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	242 243 244 245
(U) "Certified grievance committee" means a duly constituted and organized committee of the Ohio state bar	246 247

association or of one or more local bar associations of the 248
state of Ohio that complies with the criteria set forth in Rule 249
V, section 6 of the Rules for the Government of the Bar of Ohio. 250

(V) "Professional license" means any license, permit, 251
certificate, registration, qualification, admission, temporary 252
license, temporary permit, temporary certificate, or temporary 253
registration that is described in divisions (W) (1) to (37) of 254
this section and that qualifies a person as a professionally 255
licensed person. 256

(W) "Professionally licensed person" means any of the 257
following: 258

(1) A person who has received a certificate or temporary 259
certificate as a certified public accountant or who has 260
registered as a public accountant under Chapter 4701. of the 261
Revised Code and who holds an Ohio permit issued under that 262
chapter; 263

(2) A person who holds a certificate of qualification to 264
practice architecture issued or renewed and registered under 265
Chapter 4703. of the Revised Code; 266

(3) A person who is registered as a landscape architect 267
under Chapter 4703. of the Revised Code or who holds a permit as 268
a landscape architect issued under that chapter; 269

(4) A person licensed under Chapter 4707. of the Revised 270
Code; 271

(5) A person who has been issued a certificate of 272
registration as a registered barber under Chapter 4709. of the 273
Revised Code; 274

(6) A person ~~licensed and regulated~~ registered to engage 275

in the business of a debt pooling company ~~by a legislative~~ 276
~~authority, under authority of Chapter 4710. sections 4712.50 to~~ 277
4712.55 of the Revised Code; 278

(7) A person who has been issued a cosmetologist's 279
license, hair designer's license, manicurist's license, 280
esthetician's license, natural hair stylist's license, advanced 281
cosmetologist's license, advanced hair designer's license, 282
advanced manicurist's license, advanced esthetician's license, 283
advanced natural hair stylist's license, cosmetology 284
instructor's license, hair design instructor's license, 285
manicurist instructor's license, esthetics instructor's license, 286
natural hair style instructor's license, independent 287
contractor's license, or tanning facility permit under Chapter 288
4713. of the Revised Code; 289

(8) A person who has been issued a license to practice 290
dentistry, a general anesthesia permit, a conscious sedation 291
permit, a limited resident's license, a limited teaching 292
license, a dental hygienist's license, or a dental hygienist's 293
teacher's certificate under Chapter 4715. of the Revised Code; 294

(9) A person who has been issued an embalmer's license, a 295
funeral director's license, a funeral home license, or a 296
crematory license, or who has been registered for an embalmer's 297
or funeral director's apprenticeship under Chapter 4717. of the 298
Revised Code; 299

(10) A person who has been licensed as a registered nurse 300
or practical nurse, or who has been issued a certificate for the 301
practice of nurse-midwifery under Chapter 4723. of the Revised 302
Code; 303

(11) A person who has been licensed to practice optometry 304

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	305 306
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	307 308
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	309 310
(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;	311 312 313 314
(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;	315 316 317 318 319
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	320 321
(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;	322 323 324 325 326
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	327 328 329
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	330 331 332

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	333 334
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	335 336
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	337 338
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	339 340
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	341 342
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	343 344
(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;	345 346 347 348
(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;	349 350 351
(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;	352 353 354
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	355 356
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	357 358 359

(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.

(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 preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2913.01 of the Revised Code.	445
(KK) "Fentanyl-related compound" means any of the following:	446 447
(1) Fentanyl;	448
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	449 450 451
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	452 453
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	454 455
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	456 457 458
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	459 460
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	461 462
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	463 464
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	465 466
(10) Alfentanil;	467
(11) Carfentanil;	468
(12) Remifentanil;	469
(13) Sufentanil;	470

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and

(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:

(a) A chemical scaffold consisting of both of the following:

(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;

(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.

(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and

(d) The compound has not been approved for medical use by the United States food and drug administration.

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

the minimum prison terms prescribed in division (A) (1) (a) of 499
that section for a felony of the first degree. 500

(MM) "Second degree felony mandatory prison term" means 501
one of the definite prison terms prescribed in division (A) (2) 502
(b) of section 2929.14 of the Revised Code for a felony of the 503
second degree, except that if the violation for which sentence 504
is being imposed is committed on or after March 22, 2019, it 505
means one of the minimum prison terms prescribed in division (A) 506
(2) (a) of that section for a felony of the second degree. 507

(NN) "Maximum first degree felony mandatory prison term" 508
means the maximum definite prison term prescribed in division 509
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 510
the first degree, except that if the violation for which 511
sentence is being imposed is committed on or after March 22, 512
2019, it means the longest minimum prison term prescribed in 513
division (A) (1) (a) of that section for a felony of the first 514
degree. 515

(OO) "Maximum second degree felony mandatory prison term" 516
means the maximum definite prison term prescribed in division 517
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 518
the second degree, except that if the violation for which 519
sentence is being imposed is committed on or after March 22, 520
2019, it means the longest minimum prison term prescribed in 521
division (A) (2) (a) of that section for a felony of the second 522
degree. 523

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 524
as in section 928.01 of the Revised Code. 525

(QQ) An offense is "committed in the vicinity of a 526
substance addiction services provider or a recovering addict" if 527

either of the following apply: 528

(1) The offender commits the offense on the premises of a 529
substance addiction services provider's facility, including a 530
facility licensed prior to June 29, 2019, under section 5119.391 531
of the Revised Code to provide methadone treatment or an opioid 532
treatment program licensed on or after that date under section 533
5119.37 of the Revised Code, or within five hundred feet of the 534
premises of a substance addiction services provider's facility 535
and the offender knows or should know that the offense is being 536
committed within the vicinity of the substance addiction 537
services provider's facility. 538

(2) The offender sells, offers to sell, delivers, or 539
distributes the controlled substance or controlled substance 540
analog to a person who is receiving treatment at the time of the 541
commission of the offense, or received treatment within thirty 542
days prior to the commission of the offense, from a substance 543
addiction services provider and the offender knows that the 544
person is receiving or received that treatment. 545

(RR) "Substance addiction services provider" means an 546
agency, association, corporation or other legal entity, 547
individual, or program that provides one or more of the 548
following at a facility: 549

(1) Either alcohol addiction services, or drug addiction 550
services, or both such services that are certified by the 551
director of mental health and addiction services under section 552
5119.36 of the Revised Code; 553

(2) Recovery supports that are related to either alcohol 554
addiction services, or drug addiction services, or both such 555
services and paid for with federal, state, or local funds 556

administered by the department of mental health and addiction 557
services or a board of alcohol, drug addiction, and mental 558
health services. 559

(SS) "Premises of a substance addiction services 560
provider's facility" means the parcel of real property on which 561
any substance addiction service provider's facility is situated. 562

(TT) "Alcohol and drug addiction services" has the same 563
meaning as in section 5119.01 of the Revised Code. 564

Sec. 4712.01. As used in sections 4712.01 to 4712.14 of 565
the Revised Code: 566

(A) "Buyer" means an individual who is solicited to 567
purchase or who purchases the services of a credit services 568
organization for purposes other than obtaining a business loan 569
as described in division (B) (6) of section 1343.01 of the 570
Revised Code. 571

(B) "Consumer reporting agency" has the same meaning as in 572
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 573
1681a, as amended. 574

(C) (1) "Credit services organization" means any person 575
that, in return for the payment of money or other valuable 576
consideration readily convertible into money for the following 577
services, sells, provides, or performs, or represents that the 578
person can or will sell, provide, or perform, one or more of the 579
following services: 580

(a) Improving a buyer's credit record, history, or rating; 581

(b) Obtaining an extension of credit by others for a 582
buyer; 583

(c) Providing advice or assistance to a buyer in 584

connection with division (C) (1) (a) or (b) of this section;	585
(d) Removing adverse credit information that is accurate	586
and not obsolete from the buyer's credit record, history, or	587
rating;	588
(e) Altering the buyer's identification to prevent the	589
display of the buyer's credit record, history, or rating.	590
(2) "Credit services organization" does not include any of	591
the following:	592
(a) A person that makes or collects loans, to the extent	593
these activities are subject to licensure or registration by	594
this state;	595
(b) A mortgage broker, as defined in section 1322.01 of	596
the Revised Code, that holds a valid certificate of registration	597
under Chapter 1322. of the Revised Code;	598
(c) A lender approved by the United States secretary of	599
housing and urban development for participation in a mortgage	600
insurance program under the "National Housing Act," 48 Stat.	601
1246 (1934), 12 U.S.C.A. 1701, as amended;	602
(d) A bank, savings bank, or savings and loan association,	603
or a subsidiary or an affiliate of a bank, savings bank, or	604
savings and loan association. For purposes of division (C) (2) (d)	605
of this section, "affiliate" has the same meaning as in division	606
(A) of section 1101.01 of the Revised Code and "bank," as used	607
in division (A) of section 1101.01 of the Revised Code, is	608
deemed to include a savings bank or savings and loan	609
association.	610
(e) A credit union organized and qualified under Chapter	611
1733. of the Revised Code or the "Federal Credit Union Act," 84	612

Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 613

(f) A budget and debt counseling service, as defined in 614
division (D) of section 2716.03 of the Revised Code, provided 615
that the service is a nonprofit organization exempt from 616
taxation under section 501(c)(3) of the "Internal Revenue Code 617
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 618
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 619
to 4712.55 of the Revised Code; 620

(g) A consumer reporting agency that is in substantial 621
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 622
15 U.S.C.A. 1681a, as amended. 623

(h) A mortgage banker; 624

(i) Any political subdivision, or any governmental or 625
other public entity, corporation, or agency, in or of the United 626
States or any state of the United States; 627

(j) A college or university, or controlled entity of a 628
college or university, as defined in section 1713.05 of the 629
Revised Code; 630

(k) A motor vehicle dealer licensed pursuant to Chapter 631
4517. of the Revised Code acting within the scope and authority 632
of that license or a motor vehicle auction owner licensed 633
pursuant to Chapters 4517. and 4707. of the Revised Code acting 634
within the scope and authority of that license; 635

(l) An attorney at law admitted to the practice of law in 636
this state who offers, provides, or performs a legal service 637
that is privileged by reason of the attorney-client 638
relationship, provided that the service is not a service 639
described in division (C)(1)(b) or (e) of this section. 640

(D) "Extension of credit" means the right to defer payment 641
of debt, or to incur debt and defer its payment, offered or 642
granted primarily for personal, family, or household purposes. 643
"Extension of credit" does not include a mortgage. 644

(E) "Mortgage" means any indebtedness secured by a deed of 645
trust, security deed, or other lien on real property. 646

(F) "Mortgage banker" means any person that makes, 647
services, or buys and sells mortgage loans and is approved by 648
the United States department of housing and urban development, 649
the United States department of veterans affairs, the federal 650
national mortgage association, or the federal home loan mortgage 651
corporation. 652

(G) "Superintendent of financial institutions" includes 653
the deputy superintendent for consumer finance as provided in 654
section 1181.21 of the Revised Code. 655

Sec. ~~4710.01~~ 4712.50. As used in ~~this chapter~~ sections 656
4712.50 to 4712.55 of the Revised Code: 657

(A) "Person" includes individuals, partnerships, 658
associations, corporations, trusts, and other legal entities. 659

(B) (1) "Debt adjusting" means doing business in debt 660
adjusting, budget counseling, debt management, or debt pooling 661
service, or holding oneself out, by words of similar import, as 662
providing services to debtors in the management, reduction, or 663
elimination of the amount or repayment terms of their debts, to 664
do either of the following: 665

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 666
of any account, note, or other indebtedness of the debtor, to 667
obtain any of the following: 668

(i) An adjustment of an interest rate on a debt owed by a debtor to a creditor; 669
670

(ii) A waiver or reduction of fees or charges; 671

(iii) A discharge of a debt by reducing the principal balance of the debt. 672
673

~~(2)~~ (b) To receive from the debtor and disburse to the debtor's creditors any money or other thing of value. 674
675

(2) "Debt adjusting" does not include any of the activities of a debt collector, as defined in 15 U.S.C. 1692a(6), collecting or attempting to collect a debt owed or due another. 676
677
678
679

(C) "Resides" means to live in a particular place on a temporary or a permanent basis. 680
681

Sec. 4712.502. (A) No person shall engage in debt adjusting in this state without first registering with the attorney general as prescribed by the attorney general pursuant to rules adopted under this section. 682
683
684
685

(B) The attorney general shall adopt rules pursuant to Chapter 119. of the Revised Code relating to registration, oversight, and enforcement of sections 4712.50 to 4712.55 of the Revised Code, including any rules to expand registration requirements under those sections. 686
687
688
689
690

(C) The application for registration and the application for registration renewal shall be in a form prescribed by the attorney general, signed under oath and shall contain such information as the attorney general shall reasonably require. The attorney general shall evaluate an applicant's financial responsibility and general fitness. A registration to provide 691
692
693
694
695
696

debt adjusting services shall be for a period of two years from 697
the date of issuance. Any adjudication by the attorney general 698
relating to the registration requirement under division (A) of 699
this section shall follow the procedures in Chapter 119. of the 700
Revised Code. 701

(D) The following items shall be submitted with or 702
required in any application for a registration under sections 703
4712.50 to 4712.55 of the Revised Code: 704

(1) An unexpired certificate from the tax commissioner 705
verifying that the applicant is not subject to any assessment or 706
enforcement action for unpaid tax, interest, or penalties 707
imposed under Chapter 5751. of the Revised Code. The 708
commissioner shall provide this certificate to the applicant, if 709
so entitled, not later than fourteen days after receiving the 710
applicant's request for it. The certificate expires ninety days 711
after the date of its issuance. 712

(2) Proof that the applicant is in compliance with any 713
requirement imposed by the secretary of state for an entity to 714
engage in business in this state; 715

(3) The applicant's name, principal business address and 716
telephone number, all business addresses in this state, the 717
principal electronic mail address for the business, and the 718
principal internet web site address to be used for the business; 719

(4) The name and home address of each executive officer 720
and director of the applicant and each person that owns, 721
directly or indirectly, more than twenty per cent of the voting 722
interests of the applicant; 723

(5) A statement describing, to the extent it is known or 724
should be known by the applicant, any material civil or criminal 725

judgment in any jurisdiction, or any material administrative or 726
enforcement action by a governmental agency, in each case 727
relating to financial fraud or misuse, against the applicant, 728
any of its executive officers, directors, or owners; 729

(6) A copy of each form of agreement and the schedule of 730
fees and charges that the applicant will use with consumers who 731
reside in this state. 732

(E) The attorney general may participate in a multi-state 733
licensing system for the sharing of regulatory information and 734
for the registration and application, by electronic or other 735
means, of entities engaged in the business of debt adjusting. 736
The attorney general may establish requirements for 737
participation by an applicant in a multi-state licensing system, 738
which may vary from the provisions set out in sections 4712.50 739
to 4712.55 of the Revised Code. 740

(F) An applicant or registrant shall notify the attorney 741
general within thirty days after a material change in any of the 742
information submitted in connection with any application or 743
renewal application for a registration under sections 4712.50 to 744
4712.55 of the Revised Code, including but not limited to any of 745
the following: 746

(1) A change in the applicant's or registrant's home or 747
business address; 748

(2) A merger or dissolution relative to the registration; 749

(3) When a registrant pleads guilty or is convicted of any 750
felony in a court of competent jurisdiction. 751

(G) The attorney general may deny a registration if any of 752
the following applies: 753

- (1) The applicant does not satisfy the criteria set forth 754
in this section. 755
- (2) The application contains information that is 756
materially erroneous or incomplete. 757
- (3) The applicant fails to provide in a timely manner such 758
information as the attorney general may reasonably request. 759
- (4) Either of the following apply to an executive officer, 760
director, managing member, or principal of the applicant: 761
- (a) The person has been convicted of or pleaded nolo 762
contendere to a felony; 763
- (b) The person has committed an act involving fraud, 764
deceit, or dishonesty. 765
- (5) An executive officer, director, managing member, or 766
principal of the applicant has had a professional license or 767
registration revoked, suspended, or subjected to administrative 768
action in any jurisdiction, and such license or registration has 769
not been reinstated. 770
- (6) The applicant's license or registration was revoked or 771
suspended in another jurisdiction and has not been reinstated. 772
- (H) Not later than twenty days after a registration 773
application denial, the attorney general shall provide to the 774
applicant a written decision and findings containing the reasons 775
supporting a registration denial. Not later than thirty days 776
after the date of the notice, the applicant may appeal the 777
denial pursuant to Chapter 119. of the Revised Code. 778
- (I) (1) The attorney general may suspend, revoke, or deny 779
renewal of a registration if any of the following applies: 780

(a) A registrant has materially violated sections 4712.50 781
to 4712.55 of the Revised Code or any rule adopted by the 782
attorney general or any other law applicable to the conduct of 783
its business. 784

(b) A fact or condition exists that, if it had existed 785
when the registrant applied for a registration, would have 786
warranted the attorney general to refuse the registration. 787

(c) The registrant does not satisfy the application 788
criteria required under this section. 789

(d) The registrant has refused to permit the attorney 790
general to examine the registrant's books and records. 791

(e) The registrant has not responded within a reasonable 792
time and in an appropriate manner to the attorney general's 793
communications. 794

(2) If the attorney general suspends, revokes, or denies 795
renewal of a registration, the attorney general may seek a court 796
order to seize the registrant's books and records with respect 797
to any consumers in this state that are being serviced by the 798
registrant. 799

(3) A registrant may deliver a written notice to the 800
attorney general to surrender its registration, provided, 801
however, that if a registrant surrenders its registration, its 802
civil or criminal liability for acts committed before the 803
surrender is not affected. 804

(4) Upon submission of a renewal application for a 805
registration and until such time as such renewal application is 806
approved or denied, the registrant may continue to provide debt 807
adjusting services, but a denial of such registration terminates 808
any right to provide debt adjusting services in this state 809

unless approved by the attorney general. 810

(J) The attorney general shall adopt rules related to both 811
of the following: 812

(1) Reasonable registration fees, any subsequent increase 813
of which shall be approved by the general assembly through the 814
biennial operating appropriations act; 815

(2) Penalties for any violation of sections 4712.50 to 816
4712.55 of the Revised Code, which may include any of the 817
following: 818

(a) Fines; 819

(b) Suspension of registration for up to five years; 820

(c) Indefinite barring from registration. 821

(K) Except as described in divisions (C) and (H) of this 822
section, any person subject to an enforcement action taken by 823
the attorney general under sections 4712.50 to 4712.55 of the 824
Revised Code may appeal such decision to the court of common 825
pleas of the county in which the place of business of the 826
registrant is located or the county in which the registrant is a 827
resident. 828

Sec. ~~4710.02~~ 4712.51. (A) Subject to division (C) of this 829
section, a person engaged in debt adjusting shall do all of the 830
following: 831

(1) Unless specifically instructed otherwise by a debtor, 832
disburse to the appropriate creditors all funds received from 833
the debtor, less any contributions not prohibited by division 834
(B) of this section, within thirty days of receipt of the funds 835
from the debtor; 836

(2) Maintain a separate trust account for the receipt of	837
any funds from debtors and the disbursement of the funds to	838
creditors on behalf of the debtors;	839
(3) Charge or accept only reasonable fees or contributions	840
in accordance with division (B) of this section;	841
(4) Establish and implement a policy that allows for the	842
waiver or discontinuation of fees or contributions not	843
prohibited by division (B) of this section if the debtor is	844
unable to pay such fees or contributions;	845
<u>(5) Comply with federal law and regulations as it relates</u>	846
<u>to debt adjusting and with the federal telemarketing sales rule</u>	847
<u>under 16 C.F.R. part 310.</u>	848
(B) If fees or contributions for providing debt adjusting	849
services are charged or accepted, directly or indirectly, no	850
person providing or engaged in debt adjusting shall do any of	851
the following:	852
(1) Charge or accept a fee or contribution exceeding	853
seventy-five dollars from a debtor residing in this state for an	854
initial consultation or initial set up of a debt management plan	855
or similar plan;	856
(2) Charge or accept consultation fees or contributions	857
exceeding one hundred dollars per calendar year from a debtor	858
residing in this state;	859
(3) Charge or accept a periodic fee or contribution from a	860
debtor residing in this state for administering a debt	861
management plan or similar plan, which fee or contribution	862
exceeds eight and one-half per cent of the amount paid by the	863
debtor each month for distribution to the debtor's creditors or	864
thirty dollars, whichever is greater.	865

(C) Division (A) or (B) of this section does not prohibit 866
a person engaged in debt adjusting for a debtor who is residing 867
in this state from charging the debtor a reasonable fee for 868
insufficient funds transactions that is in addition to fees or 869
contributions not prohibited by division (B) of this section. 870

(D) Any person that engages in debt adjusting, annually, 871
shall arrange for and undergo an audit conducted by an 872
independent, third party, certified public accountant of the 873
person's business, including any trust funds deposited and 874
distributed to creditors on behalf of debtors. Both of the 875
following apply to an audit described in this division: 876

(1) The person shall file the results of the audit and the 877
auditor's opinion with the consumer protection division of the 878
attorney general. 879

(2) The attorney general shall make available a summary of 880
the results of the audit and the auditor's opinion upon written 881
request of a person and payment of a fee not exceeding the cost 882
of copying the summary and opinion. 883

(E) A person engaged in debt adjusting shall obtain and 884
maintain at all times insurance coverage for employee 885
dishonesty, depositor's forgery, and computer fraud in the 886
amount of ten per cent of the monthly average for the immediate 887
preceding six months of the aggregate amount of all deposits 888
made with the person by all debtors. The insurance coverage 889
shall comply with all of the following: 890

(1) The insurance coverage is not less than one hundred 891
thousand dollars. 892

(2) The insurance coverage includes a deductible that does 893
not exceed ten per cent of the face amount of the policy 894

coverage.	895
(3) The insurance coverage is issued by an insurer rated at least A- or its equivalent by a nationally recognized rating organization.	896 897 898
(4) The insurance coverage provides that thirty days advance written notice be given to the consumer protection division of the attorney general before coverage is terminated.	899 900 901
<u>(F) A person engaged in debt adjusting may contract for and receive a fee or fees at a rate or rates not exceeding twenty-eight per cent per year of the total debt enrolled in a debt adjusting program.</u>	902 903 904 905
(F)(1) <u>(G)(1)</u> No person engaged in debt adjusting shall fail to comply with division (A) of this section or shall violate division (B) of this section.	906 907 908
(2) No person engaged in debt adjusting shall fail to comply with divisions (D) and (E) of this section.	909 910
<u>(3) No person engaged in debt adjusting shall violate division (F) of this section.</u>	911 912
Sec. 4710.03 4712.52. Nothing in this chapter <u>sections 4712.50 to 4712.55 of the Revised Code</u> applies to any of the following:	913 914 915
(A) The federal national mortgage association; the federal home loan mortgage corporation; a bank, bank holding company, trust company, savings and loan association, credit union, savings bank, or credit card bank, that is regulated by the office of the comptroller of currency, office of thrift supervision, federal reserve, federal deposit insurance corporation, national credit union administration, or division	916 917 918 919 920 921 922

of financial institutions; or to subsidiaries of any of these	923
entities;	924
(B) Debt adjusting incurred in the practice of law in this	925
state;	926
(C) A person that incidentally engages in debt adjusting	927
to adjust the indebtedness owed to that person;	928
(D) A registrant as defined in section 1321.51 of the	929
Revised Code;	930
(E) A registrant or licensee as both are defined in	931
section 1322.01 of the Revised Code.	932
Sec. 4710.04 4712.53. (A) Any violation of division (F) (1)	933
of section 4710.02 <u>sections 4712.50 to 4712.55</u> of the Revised	934
Code is deemed an unfair or deceptive act or practice in	935
violation of section 1345.02 of the Revised Code. A person	936
injured by a violation of that division has a cause of action	937
and is entitled to the same relief available to a consumer under	938
section 1345.09 of the Revised Code, and all the powers and	939
remedies available to the attorney general to enforce sections	940
1345.01 to 1345.13 of the Revised Code are available to the	941
attorney general to enforce division (F) (1) of section 4710.02	942
<u>sections 4712.50 to 4712.55</u> of the Revised Code.	943
(B) Any person who violates division (F) (2) of section	944
4710.02 <u>4712.51</u> of the Revised Code, in addition to the	945
penalties imposed by <u>division (C) of section 4710.99</u> 4712.99 of	946
the Revised Code, shall be fined not more than ten thousand	947
dollars for each violation.	948
Sec. 4712.54. <u>A person engaged in debt adjusting and</u>	949
<u>operating in compliance with federal laws or regulations,</u>	950
<u>including regulations adopted under 16 C.F.R. part 310, is not</u>	951

subject to division (B) of section 4712.51 of the Revised Code. 952

Sec. 4712.55. (A) No person engaging in debt adjusting 953
shall send a cease and desist letter or a similar letter to any 954
creditor on behalf of a debtor. 955

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 956
Code shall be construed as permitting the unauthorized practice 957
of law by any person engaged in debt adjusting. 958

Sec. 4712.99. (A) Whoever violates division (J) of section 959
4712.02, division (E) of section 4712.04, division (D) or (E) of 960
section 4712.05, division (A) of section 4712.06, section 961
4712.07 or 4712.08, or division (A) of section 4712.09 of the 962
Revised Code is guilty of a felony of the fifth degree. 963

(B) (1) Whoever violates section 4712.071 of the Revised 964
Code is guilty of a minor misdemeanor and shall be fined not 965
less than one hundred nor more than five hundred dollars. 966

(2) The offense established under section 4712.071 of the 967
Revised Code is a strict liability offense and section 2901.20 968
of the Revised Code does not apply. The designation of this 969
offense as a strict liability offense shall not be construed to 970
imply that any other offense for which there is no specified 971
degree of culpability, whether in this section or another 972
section of the Revised Code, is not a strict liability offense. 973

(C) Whoever recklessly violates division (G) of section 974
4712.51 of the Revised Code is guilty of a misdemeanor of the 975
third degree for a first offense and a misdemeanor of the second 976
degree for any subsequent offense. 977

Section 2. That existing sections 9.45, 2925.01, 4710.01, 978
4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised 979
Code are hereby repealed. 980

Section 3. That section 4710.99 of the Revised Code is 981
hereby repealed. 982

Section 4. Section 2925.01 of the Revised Code is 983
presented in this act as a composite of the section as amended 984
by H.B. 281, H.B. 509, and S.B. 25, all of the 134th General 985
Assembly. The General Assembly, applying the principle stated in 986
division (B) of section 1.52 of the Revised Code that amendments 987
are to be harmonized if reasonably capable of simultaneous 988
operation, finds that the composite is the resulting version of 989
the section in effect prior to the effective date of the section 990
as presented in this act. 991