

\_\_\_\_\_ moved to amend as follows:

In line 2 of the title, delete ", 2941.1422"	1
In line 4 of the title, delete ", 2905.321"	2
In line 6 of the title, delete "increase" and insert "modify"; delete "above"	3
In line 7 of the title, delete "certain amounts" and insert "and possession"; delete "to prohibit organized"	4
In line 8 of the title, delete "trafficking of persons,"	5
In line 15, delete ", 2941.1422"	6
In line 16, delete ", 2905.321"	7
Delete lines 22 through 76	8
In line 163, delete " <u>2905.321,</u> "	9
In line 998, strike through ", and division (B) of section 2929.13"	10
Strike through line 999	11
In line 1000, strike through "prison term on the offender"	12
	13
	14



In line 1010, strike through ", and division (B) of"	15
Strike through line 1011	16
In line 1012, strike through "whether to impose a prison term for	17
the offense"	18
In line 1044, strike through ", and division (B) of"	19
Strike through line 1045	20
In line 1046, strike through "whether to impose a prison term on the	21
offender"	22
In line 1051, strike through ", and division (B) of section 2929.13	23
of the Revised Code"	24
Strike through line 1052	25
In line 1053, strike through "offender"	26
In line 1057, strike through ", and division (B) of section"	27
Strike through line 1058	28
In line 1059, strike through "impose a prison term on the offender"	29
In line 1122, delete " <u>or</u> "; reinsert ", or (g)"	30
In line 1123, strike through ", and division (B) of"	31
Strike through line 1124	32
In line 1125, strike through "whether to impose a prison term on the	33
offender"	34
In line 1127, delete " <u>or</u> "; reinsert ", or (g)"	35
In line 1137, strike through ", and division (B) of section 2929.13"	36
Strike through line 1138	37

In line 1139, strike through "prison term for the offense"	38
In line 1149, reinsert "third"; delete " <u>second</u> "	39
In line 1152, reinsert "third"; delete " <u>second</u> "	40
In line 1156, reinsert "third"; delete " <u>second</u> "	41
In line 1161, reinsert "second"; delete " <u>first</u> "	42
In line 1162, reinsert "second"; delete " <u>first</u> "	43
In line 1163, reinsert "Except as otherwise provided in this division, if"; delete " <u>If</u> "	44
In line 1165, reinsert "twenty-seven"; delete " <u>one hundred</u> "; delete " <u>and</u> "	45
Delete lines 1166 through 1168	46
In line 1169, delete " <u>addict</u> "; reinsert "second"; delete " <u>first</u> "	47
In line 1171, reinsert "second"; delete " <u>first</u> "; reinsert "If the amount"	48
Reinsert lines 1172 through 1178	49
In line 1179, reinsert "If the amount of the drug involved equals or exceeds"	50
In line 1180, reinsert "twenty-seven grams but is less than"; after "hundred" insert " <u>fifty</u> "; reinsert "grams of cocaine"	51
Reinsert lines 1181 through 1186	52
In line 1187, reinsert "(g)"	53
In line 1188, strike through "one hundred" and insert " <u>fifty</u> "	54
In line 1202, strike through ", and division (B) of"	55
Strike through line 1203	56

In line 1204, strike through "whether to impose a prison term on the offender"	62
	63
In line 1218, strike through the second ","	64
Strike through line 1219	65
In line 1220, strike through "in determining whether to impose a prison term for the offense"	66
	67
In line 1290, strike through ", and division (B) of"	68
Strike through line 1291	69
In line 1292, strike through "whether to impose a prison term on the offender"	70
	71
In line 1305, reinsert "fourth"; delete " <u>second</u> "	72
In line 1312, reinsert "third"; delete " <u>first</u> "	73
In line 1317, delete " <u>and regardless of</u> "	74
Delete lines 1318 and 1319	75
In line 1320, delete " <u>addiction services provider or a recovering addict</u> "	76
	77
In line 1321, reinsert "third"; delete " <u>first</u> "	78
In line 1322, reinsert "If the amount of"	79
Reinsert lines 1323 through 1328	80
In line 1331, reinsert "five hundred"; delete " <u>one thousand</u> "	81
In line 1332, reinsert "fifty"; delete " <u>one</u> "	82
In line 1333, delete " <u>hundred</u> "; delete " <u>and regardless of whether the offense was</u> "	83
	84
Delete lines 1334 and 1335	85

In line 1336, delete " <u>provider or a recovering addict</u> "	86
In line 1337, reinsert "second"; delete " <u>first</u> "	87
In line 1338, reinsert "second"; delete " <u>first</u> "	88
In line 1339, reinsert "If the amount of the drug involved is within that"	89
Reinsert lines 1340 through 1345	90
In line 1356, strike through "one thousand" and insert " <u>five hundred</u> "; strike through "one hundred" and insert " <u>fifty</u> "	91
In line 1371, strike through ", and division (B) of"	92
Strike through line 1372	93
In line 1373, strike through "whether to impose a prison term on the offender"	94
In line 1379, strike through ", and division (B) of section 2929.13"	95
Strike through line 1380	96
In line 1381, strike through "prison term on the offender"	97
In line 1387, strike through ", and"	98
Strike through line 1388	99
In line 1389, strike through "determining whether to impose a prison term on the offender"	100
In line 1481, strike through ", and division (B) of"	101
Strike through line 1482	102
In line 1483, strike through "whether to impose a prison term for the offense"	103
In line 1532, strike through "and division"	104

In line 1533, strike through "(C) (10) (a) of this section does not apply to the drug involved" 110  
111

In line 1539, delete "third" and insert "fourth" 112

In line 1548, delete "first" and insert "third" 113

In line 1554, delete "and regardless of whether the" 114

Delete lines 1555 and 1556 115

In line 1557, delete "addiction services provider or a recovering addict" 116  
117

In line 1558, reinsert "fourth"; delete "first" 118

In line 1561, reinsert ". If the amount of the drug involved is within that range" 119  
120

Reinsert lines 1562 through 1565 121

In line 1566, reinsert "and there is a presumption for a prison term for the offense" 122  
123

In line 1570, delete "and regardless of" 124

Delete lines 1571 and 1572 125

In line 1573, delete "addiction services provider or a recovering addict" 126  
127

In line 1574, reinsert "third"; delete "first" 128

In line 1576, reinsert "If the amount of the drug involved is within that range" 129  
130

Reinsert lines 1577 through 1581 131

In line 1584, reinsert "two"; delete "five" 132

In line 1585, reinsert "twenty"; delete "fifty" 133

Delete lines 1586 through 1588	134
In line 1589, delete " <u>recovering addict</u> "	135
In line 1590, reinsert "second"; delete " <u>first</u> "	136
In line 1592, reinsert "second"; delete " <u>first</u> "; after "degree" insert " <u>that is not less than five years</u> "; reinsert "If the amount of the"	137
Reinsert lines 1593 through 1599	138
In line 1600, reinsert "If the amount of the drug involved equals or exceeds"	139
Reinsert lines 1601 through 1609	140
In line 1610, reinsert "(g)"; strike through "If the amount of the drug involved equals or exceeds"	141
Strike through lines 1611 through 1619	142
In line 1620, delete " <u>(g)</u> "	143
In line 1621, strike through "one thousand" and insert " <u>five hundred</u> "; strike through "one hundred" and insert " <u>fifty</u> "	144
In line 1630, strike through "If the drug involved in the violation is a compound,"	145
Strike through lines 1631 through 1645	146
In line 1646, delete " <u>(11)</u> "	147
In line 1651, delete " <u>(C) (11) (b)</u> " and insert " <u>(C) (10) (b)</u> "	148
In line 1653, delete " <u>, and division</u> "	149
Delete line 1654	150
In line 1655, delete " <u>determining whether to impose a prison term on the offender</u> "	151

In line 1656, delete " <u>(C) (11) (c)</u> " and insert " <u>(C) (10) (c)</u> "	158
In line 1666, delete " <u>ten</u> " and insert " <u>fifteen</u> "	159
In line 1682, delete " <u>ten</u> " and insert " <u>fifteen</u> "	160
Delete lines 1936 through 2559	161
After line 2559, insert:	162
<b>"Sec. 2925.11.</b> (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.	163 164 165
(B) (1) This section does not apply to any of the following:	166 167
(a) 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., 4741., and 4772. of the Revised Code;	168 169 170 171 172
(b) 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;	173 174 175 176
(c) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with	177 178 179 180 181 182 183 184

that act;	185
(d) Any person who obtained the controlled substance	186
pursuant to a prescription issued by a licensed health	187
professional authorized to prescribe drugs if the prescription	188
was issued for a legitimate medical purpose and not altered,	189
forged, or obtained through deception or commission of a theft	190
offense.	191
As used in division (B) (1) (d) of this section, "deception"	192
and "theft offense" have the same meanings as in section 2913.01	193
of the Revised Code.	194
(2) (a) As used in division (B) (2) of this section:	195
(i) "Community addiction services provider" has the same	196
meaning as in section 5119.01 of the Revised Code.	197
(ii) "Community control sanction" has the same meaning as	198
in section 2929.01 of the Revised Code.	199
(iii) "Health care facility" has the same meaning as in	200
section 2919.16 of the Revised Code.	201
(iv) "Minor drug possession offense" means a violation of	202
this section that is a misdemeanor or a felony of the fifth	203
degree.	204
(v) "Post-release control sanction" has the same meaning	205
as in section 2967.28 of the Revised Code.	206
(vi) "Peace officer" has the same meaning as in section	207
2935.01 of the Revised Code.	208
(vii) "Public agency" has the same meaning as in section	209
2930.01 of the Revised Code.	210
(viii) "Qualified individual" means a person who is acting	211

in good faith who seeks or obtains medical assistance for 212  
another person who is experiencing a drug overdose, a person who 213  
experiences a drug overdose and who seeks medical assistance for 214  
that overdose, or a person who is the subject of another person 215  
seeking or obtaining medical assistance for that overdose as 216  
described in division (B) (2) (b) of this section. 217

(ix) "Seek or obtain medical assistance" includes, but is 218  
not limited to making a 9-1-1 call, contacting in person or by 219  
telephone call an on-duty peace officer, or transporting or 220  
presenting a person to a health care facility. 221

(b) Subject to division (B) (2) (e) of this section, a 222  
qualified individual shall not be arrested, charged, prosecuted, 223  
convicted, or penalized pursuant to this chapter for a minor 224  
drug possession offense or a violation of section 2925.12, 225  
division (C) (1) of section 2925.14, or section 2925.141 of the 226  
Revised Code if all of the following apply: 227

(i) The evidence of the obtaining, possession, or use of 228  
the controlled substance or controlled substance analog, drug 229  
abuse instruments, or drug paraphernalia that would be the basis 230  
of the offense was obtained as a result of the qualified 231  
individual seeking the medical assistance or experiencing an 232  
overdose and needing medical assistance. 233

(ii) Subject to division (B) (2) (f) of this section, within 234  
thirty days after seeking or obtaining the medical assistance, 235  
the qualified individual seeks and obtains a screening and 236  
receives a referral for treatment from a community addiction 237  
services provider or a properly credentialed addiction treatment 238  
professional. 239

(iii) Subject to division (B) (2) (f) of this section, the 240

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

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

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

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

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

(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;	271 272 273 274
(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.	275 276 277
(e) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.	278 279 280 281 282
(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.	283 284 285 286 287 288 289 290
(C) Whoever violates division (A) of this section is guilty of one of the following:	291 292
(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, and any controlled substance analog, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:	293 294 295 296 297 298 299

(a) Except as otherwise provided in division (C) (1) (b), 300  
(c), (d), or (e) of this section, aggravated possession of drugs 301  
is a felony of the fifth degree, and division (B) of section 302  
2929.13 of the Revised Code applies in determining whether to 303  
impose a prison term on the offender. 304

(b) If the amount of the drug involved equals or exceeds 305  
the bulk amount but is less than five times the bulk amount, 306  
aggravated possession of drugs is a felony of the third degree, 307  
and there is a presumption for a prison term for the offense. 308

(c) If the amount of the drug involved equals or exceeds 309  
five times the bulk amount but is less than fifty times the bulk 310  
amount, aggravated possession of drugs is a felony of the second 311  
degree, and the court shall impose as a mandatory prison term a 312  
second degree felony mandatory prison term. 313

(d) If the amount of the drug involved equals or exceeds 314  
fifty times the bulk amount but is less than one hundred times 315  
the bulk amount, aggravated possession of drugs is a felony of 316  
the first degree, and the court shall impose as a mandatory 317  
prison term a first degree felony mandatory prison term. 318

(e) If the amount of the drug involved equals or exceeds 319  
one hundred times the bulk amount, aggravated possession of 320  
drugs is a felony of the first degree, the offender is a major 321  
drug offender, and the court shall impose as a mandatory prison 322  
term a maximum first degree felony mandatory prison term. 323

(2) If the drug involved in the violation is a compound, 324  
mixture, preparation, or substance included in schedule III, IV, 325  
or V, whoever violates division (A) of this section is guilty of 326  
possession of drugs. The penalty for the offense shall be 327  
determined as follows: 328

(a) Except as otherwise provided in division (C) (2) (b), 329  
(c), or (d) of this section, possession of drugs is a 330  
misdemeanor of the first degree or, if the offender previously 331  
has been convicted of a drug abuse offense, a felony of the 332  
fifth degree. 333

(b) If the amount of the drug involved equals or exceeds 334  
the bulk amount but is less than five times the bulk amount, 335  
possession of drugs is a felony of the fourth degree, and 336  
division (C) of section 2929.13 of the Revised Code applies in 337  
determining whether to impose a prison term on the offender. 338

(c) If the amount of the drug involved equals or exceeds 339  
five times the bulk amount but is less than fifty times the bulk 340  
amount, possession of drugs is a felony of the third degree, and 341  
there is a presumption for a prison term for the offense. 342

(d) If the amount of the drug involved equals or exceeds 343  
fifty times the bulk amount, possession of drugs is a felony of 344  
the second degree, and the court shall impose upon the offender 345  
as a mandatory prison term a second degree felony mandatory 346  
prison term. 347

(3) If the drug involved in the violation is marihuana or 348  
a compound, mixture, preparation, or substance containing 349  
marihuana other than hashish, whoever violates division (A) of 350  
this section is guilty of possession of marihuana. The penalty 351  
for the offense shall be determined as follows: 352

(a) Except as otherwise provided in division (C) (3) (b), 353  
(c), (d), (e), (f), or (g) of this section, possession of 354  
marihuana is a minor misdemeanor. 355

(b) If the amount of the drug involved equals or exceeds 356  
one hundred grams but is less than two hundred grams, possession 357

of marihuana is a misdemeanor of the fourth degree.	358
(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.	359 360 361 362 363
(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana 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.	364 365 366 367 368
(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.	369 370 371 372 373
(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.	374 375 376 377 378 379
(g) If the amount of the drug involved equals or exceeds forty thousand grams, possession of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.	380 381 382 383
(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of	384 385 386

possession of cocaine. The penalty for the offense shall be 387  
determined as follows: 388

(a) Except as otherwise provided in division (C) (4) (b), 389  
(c), (d), (e), or (f) of this section, possession of cocaine is 390  
a felony of the fifth degree, and division (B) of section 391  
2929.13 of the Revised Code applies in determining whether to 392  
impose a prison term on the offender. 393

(b) If the amount of the drug involved equals or exceeds 394  
five grams but is less than ten grams of cocaine, possession of 395  
cocaine is a felony of the fourth degree, and division (B) of 396  
section 2929.13 of the Revised Code applies in determining 397  
whether to impose a prison term on the offender. 398

(c) If the amount of the drug involved equals or exceeds 399  
ten grams but is less than twenty grams of cocaine, possession 400  
of cocaine is a felony of the third degree, and, except as 401  
otherwise provided in this division, there is a presumption for 402  
a prison term for the offense. If possession of cocaine is a 403  
felony of the third degree under this division and if the 404  
offender two or more times previously has been convicted of or 405  
pleaded guilty to a felony drug abuse offense, the court shall 406  
impose as a mandatory prison term one of the prison terms 407  
prescribed for a felony of the third degree. 408

(d) If the amount of the drug involved equals or exceeds 409  
twenty grams but is less than twenty-seven grams of cocaine, 410  
possession of cocaine is a felony of the second degree, and the 411  
court shall impose as a mandatory prison term a second degree 412  
felony mandatory prison term. 413

(e) If the amount of the drug involved equals or exceeds 414  
twenty-seven grams but is less than one hundred grams of 415

cocaine, possession of cocaine is a felony of the first degree, 416  
and the court shall impose as a mandatory prison term a first 417  
degree felony mandatory prison term. 418

(f) If the amount of the drug involved equals or exceeds 419  
one hundred grams of cocaine, possession of cocaine is a felony 420  
of the first degree, the offender is a major drug offender, and 421  
the court shall impose as a mandatory prison term a maximum 422  
first degree felony mandatory prison term. 423

(5) If the drug involved in the violation is L.S.D., 424  
whoever violates division (A) of this section is guilty of 425  
possession of L.S.D. The penalty for the offense shall be 426  
determined as follows: 427

(a) Except as otherwise provided in division (C) (5) (b), 428  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 429  
felony of the fifth degree, and division (B) of section 2929.13 430  
of the Revised Code applies in determining whether to impose a 431  
prison term on the offender. 432

(b) If the amount of L.S.D. involved equals or exceeds ten 433  
unit doses but is less than fifty unit doses of L.S.D. in a 434  
solid form or equals or exceeds one gram but is less than five 435  
grams of L.S.D. in a liquid concentrate, liquid extract, or 436  
liquid distillate form, possession of L.S.D. is a felony of the 437  
fourth degree, and division (C) of section 2929.13 of the 438  
Revised Code applies in determining whether to impose a prison 439  
term on the offender. 440

(c) If the amount of L.S.D. involved equals or exceeds 441  
fifty unit doses, but is less than two hundred fifty unit doses 442  
of L.S.D. in a solid form or equals or exceeds five grams but is 443  
less than twenty-five grams of L.S.D. in a liquid concentrate, 444

liquid extract, or liquid distillate form, possession of L.S.D. 445  
is a felony of the third degree, and there is a presumption for 446  
a prison term for the offense. 447

(d) If the amount of L.S.D. involved equals or exceeds two 448  
hundred fifty unit doses but is less than one thousand unit 449  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 450  
grams but is less than one hundred grams of L.S.D. in a liquid 451  
concentrate, liquid extract, or liquid distillate form, 452  
possession of L.S.D. is a felony of the second degree, and the 453  
court shall impose as a mandatory prison term a second degree 454  
felony mandatory prison term. 455

(e) If the amount of L.S.D. involved equals or exceeds one 456  
thousand unit doses but is less than five thousand unit doses of 457  
L.S.D. in a solid form or equals or exceeds one hundred grams 458  
but is less than five hundred grams of L.S.D. in a liquid 459  
concentrate, liquid extract, or liquid distillate form, 460  
possession of L.S.D. is a felony of the first degree, and the 461  
court shall impose as a mandatory prison term a first degree 462  
felony mandatory prison term. 463

(f) If the amount of L.S.D. involved equals or exceeds 464  
five thousand unit doses of L.S.D. in a solid form or equals or 465  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 466  
liquid extract, or liquid distillate form, possession of L.S.D. 467  
is a felony of the first degree, the offender is a major drug 468  
offender, and the court shall impose as a mandatory prison term 469  
a maximum first degree felony mandatory prison term. 470

(6) If the drug involved in the violation is heroin or a 471  
compound, mixture, preparation, or substance containing heroin, 472  
whoever violates division (A) of this section is guilty of 473  
possession of heroin. The penalty for the offense shall be 474

determined as follows:	475
(a) Except as otherwise provided in division (C) (6) (b),	476
(c), (d), (e), or (f) of this section, possession of heroin is a	477
felony of the fifth degree, and division (B) of section 2929.13	478
of the Revised Code applies in determining whether to impose a	479
prison term on the offender.	480
(b) If the amount of the drug involved equals or exceeds	481
ten unit doses but is less than fifty unit doses or equals or	482
exceeds one gram but is less than five grams, possession of	483
heroin is a felony of the fourth degree, and division (C) of	484
section 2929.13 of the Revised Code applies in determining	485
whether to impose a prison term on the offender.	486
(c) If the amount of the drug involved equals or exceeds	487
fifty unit doses but is less than one hundred unit doses or	488
equals or exceeds five grams but is less than ten grams,	489
possession of heroin is a felony of the third degree, and there	490
is a presumption for a prison term for the offense.	491
(d) If the amount of the drug involved equals or exceeds	492
one hundred unit doses but is less than five hundred unit doses	493
or equals or exceeds ten grams but is less than fifty grams,	494
possession of heroin is a felony of the second degree, and the	495
court shall impose as a mandatory prison term a second degree	496
felony mandatory prison term.	497
(e) If the amount of the drug involved equals or exceeds	498
five hundred unit doses but is less than one thousand unit doses	499
or equals or exceeds fifty grams but is less than one hundred	500
grams, possession of heroin is a felony of the first degree, and	501
the court shall impose as a mandatory prison term a first degree	502
felony mandatory prison term.	503

(f) If the amount of the drug involved equals or exceeds 504  
one thousand unit doses or equals or exceeds one hundred grams, 505  
possession of heroin is a felony of the first degree, the 506  
offender is a major drug offender, and the court shall impose as 507  
a mandatory prison term a maximum first degree felony mandatory 508  
prison term. 509

(7) If the drug involved in the violation is hashish or a 510  
compound, mixture, preparation, or substance containing hashish, 511  
whoever violates division (A) of this section is guilty of 512  
possession of hashish. The penalty for the offense shall be 513  
determined as follows: 514

(a) Except as otherwise provided in division (C) (7) (b), 515  
(c), (d), (e), (f), or (g) of this section, possession of 516  
hashish is a minor misdemeanor. 517

(b) If the amount of the drug involved equals or exceeds 518  
five grams but is less than ten grams of hashish in a solid form 519  
or equals or exceeds one gram but is less than two grams of 520  
hashish in a liquid concentrate, liquid extract, or liquid 521  
distillate form, possession of hashish is a misdemeanor of the 522  
fourth degree. 523

(c) If the amount of the drug involved equals or exceeds 524  
ten grams but is less than fifty grams of hashish in a solid 525  
form or equals or exceeds two grams but is less than ten grams 526  
of hashish in a liquid concentrate, liquid extract, or liquid 527  
distillate form, possession of hashish is a felony of the fifth 528  
degree, and division (B) of section 2929.13 of the Revised Code 529  
applies in determining whether to impose a prison term on the 530  
offender. 531

(d) If the amount of the drug involved equals or exceeds 532

fifty grams but is less than two hundred fifty grams of hashish 533  
in a solid form or equals or exceeds ten grams but is less than 534  
fifty grams of hashish in a liquid concentrate, liquid extract, 535  
or liquid distillate form, possession of hashish is a felony of 536  
the third degree, and division (C) of section 2929.13 of the 537  
Revised Code applies in determining whether to impose a prison 538  
term on the offender. 539

(e) If the amount of the drug involved equals or exceeds 540  
two hundred fifty grams but is less than one thousand grams of 541  
hashish in a solid form or equals or exceeds fifty grams but is 542  
less than two hundred grams of hashish in a liquid concentrate, 543  
liquid extract, or liquid distillate form, possession of hashish 544  
is a felony of the third degree, and there is a presumption that 545  
a prison term shall be imposed for the offense. 546

(f) If the amount of the drug involved equals or exceeds 547  
one thousand grams but is less than two thousand grams of 548  
hashish in a solid form or equals or exceeds two hundred grams 549  
but is less than four hundred grams of hashish in a liquid 550  
concentrate, liquid extract, or liquid distillate form, 551  
possession of hashish is a felony of the second degree, and the 552  
court shall impose as a mandatory prison term a second degree 553  
felony mandatory prison term of five, six, seven, or eight 554  
years. 555

(g) If the amount of the drug involved equals or exceeds 556  
two thousand grams of hashish in a solid form or equals or 557  
exceeds four hundred grams of hashish in a liquid concentrate, 558  
liquid extract, or liquid distillate form, possession of hashish 559  
is a felony of the second degree, and the court shall impose as 560  
a mandatory prison term a maximum second degree felony mandatory 561  
prison term. 562

(8) If the drug involved is a controlled substance analog 563  
or compound, mixture, preparation, or substance that contains a 564  
controlled substance analog, whoever violates division (A) of 565  
this section is guilty of possession of a controlled substance 566  
analog. The penalty for the offense shall be determined as 567  
follows: 568

(a) Except as otherwise provided in division (C) (8) (b), 569  
(c), (d), (e), or (f) of this section, possession of a 570  
controlled substance analog is a felony of the fifth degree, and 571  
division (B) of section 2929.13 of the Revised Code applies in 572  
determining whether to impose a prison term on the offender. 573

(b) If the amount of the drug involved equals or exceeds 574  
ten grams but is less than twenty grams, possession of a 575  
controlled substance analog is a felony of the fourth degree, 576  
and there is a presumption for a prison term for the offense. 577

(c) If the amount of the drug involved equals or exceeds 578  
twenty grams but is less than thirty grams, possession of a 579  
controlled substance analog is a felony of the third degree, and 580  
there is a presumption for a prison term for the offense. 581

(d) If the amount of the drug involved equals or exceeds 582  
thirty grams but is less than forty grams, possession of a 583  
controlled substance analog is a felony of the second degree, 584  
and the court shall impose as a mandatory prison term a second 585  
degree felony mandatory prison term. 586

(e) If the amount of the drug involved equals or exceeds 587  
forty grams but is less than fifty grams, possession of a 588  
controlled substance analog is a felony of the first degree, and 589  
the court shall impose as a mandatory prison term a first degree 590  
felony mandatory prison term. 591

(f) If the amount of the drug involved equals or exceeds 592  
fifty grams, possession of a controlled substance analog is a 593  
felony of the first degree, the offender is a major drug 594  
offender, and the court shall impose as a mandatory prison term 595  
a maximum first degree felony mandatory prison term. 596

(9) ~~If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:~~ 597  
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599  
600

~~(a) Except as otherwise provided in division (C) (9) (b) of this section, the offender is guilty of possession of marihuana and shall be punished as provided in division (C) (3) of this section. Except as otherwise provided in division (C) (9) (b) of this section, the offender is not guilty of possession of a fentanyl-related compound under division (C) (11) of this section and shall not be charged with, convicted of, or punished under division (C) (11) of this section for possession of a fentanyl-related compound.~~ 601  
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~~(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.~~ 610  
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~~(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any schedule III, schedule IV, or schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:~~ 615  
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617  
618  
619

~~(a) Except as otherwise provided in division (C) (10) (b) of~~ 620

this section, the offender is guilty of possession of drugs and 621  
shall be punished as provided in division (C)(2) of this 622  
section. Except as otherwise provided in division (C)(10)(b) of 623  
this section, the offender is not guilty of possession of a 624  
fentanyl-related compound under division (C)(11) of this section 625  
and shall not be charged with, convicted of, or punished under 626  
division (C)(11) of this section for possession of a fentanyl- 627  
related compound. 628

(b) If the offender knows or has reason to know that the 629  
compound, mixture, preparation, or substance that is the drug 630  
involved contains a fentanyl-related compound, the offender is 631  
guilty of possession of a fentanyl-related compound and shall be 632  
punished under division (C)(11) of this section. 633

(11) If the drug involved in the violation is a fentanyl- 634  
related compound and neither division (C)(9)(a) nor division (C) 635  
(10)(a) of this section applies to the drug involved, or is a 636  
compound, mixture, preparation, or substance that contains a 637  
fentanyl-related compound or is a combination of a fentanyl- 638  
related compound and any other controlled substance and neither 639  
division (C)(9)(a) nor division (C)(10)(a) of this section 640  
applies to the drug involved, whoever violates division (A) of 641  
this section is guilty of possession of a fentanyl-related 642  
compound. The penalty for the offense shall be determined as 643  
follows: 644

(a) Except as otherwise provided in division (C)(11)(b)(C) 645  
(9)(b), (c), (d), (e), (f), or (g) of this section, possession 646  
of a fentanyl-related compound is a felony of the fifth degree, 647  
and division (B) of section 2929.13 of the Revised Code applies 648  
in determining whether to impose a prison term on the offender. 649

(b) If the amount of the drug involved equals or exceeds 650

ten unit doses but is less than fifty unit doses or equals or 651  
exceeds one gram but is less than five grams, possession of a 652  
fentanyl-related compound is a felony of the fourth degree, and 653  
division (C) of section 2929.13 of the Revised Code applies in 654  
determining whether to impose a prison term on the offender. 655

(c) If the amount of the drug involved equals or exceeds 656  
fifty unit doses but is less than one hundred unit doses or 657  
equals or exceeds five grams but is less than ten grams, 658  
possession of a fentanyl-related compound is a felony of the 659  
third degree, and there is a presumption for a prison term for 660  
the offense. 661

(d) If the amount of the drug involved equals or exceeds 662  
one hundred unit doses but is less than two hundred unit doses 663  
or equals or exceeds ten grams but is less than twenty grams, 664  
possession of a fentanyl-related compound is a felony of the 665  
second degree, and the court shall impose as a mandatory prison 666  
term one of the prison terms prescribed for a felony of the 667  
second degree. 668

(e) If the amount of the drug involved equals or exceeds 669  
two hundred unit doses but is less than five hundred unit doses 670  
or equals or exceeds twenty grams but is less than fifty grams, 671  
possession of a fentanyl-related compound is a felony of the 672  
first degree, and the court shall impose as a mandatory prison 673  
term one of the prison terms prescribed for a felony of the 674  
first degree. 675

(f) If the amount of the drug involved equals or exceeds 676  
five hundred unit doses but is less than one thousand unit doses 677  
or equals or exceeds fifty grams but is less than one hundred 678  
grams, possession of a fentanyl-related compound is a felony of 679  
the first degree, and the court shall impose as a mandatory 680

prison term the maximum prison term prescribed for a felony of 681  
the first degree. 682

(g) If the amount of the drug involved equals or exceeds 683  
one thousand unit doses or equals or exceeds one hundred grams, 684  
possession of a fentanyl-related compound is a felony of the 685  
first degree, the offender is a major drug offender, and the 686  
court shall impose as a mandatory prison term the maximum prison 687  
term prescribed for a felony of the first degree. 688

(D) Arrest or conviction for a minor misdemeanor violation 689  
of this section does not constitute a criminal record and need 690  
not be reported by the person so arrested or convicted in 691  
response to any inquiries about the person's criminal record, 692  
including any inquiries contained in any application for 693  
employment, license, or other right or privilege, or made in 694  
connection with the person's appearance as a witness. 695

(E) In addition to any prison term or jail term authorized 696  
or required by division (C) of this section and sections 697  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 698  
Code and in addition to any other sanction that is imposed for 699  
the offense under this section, sections 2929.11 to 2929.18, or 700  
sections 2929.21 to 2929.28 of the Revised Code, if applicable, 701  
the court also shall do the following: 702

(1) (a) If the violation is a felony of the first, second, 703  
or third degree, the court shall impose upon the offender the 704  
mandatory fine specified for the offense under division (B) (1) 705  
of section 2929.18 of the Revised Code unless, as specified in 706  
that division, the court determines that the offender is 707  
indigent. 708

(b) Notwithstanding any contrary provision of section 709

3719.21 of the Revised Code, the clerk of the court shall pay a  
mandatory fine or other 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.

(c) 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 shall pay the  
forfeited bail pursuant to division (E)(1)(b) of this section as  
if it were a mandatory fine imposed under division (E)(1)(a) of  
this section.

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

(3) If the offender has a driver's or commercial driver's  
license or permit, section 2929.33 of the Revised Code applies.

(F) It is an affirmative defense, as provided in section  
2901.05 of the Revised Code, to a charge of a fourth degree  
felony violation under this section that the controlled  
substance that gave rise to the charge is in an amount, is in a  
form, is prepared, compounded, or mixed with substances that are  
not controlled substances in a manner, or is possessed under any  
other circumstances, that indicate that the substance was  
possessed solely for personal use. Notwithstanding any contrary  
provision of this section, if, in accordance with section  
2901.05 of the Revised Code, an accused who is charged with a  
fourth degree felony violation of division (C)(2), (4), (5), or

(6) of this section sustains the burden of going forward with 740  
evidence of and establishes by a preponderance of the evidence 741  
the affirmative defense described in this division, the accused 742  
may be prosecuted for and may plead guilty to or be convicted of 743  
a misdemeanor violation of division (C)(2) of this section or a 744  
fifth degree felony violation of division (C)(4), (5), or (6) of 745  
this section respectively. 746

(G) When a person is charged with possessing a bulk amount 747  
or multiple of a bulk amount, division (E) of section 2925.03 of 748  
the Revised Code applies regarding the determination of the 749  
amount of the controlled substance involved at the time of the 750  
offense. 751

(H) It is an affirmative defense to a charge of possession 752  
of a controlled substance analog under division (C)(8) of this 753  
section that the person charged with violating that offense 754  
obtained, possessed, or used one of the following items that are 755  
excluded from the meaning of "controlled substance analog" under 756  
section 3719.01 of the Revised Code: 757

(1) A controlled substance; 758  
  
(2) Any substance for which there is an approved new drug 759  
application; 760

(3) With respect to a particular person, any substance if 761  
an exemption is in effect for investigational use for that 762  
person pursuant to federal law to the extent that conduct with 763  
respect to that substance is pursuant to that exemption. 764

(I) Any offender who received a mandatory suspension of 765  
the offender's driver's or commercial driver's license or permit 766  
under this section prior to September 13, 2016, may file a 767  
motion with the sentencing court requesting the termination of 768

the suspension. However, an offender who pleaded guilty to or 769  
was convicted of a violation of section 4511.19 of the Revised 770  
Code or a substantially similar municipal ordinance or law of 771  
another state or the United States that arose out of the same 772  
set of circumstances as the violation for which the offender's 773  
license or permit was suspended under this section shall not 774  
file such a motion. 775

Upon the filing of a motion under division (I) of this 776  
section, the sentencing court, in its discretion, may terminate 777  
the suspension." 778

In line 2606, after "Code," insert "that is a violation of division 779  
(C) (9) (d) of section 2925.03 of the Revised Code," 780

In line 3048, delete "2905.321," 781

In line 3154, delete "(C) (10)" and insert "(C) (9)" 782

Delete lines 3554 through 3572 783

In line 4317, delete ", 2941.1422" 784

After line 4328, insert: 785

"Section 2925.11 of the Revised Code, as amended by both 786  
H.B. 29 and S.B. 95 of the 135th General Assembly." 787

The motion was \_\_\_\_\_ agreed to.

**SYNOPSIS** 788

**Drug trafficking** 789

**R.C. 2925.03** 790

Eliminates an existing law provision that provides an exception for unknowingly trafficking in a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marijuana.	791 792 793 794
For all fourth and fifth degree felony trafficking offenses, removes the presumption against a prison term for the offense.	795 796 797
<b>Cocaine and heroin trafficking penalties</b>	798
<b>R.C. 2925.03(C) (4) and (6)</b>	799
Restores existing law amounts and penalties for trafficking in cocaine and heroin, except that the amount necessary to reach the highest penalty for each is lowered.	800 801 802
<b>Fentanyl-related compound trafficking penalties</b>	803
<b>R.C. 2925.03(C) (9) and 2929.14(A) (3) (a)</b>	804
Adjusts the penalties for trafficking in a fentanyl-related compound as follows:	805 806
-- Trafficking in less than 1 gram (1g) is a fourth degree felony (F4), or an F3 if committed in the vicinity of a school, juvenile, or substance addiction services provider (hereafter, "in the vicinity of a protected area").	807 808 809 810
-- Trafficking in 1g to 5g is an F4, or an F3 with a presumption of a prison term if committed in the vicinity of a protected area.	811 812 813
-- Trafficking in 5g to 10g is a high-tier F3 with a presumption of a prison term, or an F2 with a presumption of a prison term if committed in the vicinity of a protected area.	814 815 816
-- Trafficking in 10g to 20g is an F2 with a mandatory	817

prison term of at least 5 years, or an F1 with a mandatory	818
prison term if committed in the vicinity of a protected area.	819
-- Trafficking in 20g to 50g is an F1 with a mandatory	820
prison term.	821
-- Trafficking in more than 50g is an F1 with a mandatory	822
maximum prison term, and the offender is a major drug offender.	823
<b>Methamphetamine trafficking penalties</b>	824
<b>R.C. 2925.03(C) (10)</b>	825
Adjusts the penalties for trafficking in methamphetamine	826
as follows:	827
-- Trafficking in less than 3g is an F4, or an F3 if	828
committed in the vicinity of a protected area.	829
-- Trafficking in 3g to 15g is an F3 with a presumption	830
for a prison term, but if the offender has two or more prior	831
felony drug abuse convictions it is an F3 with a mandatory	832
prison term; trafficking in 3g to 15g is an F2 with a mandatory	833
prison term if committed in the vicinity of a protected area.	834
-- Trafficking in 15g to 20g is an F2 with a presumption	835
for a prison term, but if the offender has two or more prior	836
felony drug abuse convictions it is an F2 with a mandatory	837
prison term; trafficking in 15g to 20g is an F1 with a mandatory	838
prison term if committed in the vicinity of a protected area.	839
-- Trafficking in 20g to 100g is an F1 with a mandatory	840
prison term.	841
-- Trafficking in more than 100g is an F1 with a mandatory	842
maximum prison term, and the offender is a major drug offender.	843
<b>Drug possession</b>	844

<b>R.C. 2925.11</b>	845
Eliminates existing law provisions that provide exceptions	846
for unknowingly possessing a compound, mixture, preparation, or	847
substance that is a combination of a fentanyl-related compound	848
and marijuana, or a combination of a fentanyl-related compound	849
and any Schedule III, IV, or V controlled substance that is not	850
a fentanyl-related compound.	851
<b>Participating in an organization or operation for</b>	852
<b>trafficking in persons</b>	853
<b>R.C. 2905.321, 2923.31, 2929.14, and 2941.1422</b>	854
Removes the newly created offense of participating in an	855
organization or operation for trafficking in persons and its	856
inclusion in the corrupt activities law and the human	857
trafficking specification.	858