

_____ 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";	3
delete "above"	4
In line 7 of the title, delete "certain amounts" and insert "and	5
possession"; delete "to prohibit organized"	6
In line 8 of the title, delete "trafficking of persons,"	7
In line 15, delete ", 2941.1422"	8
In line 16, delete ", 2905.321"	9
Delete lines 22 through 76	10
In line 163, delete " <u>2905.321</u> ,"	11
In line 998, strike through ", and division (B) of section 2929.13"	12
Strike through line 999	13
In line 1000, strike through "prison term on the offender"	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 the offense"	17 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 offender"	21 22
In line 1051, strike through ", and division (B) of section 2929.13 of the Revised Code"	23 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 offender"	33 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 45
In line 1165, reinsert "twenty-seven"; delete " <u>one hundred</u> "; delete " <u>and</u> "	46 47
Delete lines 1166 through 1168	48
In line 1169, delete " <u>addict</u> "; reinsert "second"; delete " <u>first</u> "	49
In line 1171, reinsert "second"; delete " <u>first</u> "; reinsert "If the amount"	50 51
Reinsert lines 1172 through 1178	52
In line 1179, reinsert "If the amount of the drug involved equals or exceeds"	53 54
In line 1180, reinsert "twenty-seven grams but is less than"; after " hundred " insert " <u>fifty</u> "; reinsert "grams of cocaine"	55 56
Reinsert lines 1181 through 1186	57
In line 1187, reinsert "(g)"	58
In line 1188, strike through "one hundred" and insert " <u>fifty</u> "	59
In line 1202, strike through ", and division (B) of"	60
Strike through line 1203	61

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 90
Reinsert lines 1340 through 1345	91
In line 1356, strike through "one thousand" and insert " <u>five</u> <u>hundred</u> "; strike through "one hundred" and insert " <u>fifty</u> "	92 93
In line 1371, strike through ", and division (B) of"	94
Strike through line 1372	95
In line 1373, strike through "whether to impose a prison term on the offender"	96 97
In line 1379, strike through ", and division (B) of section 2929.13"	98
Strike through line 1380	99
In line 1381, strike through "prison term on the offender"	100
In line 1387, strike through ", and"	101
Strike through line 1388	102
In line 1389, strike through "determining whether to impose a prison term on the offender"	103 104
In line 1481, strike through ", and division (B) of"	105
Strike through line 1482	106
In line 1483, strike through "whether to impose a prison term for the offense"	107 108
In line 1532, strike through "and division"	109

In line 1533, strike through "(C) (10) (a) of this section does not	110
apply to the drug involved"	111
In line 1539, delete " <u>third</u> " and insert " <u>fourth</u> "	112
In line 1548, delete " <u>first</u> " and insert " <u>third</u> "	113
In line 1554, delete " <u>and regardless of whether the</u> "	114
Delete lines 1555 and 1556	115
In line 1557, delete " <u>addiction services provider or a recovering</u>	116
<u>addict</u> "	117
In line 1558, reinsert "fourth"; delete " <u>first</u> "	118
In line 1561, reinsert ". If the amount of the drug involved is	119
within that range"	120
Reinsert lines 1562 through 1565	121
In line 1566, reinsert "and there is a presumption for a prison term	122
for the offense"	123
In line 1570, delete " <u>and regardless of</u> "	124
Delete lines 1571 and 1572	125
In line 1573, delete " <u>addiction services provider or a recovering</u>	126
<u>addict</u> "	127
In line 1574, reinsert "third"; delete " <u>first</u> "	128
In line 1576, reinsert "If the amount of the drug involved is within	129
that range"	130
Reinsert lines 1577 through 1581	131
In line 1584, reinsert "two"; delete " <u>five</u> "	132
In line 1585, reinsert "twenty"; delete " <u>fifty</u> "	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"	137
insert " <u>that is not less than five years</u> "; reinsert "If the amount of the"	138
Reinsert lines 1593 through 1599	139
In line 1600, reinsert "If the amount of the drug involved equals or exceeds"	140 141
Reinsert lines 1601 through 1609	142
In line 1610, reinsert "(g)"; strike through "If the amount of the drug involved equals or exceeds"	143 144
Strike through lines 1611 through 1619	145
In line 1620, delete " <u>(g)</u> "	146
In line 1621, strike through "one thousand" and insert " <u>five hundred</u> "; strike through "one hundred" and insert " <u>fifty</u> "	147 148
In line 1630, strike through "If the drug involved in the violation is a compound,"	149 150
Strike through lines 1631 through 1645	151
In line 1646, delete " <u>(11)</u> "	152
In line 1651, delete " <u>(C) (11) (b)</u> " and insert " <u>(C) (10) (b)</u> "	153
In line 1653, delete " <u>, and division</u> "	154
Delete line 1654	155
In line 1655, delete " <u>determining whether to impose a prison term on the offender</u> "	156 157

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
 "Sec. 2925.11. (A) No person shall knowingly obtain,	163
possess, or use a controlled substance or a controlled substance	164
analog.	165
 (B) (1) This section does not apply to any of the	166
following:	167
 (a) Manufacturers, licensed health professionals	168
authorized to prescribe drugs, pharmacists, owners of	169
pharmacies, and other persons whose conduct was in accordance	170
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4741.,	171
and 4772. of the Revised Code;	172
 (b) If the offense involves an anabolic steroid, any	173
person who is conducting or participating in a research project	174
involving the use of an anabolic steroid if the project has been	175
approved by the United States food and drug administration;	176
 (c) Any person who sells, offers for sale, prescribes,	177
dispenses, or administers for livestock or other nonhuman	178
species an anabolic steroid that is expressly intended for	179
administration through implants to livestock or other nonhuman	180
species and approved for that purpose under the "Federal Food,	181
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	182
as amended, and is sold, offered for sale, prescribed,	183
dispensed, or administered for that purpose in accordance with	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 241
referral for treatment under division (B) (2) (b) (ii) of this 242
section, upon the request of any prosecuting attorney, submits 243
documentation to the prosecuting attorney that verifies that the 244
qualified individual satisfied the requirements of that 245
division. The documentation shall be limited to the date and 246
time of the screening obtained and referral received. 247

(c) If a person who is serving a community control 248
sanction or is under a sanction on post-release control acts 249
pursuant to division (B) (2) (b) of this section, then division 250
(B) of section 2929.141, division (B) (2) of section 2929.15, 251
division (D) (3) of section 2929.25, or division (F) (3) of 252
section 2967.28 of the Revised Code applies to the person with 253
respect to any violation of the sanction or post-release control 254
sanction based on a minor drug possession offense, as defined in 255
section 2925.11 of the Revised Code, or a violation of section 256
2925.12, division (C) (1) of section 2925.14, or section 2925.141 257
of the Revised Code. 258

(d) Nothing in division (B) (2) (b) of this section shall be 259
construed to do any of the following: 260

(i) Limit the admissibility of any evidence in connection 261
with the investigation or prosecution of a crime with regards to 262
a defendant who does not qualify for the protections of division 263
(B) (2) (b) of this section or with regards to any crime other 264
than a minor drug possession offense or a violation of section 265
2925.12, division (C) (1) of section 2925.14, or section 2925.141 266
of the Revised Code committed by a person who qualifies for 267
protection pursuant to division (B) (2) (b) of this section; 268

(ii) Limit any seizure of evidence or contraband otherwise 269
permitted by law; 270

(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;

(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.

(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.

(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.

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

(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:

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

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

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

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

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

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

(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 359
two hundred grams but is less than one thousand grams, 360
possession of marihuana is a felony of the fifth degree, and 361
division (B) of section 2929.13 of the Revised Code applies in 362
determining whether to impose a prison term on the offender. 363

(d) If the amount of the drug involved equals or exceeds 364
one thousand grams but is less than five thousand grams, 365
possession of marihuana is a felony of the third degree, and 366
division (C) of section 2929.13 of the Revised Code applies in 367
determining whether to impose a prison term on the offender. 368

(e) If the amount of the drug involved equals or exceeds 369
five thousand grams but is less than twenty thousand grams, 370
possession of marihuana is a felony of the third degree, and 371
there is a presumption that a prison term shall be imposed for 372
the offense. 373

(f) If the amount of the drug involved equals or exceeds 374
twenty thousand grams but is less than forty thousand grams, 375
possession of marihuana is a felony of the second degree, and 376
the court shall impose as a mandatory prison term a second 377
degree felony mandatory prison term of five, six, seven, or 378
eight years. 379

(g) If the amount of the drug involved equals or exceeds 380
forty thousand grams, possession of marihuana is a felony of the 381
second degree, and the court shall impose as a mandatory prison 382
term a maximum second degree felony mandatory prison term. 383

(4) If the drug involved in the violation is cocaine or a 384
compound, mixture, preparation, or substance containing cocaine, 385
whoever violates division (A) of this section is guilty of 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 fifty grams, possession of a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

~~(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:—~~

~~(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.—~~

~~(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.—~~

~~(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:—~~

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

~~this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C) (2) of this section. Except as otherwise provided in division (C) (10) (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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Notwithstanding any contrary provision of section

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

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

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

(1) A controlled substance;

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

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

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

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

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

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

In line 3048, delete "2905.321,"

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

Delete lines 3554 through 3572

In line 4317, delete ", 2941.1422"

After line 4328, insert:

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

The motion was _____ agreed to.

SYNOPSIS

Drug trafficking

R.C. 2925.03

Eliminates an existing law provision that provides an 791
exception for unknowingly trafficking in a compound, mixture, 792
preparation, or substance that is a combination of a fentanyl- 793
related compound and marijuana. 794

For all fourth and fifth degree felony trafficking 795
offenses, removes the presumption against a prison term for the 796
offense. 797

Cocaine and heroin trafficking penalties 798

R.C. 2925.03(C) (4) and (6) 799

Restores existing law amounts and penalties for 800
trafficking in cocaine and heroin, except that the amount 801
necessary to reach the highest penalty for each is lowered. 802

Fentanyl-related compound trafficking penalties 803

R.C. 2925.03(C) (9) and 2929.14(A) (3) (a) 804

Adjusts the penalties for trafficking in a fentanyl- 805
related compound as follows: 806

-- Trafficking in less than 1 gram (1g) is a fourth degree 807
felony (F4), or an F3 if committed in the vicinity of a school, 808
juvenile, or substance addiction services provider (hereafter, 809
"in the vicinity of a protected area"). 810

-- Trafficking in 1g to 5g is an F4, or an F3 with a 811
presumption of a prison term if committed in the vicinity of a 812
protected area. 813

-- Trafficking in 5g to 10g is a high-tier F3 with a 814
presumption of a prison term, or an F2 with a presumption of a 815
prison term if committed in the vicinity of a protected area. 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

Methamphetamine trafficking penalties 824

R.C. 2925.03(C) (10) 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

Drug possession 844

R.C. 2925.11	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
Participating in an organization or operation for	852
trafficking in persons	853
R.C. 2905.321, 2923.31, 2929.14, and 2941.1422	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