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Bill Analysis

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SUMMARY

Participating in an organization or operation for trafficking in persons

- Creates the offense of participating in an organization or operation for trafficking in persons.
- Provides that the penalty for participating in an organization or operation for trafficking in persons is a first degree felony.
- Includes participating in an organization or operation for trafficking in persons within the Corrupt Activities Law.

Drug offense changes

- Increases the penalties and changes the quantities required for trafficking cocaine, fentanyl-related compounds, heroin, and methamphetamine.
- Removes the knowledge requirement for possession of a fentanyl-related compound when the other drug involved is not marijuana.
- Requires that all death certificates include a space to indicate whether the cause of death was due to fentanyl poisoning.

Fentanyl abuse prevention instruction and awareness

- Beginning with the 2025-2026 school year, requires public schools to provide age-appropriate, research-based instruction on the dangers of fentanyl to students in grades kindergarten through 12 that includes instruction in prescribed areas of focus.
- Requires state institutions of higher education to develop and implement an age-appropriate and research-based education program to advise students regarding the dangers of fentanyl that includes prescribed areas of focus.

- Designates August as “Fentanyl Poisoning Awareness Month” to increase awareness of the dangers of fentanyl and potential overdoses.
- Requires public schools to designate a week during the school year as “Fentanyl Poisoning Awareness Week” to educate students about the dangers posed by fentanyl.

TABLE OF CONTENTS

Participating in an organization or operation for trafficking in persons	2
Drug offense changes	3
Death certificate requirement	8
Fentanyl or fentanyl-related compound specification.....	8
Definitions	9
Corrupt activity.....	10
Fentanyl abuse prevention instruction and awareness	10
Fentanyl abuse prevention instruction	10
Grades kindergarten through 12	10
Higher education	11
Fentanyl poisoning awareness month and fentanyl awareness weeks.....	11

DETAILED ANALYSIS

Participating in an organization or operation for trafficking in persons

The bill prohibits a person from doing any of the following:¹

- Knowingly organizing, managing, directing, supervising, coordinating, facilitating, leading, assisting, participating in, or financing an organization or operation for trafficking in persons or an operation that furthers the criminal objectives of an organization or operation for trafficking in persons.
- Knowingly furnishing advice or direction in the conduct, financing, or management of an organization or operation for trafficking in persons’ affairs with the intent to promote or further the criminal objectives of that organization or operation for trafficking in persons.
- Knowingly directing or instructing others to engage in violence or intimidation to promote or further the criminal objectives of an organization or operation for trafficking in persons.
- Knowingly promoting or furthering the criminal objectives of an organization or operation for trafficking in persons by inducing, enticing, coercing, or forcing or attempting to

¹ R.C. 2905.321(B) to (F).

induce, entice, coerce, or force a public official or public servant to commit an act or omission in violation of the public official's or public servant's duty.

- If the person is a public official or public servant, knowingly promoting or furthering the criminal objectives of an organization or operation for trafficking in persons by committing any act or omission in violation of the public official's or public servant's duty.
- Knowingly assisting an organization or operation for the trafficking in persons by transporting a person, or procuring transportation for a person, with the intent to either conceal the person from a peace officer or to assist the person in fleeing from a peace officer who is attempting to lawfully arrest or detain the person.

A person who violates any of the prohibitions listed above is guilty of participating in an organization or operation for trafficking in persons, a first degree felony.²

A prosecution for participating in an organization or operation for trafficking in persons does not preclude a prosecution of a violation of any other Revised Code section. One or more acts, a series of acts, or a course of behavior that can be prosecuted under R.C. 2905.321 or any other Revised Code section may be prosecuted under R.C. 2905.321, the other Revised Code section, or both sections.³

If an offender is convicted of or pleads guilty to a felony violation of participating in an organization or operation for trafficking in persons and also is convicted of or pleads guilty to an existing specification (furtherance of human trafficking), the court must impose as a minimum prison term a mandatory term of not less than five years and not greater than 11 years.⁴

Drug offense changes

The table below summarizes the increases to drug trafficking penalties and the changes in amount of each drug required for the different offense levels in the bill.

² R.C. 2905.321(G).

³ R.C. 2905.321(H).

⁴ R.C. 2929.14(B)(7)(a) and 2941.1422(A).

Drug trafficking – R.C. 2925.03						
Drug	Amount (existing law)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict	Amount (H.B. 88 As Introduced)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict
Cocaine ⁵	< 5g	F5	F4	< 5g	F5	F4
	>= 5g – < 10g	F4	F3	>= 5g – < 10g	F4	F3
	>= 10g – < 20g	F3	F2	>= 10g – < 20g	F2	F1
	>= 10g – < 20g, plus 2 or more prior felony drug abuse offenses	F3	F2	>= 10g – < 20g, plus 2 or more prior felony drug abuse offenses	F2	F1
	>= 20g – < 27g	F2	F1	>= 20g – < 100g	F1	F1
	>= 27g – < 100g	F1	F1			
	>= 100g	F1 (MDO)	F1 (MDO)	>= 100g	F1 (MDO)	F1 (MDO)

⁵ R.C. 2925.03(C)(4).

Drug trafficking – R.C. 2925.03						
Drug	Amount (existing law)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict	Amount (H.B. 88 As Introduced)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict
Fentanyl-related compound ⁶	< 1g; <10 UD	F5	F4	< 1g; <10 UD	F3	F1
	>= 1g – < 5g; >= 10 UD – < 50 UD	F4	F3	>= 1g – < 5g; >= 10 UD – < 50 UD	F1	F1
	>= 5g – <10g; >= 50 UD – < 100 UD	F3	F2	>= 5g – <10g; >= 50 UD – < 100 UD	F1	F1
	>= 10g – < 20g; >= 100 UD – < 200 UD	F2	F1	>= 10g – < 50g; >= 100 UD – < 500 UD	F1	F1
	>= 20g – < 50g; >= 200 UD – < 500 UD	F1	F1			
	>= 50g – < 100g; >= 500 UD – < 1000 UD	F1	F1	>= 50g – < 100g; >= 500 UD – < 1000 UD	F1	F1
	>= 100g; >= 1000 UD	F1 (MDO)	F1 (MDO)	>= 100g; >= 1000 UD	F1 (MDO)	F1 (MDO)

⁶ R.C. 2925.03(C)(9).

Drug trafficking – R.C. 2925.03						
Drug	Amount (existing law)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict	Amount (H.B. 88 As Introduced)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict
Heroin⁷	< 1g; <10 UD	F5	F4	< 1g; <10 UD	F5	F4
	>= 1g – < 5g; >= 10 UD – < 50 UD	F4	F3	>= 1g – < 5g; >= 10 UD – < 50 UD	F2	F1
	>= 5g – <10g; >= 50 UD – < 100 UD	F3	F2	>= 5g – <10g; >= 50 UD – < 100 UD	F1	F1
	>= 10g – < 50g; >= 100 UD – < 500 UD	F2	F1	>= 10g – <100g; >= 100 UD – < 1000 UD	F1	F1
	>= 50g – < 100g; >= 500 UD – < 1000 UD	F1	F1			
	>= 100g; >= 1000 UD	F1 (MDO)	F1 (MDO)	>= 100g; >= 1000 UD	F1 (MDO)	F1 (MDO)
	< 3g	F4	F3	< 3g	F4	F3
	>= 3g – < 15g	F3	F2	>= 3g – < 10g	F3	F2

⁷ R.C. 2925.03(C)(6).

Drug trafficking – R.C. 2925.03						
Drug	Amount (existing law)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict	Amount (H.B. 88 As Introduced)	Penalty	Penalty if in vicinity of school, juvenile, or substance addiction services provider or recovering addict
Methamphetamine ⁸	>= 15g – < 150g	F2	F1	>= 10g – < 20g	F2	F1
	>= 150g – < 300g	F1	F1	>= 20g – < 100g	F1	F1
	>= 300g	F1 (MDO)	F1 (MDO)	>= 100g	F1 (MDO)	F1 (MDO)

⁸ Under existing law, methamphetamine is considered a Schedule II controlled substance (R.C. 2925.03(C)(1)), but under the bill the penalties for trafficking in methamphetamine are located at R.C. 2925.03(C)(11).

Current law prohibits possession of 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 if one of the following applies:⁹

- If the offender does not know or has no 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 drugs, and the penalties range from a first degree misdemeanor for a first offense to the maximum prison term as a mandatory prison term for a second degree felony.
- 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 the penalties range from a fifth degree felony to the maximum prison term as a mandatory prison term for a first degree felony.

The bill removes the knowledge requirement stated above, and instead applies the penalties for possession of a fentanyl-related compound to both instances, except that if the drug involved is a combination of a fentanyl-related compound and marijuana and the offender did not know or have reason to know, then the offender will not be charged with, convicted of, or punished for possession of a fentanyl-related compound.¹⁰

Death certificate requirement

Under the bill, all death certificates are required to include a space in the medical certification portion of the certificate to indicate whether the cause of death was due to fentanyl poisoning. The death certificate must include the term “fentanyl poisoning” if both of the following apply:¹¹

- A toxicology examination reveals fentanyl or a fentanyl-related compound was present in the body of the decedent in an amount of concentration that is considered to be lethal by generally accepted scientific standards.
- The results of an autopsy performed on the decedent are consistent with an opioid overdose as the cause of death.

Fentanyl or fentanyl-related compound specification

If an offender is convicted of or pleads guilty to involuntary manslaughter and is also convicted of or pleads guilty to the specification that fentanyl or a fentanyl-related compound was present in the body of the decedent in an amount of concentration that is considered to be lethal by generally accepted scientific standards and that the results of an autopsy performed on

⁹ R.C. 2925.11(C)(10).

¹⁰ R.C. 2925.11(C)(9)(a) and (10).

¹¹ R.C. 3705.08(D).

the decedent are consistent with an opioid overdose as the cause of death, then in addition to any other penalty imposed the court must impose a mandatory prison term of five years.¹²

Definitions

As used in the bill:

“Trafficking in persons” means the offense of trafficking in persons under R.C. 2905.32.¹³

“Public official” means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.¹⁴

“Public servant” means any of the following: (1) any public official, (2) any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant, or (3) a person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person’s name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.¹⁵

“Organization or operation for trafficking in persons” means an organization that is a corporation for profit or not for profit, partnership, limited partnership, joint venture, unincorporated nonprofit association, estate, trust, or other commercial or legal entity, or enterprise which includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity, that engages in whole or in part in trafficking in persons, regardless of whether the organization or operation engages in other licit or illicit business or conduct.¹⁶

The bill removes from the definition of “bulk amount” of a controlled substance any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V if the defendant is charged with possession of that drug and the sentencing provisions for possession of fentanyl or a fentanyl-related compound do not apply regarding the defendant and violation.¹⁷

¹² R.C. 2929.14(B)(11)(b) and 2941.1427.

¹³ R.C. 2905.321(A)(1).

¹⁴ R.C. 2905.321(A)(2), by reference to R.C. 2921.01, not in the bill.

¹⁵ R.C. 2905.321(A)(2), by reference to R.C. 2921.01, not in the bill.

¹⁶ R.C. 2905.321(A)(3).

¹⁷ R.C. 2925.01(D)(6).

Corrupt activity

The bill modifies the definition of “enterprise” for the purposes of the Corrupt Activities Law by specifying that an enterprise may be proved by evidence that the accused was acting alone or in concert with others at the time of the commission of the offense.¹⁸

The bill also includes the offense of participating in an organization or operation for trafficking in persons within the definition of “corrupt activity,” meaning that a person who commits participating in an organization or operation for trafficking in persons is subject to the Corrupt Activities Law as well.¹⁹

Fentanyl abuse prevention instruction and awareness

Fentanyl abuse prevention instruction

Grades kindergarten through 12

Beginning with the 2025-2026 school year, the bill requires school districts, community schools, STEM schools, and college-preparatory boarding schools to provide age-appropriate, research-based instruction regarding the dangers of fentanyl to students in grades kindergarten through 12. The instruction must be taught by a licensed educator, school nurse, school counselor, or public safety officer.²⁰ In the case of a school district, instruction on the dangers of fentanyl must be part of the district’s general health curriculum.²¹

The course material and instruction in fentanyl abuse prevention and drug poisoning awareness must include some or all of the following:²²

- Information on fentanyl, including an explanation of the differences between synthetic and nonsynthetic opioids and illicit drugs, the variations of fentanyl, and the differences between the legal and illegal uses of fentanyl;
- The side effects and risk factors of using fentanyl, including information comparing the lethal amounts of fentanyl to other drugs. Information on risk factors may include the lethal dose of fentanyl, how often fentanyl is placed in drugs without a person’s knowledge, an explanation of what fentanyl does to a person’s body and the severity of its addictive properties, and how the consumption of fentanyl can lead to hypoxia, including an explanation of what hypoxia does to a person’s body;
- The process of lacing fentanyl in other drugs and why drugs get laced with fentanyl;
- Detection of fentanyl in drugs and how to save someone from an overdose of fentanyl, including instruction on how to buy and use fentanyl test strips and naloxone through

¹⁸ R.C. 2923.31(C).

¹⁹ R.C. 2923.31(I)(2)(a).

²⁰ R.C. 3313.6031, 3314.03, 3326.11, and 3328.24; Sections 3, 4, and 5.

²¹ R.C. 3313.60.

²² R.C. 3313.6031.

either a nasal spray or injections and how to recognize when a person is overdosing on fentanyl;

- Awareness of school and community resources and any processes involved in accessing those resources;
- Information about substance use and abuse, including youth substance abuse; and
- Guest presentations from community service and religious organizations.

Higher education

The bill also requires state institutions of higher education²³ to develop and implement an age-appropriate and research-based education program to advise students about the dangers of fentanyl. The program *must* include all of the following:²⁴

1. The information described in numbers 1 to 4 above;
2. Awareness of university and community resources and any processes involved in accessing those resources; and
3. Information about substance use and abuse.

Fentanyl poisoning awareness month and fentanyl awareness weeks

The bill designates the month of August as “Fentanyl Poisoning Awareness Month” to increase awareness of the dangers of fentanyl and potential overdoses.²⁵ The bill also requires public schools to designate a week during the school year to be known as “Fentanyl Poisoning Awareness Week” to educate students about the dangers posed by fentanyl and the risk of fentanyl poisoning, including overdose.²⁶

HISTORY

Action	Date
Introduced	02-11-25

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²³ State institutions of higher education include state universities or colleges, community colleges, state community colleges, university branches, and technical colleges; see R.C. 3345.011, not in the bill.

²⁴ R.C. 3345.372.

²⁵ R.C. 5.57.

²⁶ R.C. 3313.6032.