

As Introduced

136th General Assembly

Regular Session

2025-2026

H. B. No. 88

Representatives Abrams, Plummer

A BILL

To amend sections 2923.31, 2925.01, 2925.03, 1
2925.11, 2929.14, 2941.1422, 3313.60, 3314.03, 2
3326.11, 3328.24, and 3705.08 and to enact 3
sections 5.57, 2905.321, 2941.1427, 3313.6031, 4
3313.6032, and 3345.372 of the Revised Code to 5
increase penalties for drug trafficking above 6
certain amounts, to prohibit organized 7
trafficking of persons, to require schools and 8
institutions of higher education to incorporate 9
instruction and policies on fentanyl awareness 10
and abuse prevention, and to designate the month 11
of August as "Fentanyl Poisoning Awareness 12
Month." 13

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

Section 1. That sections 2923.31, 2925.01, 2925.03, 14
2925.11, 2929.14, 2941.1422, 3313.60, 3314.03, 3326.11, 3328.24, 15
and 3705.08 be amended and sections 5.57, 2905.321, 2941.1427, 16
3313.6031, 3313.6032, and 3345.372 of the Revised Code be 17
enacted to read as follows: 18

Sec. 5.57. The month of August is designated as "Fentanyl 19

Poisoning Awareness Month" to increase awareness of the dangers 20
of fentanyl and potential overdoses. 21

Sec. 2905.321. (A) As used in this section: 22

(1) "Trafficking in persons" means a violation of section 23
2905.32 of the Revised Code. 24

(2) "Public official" and "public servant" have the same 25
meanings as in section 2921.01 of the Revised Code. 26

(3) "Organization or operation for trafficking in persons" 27
means an organization, as defined in section 2901.23 of the 28
Revised Code, or enterprise, as defined in section 2923.31 of 29
the Revised Code, that engages in whole or in part in 30
trafficking in persons, regardless of whether the organization 31
or operation engages in other licit or illicit business or 32
conduct. 33

(B) (1) No person shall knowingly organize, manage, direct, 34
supervise, coordinate, facilitate, lead, assist, participate in, 35
or finance an organization or operation for trafficking in 36
persons or an operation that furthers the criminal objectives of 37
an organization or operation for trafficking in persons. 38

(2) No person shall knowingly furnish advice or direction 39
in the conduct, financing, or management of an organization or 40
operation for trafficking in persons's affairs with the intent 41
to promote or further the criminal objectives of an organization 42
or operation for trafficking in persons. 43

(C) No person shall knowingly direct or instruct others to 44
engage in violence or intimidation to promote or further the 45
criminal objectives of an organization or operation for 46
trafficking in persons. 47

(D) No person shall knowingly promote or further the 48
criminal objectives of an organization or operation for 49
trafficking in persons by inducing, enticing, coercing, or 50
forcing or attempting to induce, entice, coerce, or force a 51
public official or public servant to commit an act or omission 52
in violation of the duty of the public official or public 53
servant. 54

(E) No person who is a public official or public servant 55
shall knowingly promote or further the criminal objectives of an 56
organization or operation for trafficking in persons by 57
committing any act or omission in violation of the duty of the 58
public official or public servant. 59

(F) No person shall knowingly assist an organization or 60
operation for trafficking in persons by transporting a person, 61
or procuring the transportation for a person with the intent to 62
do either of the following: 63

(1) Conceal the person from a peace officer; 64

(2) Assist the person in fleeing from a peace officer who 65
is attempting to lawfully arrest or detain the person. 66

(G) Whoever violates this section is guilty of 67
participating in an organization or operation for trafficking in 68
persons, a felony of the first degree. 69

(H) A prosecution for a violation of this section does not 70
preclude a prosecution of a violation of any other section of 71
the Revised Code. One or more acts, a series of acts, or a 72
course of behavior that can be prosecuted under this section or 73
any other section of the Revised Code may be prosecuted under 74
this section, the other section of the Revised Code, or both 75
sections. 76

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of	77
the Revised Code:	78
(A) "Beneficial interest" means any of the following:	79
(1) The interest of a person as a beneficiary under a	80
trust in which the trustee holds title to personal or real	81
property;	82
(2) The interest of a person as a beneficiary under any	83
other trust arrangement under which any other person holds title	84
to personal or real property for the benefit of such person;	85
(3) The interest of a person under any other form of	86
express fiduciary arrangement under which any other person holds	87
title to personal or real property for the benefit of such	88
person.	89
"Beneficial interest" does not include the interest of a	90
stockholder in a corporation or the interest of a partner in	91
either a general or limited partnership.	92
(B) "Costs of investigation and prosecution" and "costs of	93
investigation and litigation" mean all of the costs incurred by	94
the state or a county or municipal corporation under sections	95
2923.31 to 2923.36 of the Revised Code in the prosecution and	96
investigation of any criminal action or in the litigation and	97
investigation of any civil action, and includes, but is not	98
limited to, the costs of resources and personnel.	99
(C) "Enterprise" includes any individual, sole	100
proprietorship, partnership, limited partnership, corporation,	101
trust, union, government agency, or other legal entity, or any	102
organization, association, or group of persons associated in	103
fact although not a legal entity. "Enterprise" includes illicit	104
as well as licit enterprises. <u>An "enterprise" may be proved by</u>	105

evidence that the accused was acting alone or in concert with 106
others at the time of the commission of the offense. 107

(D) "Innocent person" includes any bona fide purchaser of 108
property that is allegedly involved in a violation of section 109
2923.32 of the Revised Code, including any person who 110
establishes a valid claim to or interest in the property in 111
accordance with division (E) of section 2981.04 of the Revised 112
Code, and any victim of an alleged violation of that section or 113
of any underlying offense involved in an alleged violation of 114
that section. 115

(E) "Pattern of corrupt activity" means two or more 116
incidents of corrupt activity, whether or not there has been a 117
prior conviction, that are related to the affairs of the same 118
enterprise, are not isolated, and are not so closely related to 119
each other and connected in time and place that they constitute 120
a single event. 121

At least one of the incidents forming the pattern shall 122
occur on or after January 1, 1986. Unless any incident was an 123
aggravated murder or murder, the last of the incidents forming 124
the pattern shall occur within six years after the commission of 125
any prior incident forming the pattern, excluding any period of 126
imprisonment served by any person engaging in the corrupt 127
activity. 128

For the purposes of the criminal penalties that may be 129
imposed pursuant to section 2923.32 of the Revised Code, at 130
least one of the incidents forming the pattern shall constitute 131
a felony under the laws of this state in existence at the time 132
it was committed or, if committed in violation of the laws of 133
the United States or of any other state, shall constitute a 134
felony under the law of the United States or the other state and 135

would be a criminal offense under the law of this state if 136
committed in this state. 137

(F) "Pecuniary value" means money, a negotiable 138
instrument, a commercial interest, or anything of value, as 139
defined in section 1.03 of the Revised Code, or any other 140
property or service that has a value in excess of one hundred 141
dollars. 142

(G) "Person" means any person, as defined in section 1.59 143
of the Revised Code, and any governmental officer, employee, or 144
entity. 145

(H) "Personal property" means any personal property, any 146
interest in personal property, or any right, including, but not 147
limited to, bank accounts, debts, corporate stocks, patents, or 148
copyrights. Personal property and any beneficial interest in 149
personal property are deemed to be located where the trustee of 150
the property, the personal property, or the instrument 151
evidencing the right is located. 152

(I) "Corrupt activity" means engaging in, attempting to 153
engage in, conspiring to engage in, or soliciting, coercing, or 154
intimidating another person to engage in any of the following: 155

(1) Conduct defined as "racketeering activity" under the 156
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 157
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 158

(2) Conduct constituting any of the following: 159

(a) A violation of section 1315.55, 1322.07, 2903.01, 160
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 161
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 162
this section, 2905.321, 2907.321, 2907.322, 2907.323, 2909.02, 163
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 164

2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 165
2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 166
2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 167
2923.17; division (F) (1) (a), (b), or (c) of section 1315.53; 168
division (A) (1) or (2) of section 1707.042; division (B), (C) 169
(4), (D), (E), or (F) of section 1707.44; division (A) (1) or (2) 170
of section 2923.20; division (E) or (G) of section 3772.99; 171
division (J) (1) of section 4712.02; section 4719.02, 4719.05, or 172
4719.06; division (C), (D), or (E) of section 4719.07; section 173
4719.08; or division (A) of section 4719.09 of the Revised Code. 174

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 175
3769.19 of the Revised Code as it existed prior to July 1, 1996, 176
any violation of section 2915.02 of the Revised Code that occurs 177
on or after July 1, 1996, and that, had it occurred prior to 178
that date, would have been a violation of section 3769.11 of the 179
Revised Code as it existed prior to that date, or any violation 180
of section 2915.05 of the Revised Code that occurs on or after 181
July 1, 1996, and that, had it occurred prior to that date, 182
would have been a violation of section 3769.15, 3769.16, or 183
3769.19 of the Revised Code as it existed prior to that date. 184

(c) Any violation of section 2907.21, 2907.22, 2907.31, 185
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 186
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 187
of the Revised Code, any violation of section 2925.11 of the 188
Revised Code that is a felony of the first, second, third, or 189
fourth degree and that occurs on or after July 1, 1996, any 190
violation of section 2915.02 of the Revised Code that occurred 191
prior to July 1, 1996, any violation of section 2915.02 of the 192
Revised Code that occurs on or after July 1, 1996, and that, had 193
it occurred prior to that date, would not have been a violation 194
of section 3769.11 of the Revised Code as it existed prior to 195

that date, any violation of section 2915.06 of the Revised Code 196
as it existed prior to July 1, 1996, or any violation of 197
division (B) of section 2915.05 of the Revised Code as it exists 198
on and after July 1, 1996, when the proceeds of the violation, 199
the payments made in the violation, the amount of a claim for 200
payment or for any other benefit that is false or deceptive and 201
that is involved in the violation, or the value of the 202
contraband or other property illegally possessed, sold, or 203
purchased in the violation exceeds one thousand dollars, or any 204
combination of violations described in division (I) (2) (c) of 205
this section when the total proceeds of the combination of 206
violations, payments made in the combination of violations, 207
amount of the claims for payment or for other benefits that is 208
false or deceptive and that is involved in the combination of 209
violations, or value of the contraband or other property 210
illegally possessed, sold, or purchased in the combination of 211
violations exceeds one thousand dollars; 212

(d) Any violation of section 5743.112 of the Revised Code 213
when the amount of unpaid tax exceeds one hundred dollars; 214

(e) Any violation or combination of violations of section 215
2907.32 of the Revised Code involving any material or 216
performance containing a display of bestiality or of sexual 217
conduct, as defined in section 2907.01 of the Revised Code, that 218
is explicit and depicted with clearly visible penetration of the 219
genitals or clearly visible penetration by the penis of any 220
orifice when the total proceeds of the violation or combination 221
of violations, the payments made in the violation or combination 222
of violations, or the value of the contraband or other property 223
illegally possessed, sold, or purchased in the violation or 224
combination of violations exceeds one thousand dollars; 225

(f) Any combination of violations described in division	226
(I) (2) (c) of this section and violations of section 2907.32 of	227
the Revised Code involving any material or performance	228
containing a display of bestiality or of sexual conduct, as	229
defined in section 2907.01 of the Revised Code, that is explicit	230
and depicted with clearly visible penetration of the genitals or	231
clearly visible penetration by the penis of any orifice when the	232
total proceeds of the combination of violations, payments made	233
in the combination of violations, amount of the claims for	234
payment or for other benefits that is false or deceptive and	235
that is involved in the combination of violations, or value of	236
the contraband or other property illegally possessed, sold, or	237
purchased in the combination of violations exceeds one thousand	238
dollars;	239
(g) Any violation of section 2905.32 of the Revised Code	240
to the extent the violation is not based solely on the same	241
conduct that constitutes corrupt activity pursuant to division	242
(I) (2) (c) of this section due to the conduct being in violation	243
of section 2907.21 of the Revised Code.	244
(3) Conduct constituting a violation of any law of any	245
state other than this state that is substantially similar to the	246
conduct described in division (I) (2) of this section, provided	247
the defendant was convicted of the conduct in a criminal	248
proceeding in the other state;	249
(4) Animal or ecological terrorism;	250
(5) (a) Conduct constituting any of the following:	251
(i) Organized retail theft;	252
(ii) Conduct that constitutes one or more violations of	253
any law of any state other than this state, that is	254

substantially similar to organized retail theft, and that if 255
committed in this state would be organized retail theft, if the 256
defendant was convicted of or pleaded guilty to the conduct in a 257
criminal proceeding in the other state. 258

(b) By enacting division (I) (5) (a) of this section, it is 259
the intent of the general assembly to add organized retail theft 260
and the conduct described in division (I) (5) (a) (ii) of this 261
section as conduct constituting corrupt activity. The enactment 262
of division (I) (5) (a) of this section and the addition by 263
division (I) (5) (a) of this section of organized retail theft and 264
the conduct described in division (I) (5) (a) (ii) of this section 265
as conduct constituting corrupt activity does not limit or 266
preclude, and shall not be construed as limiting or precluding, 267
any prosecution for a violation of section 2923.32 of the 268
Revised Code that is based on one or more violations of section 269
2913.02 or 2913.51 of the Revised Code, one or more similar 270
offenses under the laws of this state or any other state, or any 271
combination of any of those violations or similar offenses, even 272
though the conduct constituting the basis for those violations 273
or offenses could be construed as also constituting organized 274
retail theft or conduct of the type described in division (I) (5) 275
(a) (ii) of this section. 276

(J) "Real property" means any real property or any 277
interest in real property, including, but not limited to, any 278
lease of, or mortgage upon, real property. Real property and any 279
beneficial interest in it is deemed to be located where the real 280
property is located. 281

(K) "Trustee" means any of the following: 282

(1) Any person acting as trustee under a trust in which 283
the trustee holds title to personal or real property; 284

(2) Any person who holds title to personal or real	285
property for which any other person has a beneficial interest;	286
(3) Any successor trustee.	287
"Trustee" does not include an assignee or trustee for an	288
insolvent debtor or an executor, administrator, administrator	289
with the will annexed, testamentary trustee, guardian, or	290
committee, appointed by, under the control of, or accountable to	291
a court.	292
(L) "Unlawful debt" means any money or other thing of	293
value constituting principal or interest of a debt that is	294
legally unenforceable in this state in whole or in part because	295
the debt was incurred or contracted in violation of any federal	296
or state law relating to the business of gambling activity or	297
relating to the business of lending money at an usurious rate	298
unless the creditor proves, by a preponderance of the evidence,	299
that the usurious rate was not intentionally set and that it	300
resulted from a good faith error by the creditor,	301
notwithstanding the maintenance of procedures that were adopted	302
by the creditor to avoid an error of that nature.	303
(M) "Animal activity" means any activity that involves the	304
use of animals or animal parts, including, but not limited to,	305
hunting, fishing, trapping, traveling, camping, the production,	306
preparation, or processing of food or food products, clothing or	307
garment manufacturing, medical research, other research,	308
entertainment, recreation, agriculture, biotechnology, or	309
service activity that involves the use of animals or animal	310
parts.	311
(N) "Animal facility" means a vehicle, building,	312
structure, nature preserve, or other premises in which an animal	313

is lawfully kept, handled, housed, exhibited, bred, or offered 314
for sale, including, but not limited to, a zoo, rodeo, circus, 315
amusement park, hunting preserve, or premises in which a horse 316
or dog event is held. 317

(O) "Animal or ecological terrorism" means the commission 318
of any felony that involves causing or creating a substantial 319
risk of physical harm to any property of another, the use of a 320
deadly weapon or dangerous ordnance, or purposely, knowingly, or 321
recklessly causing serious physical harm to property and that 322
involves an intent to obstruct, impede, or deter any person from 323
participating in a lawful animal activity, from mining, 324
forestry, harvesting, gathering, or processing natural 325
resources, or from being lawfully present in or on an animal 326
facility or research facility. 327

(P) "Research facility" means a place, laboratory, 328
institution, medical care facility, government facility, or 329
public or private educational institution in which a scientific 330
test, experiment, or investigation involving the use of animals 331
or other living organisms is lawfully carried out, conducted, or 332
attempted. 333

(Q) "Organized retail theft" means the theft of retail 334
property with a retail value of one thousand dollars or more 335
from one or more retail establishments with the intent to sell, 336
deliver, or transfer that property to a retail property fence. 337

(R) "Retail property" means any tangible personal property 338
displayed, held, stored, or offered for sale in or by a retail 339
establishment. 340

(S) "Retail property fence" means a person who possesses, 341
procures, receives, or conceals retail property that was 342

represented to the person as being stolen or that the person 343
knows or believes to be stolen. 344

(T) "Retail value" means the full retail value of the 345
retail property. In determining whether the retail value of 346
retail property equals or exceeds one thousand dollars, the 347
value of all retail property stolen from the retail 348
establishment or retail establishments by the same person or 349
persons within any one-hundred-eighty-day period shall be 350
aggregated. 351

Sec. 2925.01. As used in this chapter: 352

(A) "Administer," "controlled substance," "controlled 353
substance analog," "dispense," "distribute," "hypodermic," 354
"manufacturer," "official written order," "person," 355
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 356
"schedule III," "schedule IV," "schedule V," and "wholesaler" 357
have the same meanings as in section 3719.01 of the Revised 358
Code. 359

(B) "Drug of abuse" and "person with a drug dependency" 360
have the same meanings as in section 3719.011 of the Revised 361
Code. 362

(C) "Drug," "dangerous drug," "licensed health 363
professional authorized to prescribe drugs," and "prescription" 364
have the same meanings as in section 4729.01 of the Revised 365
Code. 366

(D) "Bulk amount" of a controlled substance means any of 367
the following: 368

(1) For any compound, mixture, preparation, or substance 369
included in schedule I, schedule II, or schedule III, with the 370
exception of any controlled substance analog, marihuana, 371

cocaine, L.S.D., heroin, any fentanyl-related compound, and 372
hashish and except as provided in division (D) (2) or (5) ~~or~~ 373
~~(6)~~ of this section, whichever of the following is applicable: 374

(a) An amount equal to or exceeding ten grams or twenty- 375
five unit doses of a compound, mixture, preparation, or 376
substance that is or contains any amount of a schedule I opiate 377
or opium derivative; 378

(b) An amount equal to or exceeding ten grams of a 379
compound, mixture, preparation, or substance that is or contains 380
any amount of raw or gum opium; 381

(c) An amount equal to or exceeding thirty grams or ten 382
unit doses of a compound, mixture, preparation, or substance 383
that is or contains any amount of a schedule I hallucinogen 384
other than tetrahydrocannabinol or lysergic acid amide, or a 385
schedule I stimulant or depressant; 386

(d) An amount equal to or exceeding twenty grams or five 387
times the maximum daily dose in the usual dose range specified 388
in a standard pharmaceutical reference manual of a compound, 389
mixture, preparation, or substance that is or contains any 390
amount of a schedule II opiate or opium derivative; 391

(e) An amount equal to or exceeding five grams or ten unit 392
doses of a compound, mixture, preparation, or substance that is 393
or contains any amount of phencyclidine; 394

(f) An amount equal to or exceeding one hundred twenty 395
grams or thirty times the maximum daily dose in the usual dose 396
range specified in a standard pharmaceutical reference manual of 397
a compound, mixture, preparation, or substance that is or 398
contains any amount of a schedule II stimulant that is in a 399
final dosage form manufactured by a person authorized by the 400

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 401
U.S.C.A. 301, as amended, and the federal drug abuse control 402
laws, as defined in section 3719.01 of the Revised Code, that is 403
or contains any amount of a schedule II depressant substance or 404
a schedule II hallucinogenic substance; 405

(g) An amount equal to or exceeding three grams of a 406
compound, mixture, preparation, or substance that is or contains 407
any amount of a schedule II stimulant, or any of its salts or 408
isomers, that is not in a final dosage form manufactured by a 409
person authorized by the Federal Food, Drug, and Cosmetic Act 410
and the federal drug abuse control laws. 411

(2) An amount equal to or exceeding one hundred twenty 412
grams or thirty times the maximum daily dose in the usual dose 413
range specified in a standard pharmaceutical reference manual of 414
a compound, mixture, preparation, or substance that is or 415
contains any amount of a schedule III or IV substance other than 416
an anabolic steroid or a schedule III opiate or opium 417
derivative; 418

(3) An amount equal to or exceeding twenty grams or five 419
times the maximum daily dose in the usual dose range specified 420
in a standard pharmaceutical reference manual of a compound, 421
mixture, preparation, or substance that is or contains any 422
amount of a schedule III opiate or opium derivative; 423

(4) An amount equal to or exceeding two hundred fifty 424
milliliters or two hundred fifty grams of a compound, mixture, 425
preparation, or substance that is or contains any amount of a 426
schedule V substance; 427

(5) An amount equal to or exceeding two hundred solid 428
dosage units, sixteen grams, or sixteen milliliters of a 429

compound, mixture, preparation, or substance that is or contains 430
any amount of a schedule III anabolic steroid;— 431

~~(6) For any compound, mixture, preparation, or substance 432
that is a combination of a fentanyl-related compound and any 433
other compound, mixture, preparation, or substance included in 434
schedule III, schedule IV, or schedule V, if the defendant is 435
charged with a violation of section 2925.11 of the Revised Code 436
and the sentencing provisions set forth in divisions (C) (10) (b) 437
and (C) (11) of that section will not apply regarding the 438
defendant and the violation, the bulk amount of the controlled 439
substance for purposes of the violation is the amount specified 440
in division (D) (1), (2), (3), (4), or (5) of this section for 441
the other schedule III, IV, or V controlled substance that is 442
combined with the fentanyl-related compound. 443~~

(E) "Unit dose" means an amount or unit of a compound, 444
mixture, or preparation containing a controlled substance that 445
is separately identifiable and in a form that indicates that it 446
is the amount or unit by which the controlled substance is 447
separately administered to or taken by an individual. 448

(F) "Cultivate" includes planting, watering, fertilizing, 449
or tilling. 450

(G) "Drug abuse offense" means any of the following: 451

(1) A violation of division (A) of section 2913.02 that 452
constitutes theft of drugs, or a violation of section 2925.02, 453
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 454
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 455
or 2925.37 of the Revised Code; 456

(2) A violation of an existing or former law of this or 457
any other state or of the United States that is substantially 458

equivalent to any section listed in division (G) (1) of this section; 459
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(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element; 461
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(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G) (1), (2), or (3) of this section. 468
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(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States. 471
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(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following: 474
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(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following: 476
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(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent; 482
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(b) Any aerosol propellant; 486

(c) Any fluorocarbon refrigerant;	487
(d) Any anesthetic gas.	488
(2) Gamma Butyrolactone;	489
(3) 1,4 Butanediol.	490
(J) "Manufacture" means to plant, cultivate, harvest,	491
process, make, prepare, or otherwise engage in any part of the	492
production of a drug, by propagation, extraction, chemical	493
synthesis, or compounding, or any combination of the same, and	494
includes packaging, repackaging, labeling, and other activities	495
incident to production.	496
(K) "Possess" or "possession" means having control over a	497
thing or substance, but may not be inferred solely from mere	498
access to the thing or substance through ownership or occupation	499
of the premises upon which the thing or substance is found.	500
(L) "Sample drug" means a drug or pharmaceutical	501
preparation that would be hazardous to health or safety if used	502
without the supervision of a licensed health professional	503
authorized to prescribe drugs, or a drug of abuse, and that, at	504
one time, had been placed in a container plainly marked as a	505
sample by a manufacturer.	506
(M) "Standard pharmaceutical reference manual" means the	507
current edition, with cumulative changes if any, of references	508
that are approved by the state board of pharmacy.	509
(N) "Juvenile" means a person under eighteen years of age.	510
(O) "Counterfeit controlled substance" means any of the	511
following:	512
(1) Any drug that bears, or whose container or label	513

bears, a trademark, trade name, or other identifying mark used 514
without authorization of the owner of rights to that trademark, 515
trade name, or identifying mark; 516

(2) Any unmarked or unlabeled substance that is 517
represented to be a controlled substance manufactured, 518
processed, packed, or distributed by a person other than the 519
person that manufactured, processed, packed, or distributed it; 520

(3) Any substance that is represented to be a controlled 521
substance but is not a controlled substance or is a different 522
controlled substance; 523

(4) Any substance other than a controlled substance that a 524
reasonable person would believe to be a controlled substance 525
because of its similarity in shape, size, and color, or its 526
markings, labeling, packaging, distribution, or the price for 527
which it is sold or offered for sale. 528

(P) An offense is "committed in the vicinity of a school" 529
if the offender commits the offense on school premises, in a 530
school building, or within one thousand feet of the boundaries 531
of any school premises, regardless of whether the offender knows 532
the offense is being committed on school premises, in a school 533
building, or within one thousand feet of the boundaries of any 534
school premises. 535

(Q) "School" means any school operated by a board of 536
education, any community school established under Chapter 3314. 537
of the Revised Code, or any nonpublic school for which the 538
director of education and workforce prescribes minimum standards 539
under section 3301.07 of the Revised Code, whether or not any 540
instruction, extracurricular activities, or training provided by 541
the school is being conducted at the time a criminal offense is 542

committed.	543
(R) "School premises" means either of the following:	544
(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;	545 546 547 548 549
(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.	550 551 552 553 554 555 556 557 558 559 560
(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.	561 562 563 564 565 566
(T) "Disciplinary counsel" means the disciplinary counsel appointed by the board of commissioners on grievances and discipline of the supreme court under the Rules for the Government of the Bar of Ohio.	567 568 569 570
(U) "Certified grievance committee" means a duly	571

constituted and organized committee of the Ohio state bar 572
association or of one or more local bar associations of the 573
state of Ohio that complies with the criteria set forth in Rule 574
V, section 6 of the Rules for the Government of the Bar of Ohio. 575

(V) "Professional license" means any license, permit, 576
certificate, registration, qualification, admission, temporary 577
license, temporary permit, temporary certificate, or temporary 578
registration that is described in divisions (W) (1) to (37) of 579
this section and that qualifies a person as a professionally 580
licensed person. 581

(W) "Professionally licensed person" means any of the 582
following: 583

(1) A person who has received a certificate or temporary 584
certificate as a certified public accountant or who has 585
registered as a public accountant under Chapter 4701. of the 586
Revised Code and who holds an Ohio permit issued under that 587
chapter; 588

(2) A person who holds a certificate of qualification to 589
practice architecture issued or renewed and registered under 590
Chapter 4703. of the Revised Code; 591

(3) A person who is registered as a landscape architect 592
under Chapter 4703. of the Revised Code or who holds a permit as 593
a landscape architect issued under that chapter; 594

(4) A person licensed under Chapter 4707. of the Revised 595
Code; 596

(5) A person who has been issued a barber's license, 597
barber instructor's license, assistant barber instructor's 598
license, or independent contractor's license under Chapter 4709. 599
of the Revised Code; 600

(6) A person licensed and regulated to engage in the 601
business of a debt pooling company by a legislative authority, 602
under authority of Chapter 4710. of the Revised Code; 603

(7) A person who has been issued a cosmetologist's 604
license, hair designer's license, manicurist's license, 605
esthetician's license, natural hair stylist's license, advanced 606
license to practice cosmetology, advanced license to practice 607
hair design, advanced license to practice manicuring, advanced 608
license to practice esthetics, advanced license to practice 609
natural hair styling, cosmetology instructor's license, hair 610
design instructor's license, manicurist instructor's license, 611
esthetics instructor's license, natural hair style instructor's 612
license, independent contractor's license, or tanning facility 613
permit under Chapter 4713. of the Revised Code; 614

(8) A person who has been issued a license to practice 615
dentistry, a general anesthesia permit, a conscious sedation 616
permit, a limited resident's license, a limited teaching 617
license, a dental hygienist's license, or a dental hygienist's 618
teacher's certificate under Chapter 4715. of the Revised Code; 619

(9) A person who has been issued an embalmer's license, a 620
funeral director's license, a funeral home license, or a 621
crematory license, or who has been registered for an embalmer's 622
or funeral director's apprenticeship under Chapter 4717. of the 623
Revised Code; 624

(10) A person who has been licensed as a registered nurse 625
or practical nurse, or who has been issued a certificate for the 626
practice of nurse-midwifery under Chapter 4723. of the Revised 627
Code; 628

(11) A person who has been licensed to practice optometry 629

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	630 631
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	632 633
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	634 635
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	636 637 638 639
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	640 641 642 643 644
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	645 646
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	647 648 649 650 651
(18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;	652 653 654
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	655 656 657

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	658 659
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	660 661
(22) A person registered as a registered environmental health specialist under Chapter 3776. of the Revised Code;	662 663
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	664 665
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	666 667
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	668 669
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	670 671 672 673
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	674 675 676
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	677 678 679
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	680 681
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	682 683 684

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

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

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

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

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

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

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

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

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

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

(3) A salt, compound, derivative, or preparation of a 713
substance identified in division (X) (1) or (2) of this section 714
that is chemically equivalent to or identical with any of those 715
substances, except that the substances shall not include 716
decocainized coca leaves or extraction of coca leaves if the 717
extractions do not contain cocaine or ecgonine. 718

(Y) "L.S.D." means lysergic acid diethylamide. 719

(Z) "Hashish" means a resin or a preparation of a resin to 720
which both of the following apply: 721

(1) It is contained in or derived from any part of the 722
plant of the genus cannabis, whether in solid form or in a 723
liquid concentrate, liquid extract, or liquid distillate form. 724

(2) It has a delta-9 tetrahydrocannabinol concentration of 725
more than three-tenths per cent. 726

"Hashish" does not include a hemp byproduct in the 727
possession of a licensed hemp processor under Chapter 928. of 728
the Revised Code, provided that the hemp byproduct is being 729
produced, stored, and disposed of in accordance with rules 730
adopted under section 928.03 of the Revised Code. 731

(AA) "Marihuana" has the same meaning as in section 732
3719.01 of the Revised Code, except that it does not include 733
hashish. 734

(BB) An offense is "committed in the vicinity of a 735
juvenile" if the offender commits the offense within one hundred 736
feet of a juvenile or within the view of a juvenile, regardless 737
of whether the offender knows the age of the juvenile, whether 738
the offender knows the offense is being committed within one 739
hundred feet of or within view of the juvenile, or whether the 740
juvenile actually views the commission of the offense. 741

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

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

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

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

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

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

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

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

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

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

2913.01 of the Revised Code.	770
(KK) "Fentanyl-related compound" means any of the following:	771 772
(1) Fentanyl;	773
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	774 775 776
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	777 778
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	779 780
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	781 782 783
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	784 785
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	786 787
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	788 789
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	790 791
(10) Alfentanil;	792
(11) Carfentanil;	793
(12) Remifentanil;	794
(13) Sufentanil;	795

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	796 797
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	798 799 800 801 802 803 804
(a) A chemical scaffold consisting of both of the following:	805 806
(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	807 808
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	809 810 811
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	812 813 814
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	815 816
(d) The compound has not been approved for medical use by the United States food and drug administration.	817 818
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of	819 820 821 822 823

the minimum prison terms prescribed in division (A) (1) (a) of 824
that section for a felony of the first degree. 825

(MM) "Second degree felony mandatory prison term" means 826
one of the definite prison terms prescribed in division (A) (2) 827
(b) of section 2929.14 of the Revised Code for a felony of the 828
second degree, except that if the violation for which sentence 829
is being imposed is committed on or after March 22, 2019, it 830
means one of the minimum prison terms prescribed in division (A) 831
(2) (a) of that section for a felony of the second degree. 832

(NN) "Maximum first degree felony mandatory prison term" 833
means the maximum definite prison term prescribed in division 834
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 835
the first degree, except that if the violation for which 836
sentence is being imposed is committed on or after March 22, 837
2019, it means the longest minimum prison term prescribed in 838
division (A) (1) (a) of that section for a felony of the first 839
degree. 840

(OO) "Maximum second degree felony mandatory prison term" 841
means the maximum definite prison term prescribed in division 842
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 843
the second degree, except that if the violation for which 844
sentence is being imposed is committed on or after March 22, 845
2019, it means the longest minimum prison term prescribed in 846
division (A) (2) (a) of that section for a felony of the second 847
degree. 848

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 849
as in section 928.01 of the Revised Code. 850

(QQ) An offense is "committed in the vicinity of a 851
substance addiction services provider or a recovering addict" if 852

either of the following apply: 853

(1) The offender commits the offense on the premises of a 854
substance addiction services provider's facility, including a 855
facility licensed prior to June 29, 2019, under section 5119.391 856
of the Revised Code to provide methadone treatment or an opioid 857
treatment program licensed on or after that date under section 858
5119.37 of the Revised Code, or within five hundred feet of the 859
premises of a substance addiction services provider's facility 860
and the offender knows or should know that the offense is being 861
committed within the vicinity of the substance addiction 862
services provider's facility. 863

(2) The offender sells, offers to sell, delivers, or 864
distributes the controlled substance or controlled substance 865
analog to a person who is receiving treatment at the time of the 866
commission of the offense, or received treatment within thirty 867
days prior to the commission of the offense, from a substance 868
addiction services provider and the offender knows that the 869
person is receiving or received that treatment. 870

(RR) "Substance addiction services provider" means an 871
agency, association, corporation or other legal entity, 872
individual, or program that provides one or more of the 873
following at a facility: 874

(1) Either alcohol addiction services, or drug addiction 875
services, or both such services that are certified by the 876
director of mental health and addiction services under section 877
5119.36 of the Revised Code; 878

(2) Recovery supports that are related to either alcohol 879
addiction services, or drug addiction services, or both such 880
services and paid for with federal, state, or local funds 881

administered by the department of mental health and addiction 882
services or a board of alcohol, drug addiction, and mental 883
health services. 884

(SS) "Premises of a substance addiction services 885
provider's facility" means the parcel of real property on which 886
any substance addiction service provider's facility is situated. 887

(TT) "Alcohol and drug addiction services" has the same 888
meaning as in section 5119.01 of the Revised Code. 889

Sec. 2925.03. (A) No person shall knowingly do any of the 890
following: 891

(1) Sell or offer to sell a controlled substance or a 892
controlled substance analog; 893

(2) Prepare for shipment, ship, transport, deliver, 894
prepare for distribution, or distribute a controlled substance 895
or a controlled substance analog, when the offender knows or has 896
reasonable cause to believe that the controlled substance or a 897
controlled substance analog is intended for sale or resale by 898
the offender or another person. 899

(B) This section does not apply to any of the following: 900

(1) Manufacturers, licensed health professionals 901
authorized to prescribe drugs, pharmacists, owners of 902
pharmacies, and other persons whose conduct is in accordance 903
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 904
4741. of the Revised Code; 905

(2) If the offense involves an anabolic steroid, any 906
person who is conducting or participating in a research project 907
involving the use of an anabolic steroid if the project has been 908
approved by the United States food and drug administration; 909

(3) Any person who sells, offers for sale, prescribes, 910
dispenses, or administers for livestock or other nonhuman 911
species an anabolic steroid that is expressly intended for 912
administration through implants to livestock or other nonhuman 913
species and approved for that purpose under the "Federal Food, 914
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 915
as amended, and is sold, offered for sale, prescribed, 916
dispensed, or administered for that purpose in accordance with 917
that act. 918

(C) Whoever violates division (A) of this section is 919
guilty of one of the following: 920

(1) If the drug involved in the violation is any compound, 921
mixture, preparation, or substance included in schedule I or 922
schedule II, with the exception of marihuana, cocaine, L.S.D., 923
heroin, any fentanyl-related compound, hashish, methamphetamine, 924
and any controlled substance analog, whoever violates division 925
(A) of this section is guilty of aggravated trafficking in 926
drugs. The penalty for the offense shall be determined as 927
follows: 928

(a) Except as otherwise provided in division (C) (1) (b), 929
(c), (d), (e), or (f) of this section, aggravated trafficking in 930
drugs is a felony of the fourth degree, and division (C) of 931
section 2929.13 of the Revised Code applies in determining 932
whether to impose a prison term on the offender. 933

(b) Except as otherwise provided in division (C) (1) (c), 934
(d), (e), or (f) of this section, if the offense was committed 935
in the vicinity of a school, in the vicinity of a juvenile, or 936
in the vicinity of a substance addiction services provider or a 937
recovering addict, aggravated trafficking in drugs is a felony 938
of the third degree, and division (C) of section 2929.13 of the 939

Revised Code applies in determining whether to impose a prison term on the offender. 940
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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 942
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a 960
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mandatory prison term a first degree felony mandatory prison 971
term. 972

(e) If the amount of the drug involved equals or exceeds 973
fifty times the bulk amount but is less than one hundred times 974
the bulk amount and regardless of whether the offense was 975
committed in the vicinity of a school, in the vicinity of a 976
juvenile, or in the vicinity of a substance addiction services 977
provider or a recovering addict, aggravated trafficking in drugs 978
is a felony of the first degree, and the court shall impose as a 979
mandatory prison term a first degree felony mandatory prison 980
term. 981

(f) If the amount of the drug involved equals or exceeds 982
one hundred times the bulk amount and regardless of whether the 983
offense was committed in the vicinity of a school, in the 984
vicinity of a juvenile, or in the vicinity of a substance 985
addiction services provider or a recovering addict, aggravated 986
trafficking in drugs is a felony of the first degree, the 987
offender is a major drug offender, and the court shall impose as 988
a mandatory prison term a maximum first degree felony mandatory 989
prison term. 990

(2) If the drug involved in the violation is any compound, 991
mixture, preparation, or substance included in schedule III, IV, 992
or V, whoever violates division (A) of this section is guilty of 993
trafficking in drugs. The penalty for the offense shall be 994
determined as follows: 995

(a) Except as otherwise provided in division (C) (2) (b), 996
(c), (d), or (e) of this section, trafficking in drugs is a 997
felony of the fifth degree, and division (B) of section 2929.13 998
of the Revised Code applies in determining whether to impose a 999
prison term on the offender. 1000

(b) Except as otherwise provided in division (C) (2) (c), 1001
(d), or (e) of this section, if the offense was committed in the 1002
vicinity of a school or in the vicinity of a juvenile, 1003
trafficking in drugs is a felony of the fourth degree, and 1004
division (C) of section 2929.13 of the Revised Code applies in 1005
determining whether to impose a prison term on the offender. 1006

(c) Except as otherwise provided in this division, if the 1007
amount of the drug involved equals or exceeds the bulk amount 1008
but is less than five times the bulk amount, trafficking in 1009
drugs is a felony of the fourth degree, and division (B) of 1010
section 2929.13 of the Revised Code applies in determining 1011
whether to impose a prison term for the offense. If the amount 1012
of the drug involved is within that range and if the offense was 1013
committed in the vicinity of a school or in the vicinity of a 1014
juvenile, trafficking in drugs is a felony of the third degree, 1015
and there is a presumption for a prison term for the offense. 1016

(d) Except as otherwise provided in this division, if the 1017
amount of the drug involved equals or exceeds five times the 1018
bulk amount but is less than fifty times the bulk amount, 1019
trafficking in drugs is a felony of the third degree, and there 1020
is a presumption for a prison term for the offense. If the 1021
amount of the drug involved is within that range and if the 1022
offense was committed in the vicinity of a school or in the 1023
vicinity of a juvenile, trafficking in drugs is a felony of the 1024
second degree, and there is a presumption for a prison term for 1025
the offense. 1026

(e) Except as otherwise provided in this division, if the 1027
amount of the drug involved equals or exceeds fifty times the 1028
bulk amount, trafficking in drugs is a felony of the second 1029
degree, and the court shall impose as a mandatory prison term a 1030

second degree felony mandatory prison term. If the amount of the 1031
drug involved equals or exceeds fifty times the bulk amount and 1032
if the offense was committed in the vicinity of a school or in 1033
the vicinity of a juvenile, trafficking in drugs is a felony of 1034
the first degree, and the court shall impose as a mandatory 1035
prison term a first degree felony mandatory prison term. 1036

(3) If the drug involved in the violation is marihuana or 1037
a compound, mixture, preparation, or substance containing 1038
marihuana other than hashish, whoever violates division (A) of 1039
this section is guilty of trafficking in marihuana. The penalty 1040
for the offense shall be determined as follows: 1041

(a) Except as otherwise provided in division (C) (3) (b), 1042
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1043
marihuana is a felony of the fifth degree, and division (B) of 1044
section 2929.13 of the Revised Code applies in determining 1045
whether to impose a prison term on the offender. 1046

(b) Except as otherwise provided in division (C) (3) (c), 1047
(d), (e), (f), (g), or (h) of this section, if the offense was 1048
committed in the vicinity of a school or in the vicinity of a 1049
juvenile, trafficking in marihuana is a felony of the fourth 1050
degree, and division (B) of section 2929.13 of the Revised Code 1051
applies in determining whether to impose a prison term on the 1052
offender. 1053

(c) Except as otherwise provided in this division, if the 1054
amount of the drug involved equals or exceeds two hundred grams 1055
but is less than one thousand grams, trafficking in marihuana is 1056
a felony of the fourth degree, and division (B) of section 1057
2929.13 of the Revised Code applies in determining whether to 1058
impose a prison term on the offender. If the amount of the drug 1059
involved is within that range and if the offense was committed 1060

in the vicinity of a school or in the vicinity of a juvenile, 1061
trafficking in marihuana is a felony of the third degree, and 1062
division (C) of section 2929.13 of the Revised Code applies in 1063
determining whether to impose a prison term on the offender. 1064

(d) Except as otherwise provided in this division, if the 1065
amount of the drug involved equals or exceeds one thousand grams 1066
but is less than five thousand grams, trafficking in marihuana 1067
is a felony of the third degree, and division (C) of section 1068
2929.13 of the Revised Code applies in determining whether to 1069
impose a prison term on the offender. If the amount of the drug 1070
involved is within that range and if the offense was committed 1071
in the vicinity of a school or in the vicinity of a juvenile, 1072
trafficking in marihuana is a felony of the second degree, and 1073
there is a presumption that a prison term shall be imposed for 1074
the offense. 1075

(e) Except as otherwise provided in this division, if the 1076
amount of the drug involved equals or exceeds five thousand 1077
grams but is less than twenty thousand grams, trafficking in 1078
marihuana is a felony of the third degree, and there is a 1079
presumption that a prison term shall be imposed for the offense. 1080
If the amount of the drug involved is within that range and if 1081
the offense was committed in the vicinity of a school or in the 1082
vicinity of a juvenile, trafficking in marihuana is a felony of 1083
the second degree, and there is a presumption that a prison term 1084
shall be imposed for the offense. 1085

(f) Except as otherwise provided in this division, if the 1086
amount of the drug involved equals or exceeds twenty thousand 1087
grams but is less than forty thousand grams, trafficking in 1088
marihuana is a felony of the second degree, and the court shall 1089
impose as a mandatory prison term a second degree felony 1090

mandatory prison term of five, six, seven, or eight years. If 1091
the amount of the drug involved is within that range and if the 1092
offense was committed in the vicinity of a school or in the 1093
vicinity of a juvenile, trafficking in marihuana is a felony of 1094
the first degree, and the court shall impose as a mandatory 1095
prison term a maximum first degree felony mandatory prison term. 1096

(g) Except as otherwise provided in this division, if the 1097
amount of the drug involved equals or exceeds forty thousand 1098
grams, trafficking in marihuana is a felony of the second 1099
degree, and the court shall impose as a mandatory prison term a 1100
maximum second degree felony mandatory prison term. If the 1101
amount of the drug involved equals or exceeds forty thousand 1102
grams and if the offense was committed in the vicinity of a 1103
school or in the vicinity of a juvenile, trafficking in 1104
marihuana is a felony of the first degree, and the court shall 1105
impose as a mandatory prison term a maximum first degree felony 1106
mandatory prison term. 1107

(h) Except as otherwise provided in this division, if the 1108
offense involves a gift of twenty grams or less of marihuana, 1109
trafficking in marihuana is a minor misdemeanor upon a first 1110
offense and a misdemeanor of the third degree upon a subsequent 1111
offense. If the offense involves a gift of twenty grams or less 1112
of marihuana and if the offense was committed in the vicinity of 1113
a school or in the vicinity of a juvenile, trafficking in 1114
marihuana is a misdemeanor of the third degree. 1115

(4) If the drug involved in the violation is cocaine or a 1116
compound, mixture, preparation, or substance containing cocaine, 1117
whoever violates division (A) of this section is guilty of 1118
trafficking in cocaine. The penalty for the offense shall be 1119
determined as follows: 1120

(a) Except as otherwise provided in division (C) (4) (b), 1121
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 1122
cocaine is a felony of the fifth degree, and division (B) of 1123
section 2929.13 of the Revised Code applies in determining 1124
whether to impose a prison term on the offender. 1125

(b) Except as otherwise provided in division (C) (4) (c), 1126
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 1127
committed in the vicinity of a school, in the vicinity of a 1128
juvenile, or in the vicinity of a substance addiction services 1129
provider or a recovering addict, trafficking in cocaine is a 1130
felony of the fourth degree, and division (C) of section 2929.13 1131
of the Revised Code applies in determining whether to impose a 1132
prison term on the offender. 1133

(c) Except as otherwise provided in this division, if the 1134
amount of the drug involved equals or exceeds five grams but is 1135
less than ten grams of cocaine, trafficking in cocaine is a 1136
felony of the fourth degree, and division (B) of section 2929.13 1137
of the Revised Code applies in determining whether to impose a 1138
prison term for the offense. If the amount of the drug involved 1139
is within that range and if the offense was committed in the 1140
vicinity of a school, in the vicinity of a juvenile, or in the 1141
vicinity of a substance addiction services provider or a 1142
recovering addict, trafficking in cocaine is a felony of the 1143
third degree, and there is a presumption for a prison term for 1144
the offense. 1145

(d) Except as otherwise provided in this division, if the 1146
amount of the drug involved equals or exceeds ten grams but is 1147
less than twenty grams of cocaine, trafficking in cocaine is a 1148
felony of the ~~third~~ second degree, and, except as otherwise 1149
provided in this division, there is a presumption for a prison 1150

term for the offense. If trafficking in cocaine is a felony of 1151
the ~~third~~second degree under this division and if the offender 1152
two or more times previously has been convicted of or pleaded 1153
guilty to a felony drug abuse offense, the court shall impose as 1154
a mandatory prison term one of the prison terms prescribed for a 1155
felony of the ~~third~~second degree. If the amount of the drug 1156
involved is within that range and if the offense was committed 1157
in the vicinity of a school, in the vicinity of a juvenile, or 1158
in the vicinity of a substance addiction services provider or a 1159
recovering addict, trafficking in cocaine is a felony of the 1160
~~second~~first degree, and the court shall impose as a mandatory 1161
prison term a ~~second~~first degree felony mandatory prison term. 1162

(e) ~~Except as otherwise provided in this division, if~~ If 1163
the amount of the drug involved equals or exceeds twenty grams 1164
but is less than ~~twenty-seven~~one hundred grams of cocaine and 1165
regardless of whether the offense was committed in the vicinity 1166
of a school, in the vicinity of a juvenile, or in the vicinity 1167
of a substance addiction services provider or a recovering 1168
addict, trafficking in cocaine is a felony of the ~~second~~first 1169
degree, and the court shall impose as a mandatory prison term a 1170
~~second~~first degree felony mandatory prison term. ~~If the amount~~ 1171
~~of the drug involved is within that range and if the offense was~~ 1172
~~committed in the vicinity of a school, in the vicinity of a~~ 1173
~~juvenile, or in the vicinity of a substance addiction services~~ 1174
~~provider or a recovering addict, trafficking in cocaine is a~~ 1175
~~felony of the first degree, and the court shall impose as a~~ 1176
~~mandatory prison term a first degree felony mandatory prison~~ 1177
~~term.~~ 1178

(f) ~~If the amount of the drug involved equals or exceeds~~ 1179
~~twenty-seven grams but is less than one hundred grams of cocaine~~ 1180
~~and regardless of whether the offense was committed in the~~ 1181

~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 1182
~~vicinity of a substance addiction services provider or a~~ 1183
~~recovering addict, trafficking in cocaine is a felony of the~~ 1184
~~first degree, and the court shall impose as a mandatory prison~~ 1185
~~term a first degree felony mandatory prison term.~~ 1186

~~(g)~~ If the amount of the drug involved equals or exceeds 1187
one hundred grams of cocaine and regardless of whether the 1188
offense was committed in the vicinity of a school, in the 1189
vicinity of a juvenile, or in the vicinity of a substance 1190
addiction services provider or a recovering addict, trafficking 1191
in cocaine is a felony of the first degree, the offender is a 1192
major drug offender, and the court shall impose as a mandatory 1193
prison term a maximum first degree felony mandatory prison term. 1194

(5) If the drug involved in the violation is L.S.D. or a 1195
compound, mixture, preparation, or substance containing L.S.D., 1196
whoever violates division (A) of this section is guilty of 1197
trafficking in L.S.D. The penalty for the offense shall be 1198
determined as follows: 1199

(a) Except as otherwise provided in division (C) (5) (b), 1200
(c), (d), (e), (f), or (g) of this section, trafficking in 1201
L.S.D. is a felony of the fifth degree, and division (B) of 1202
section 2929.13 of the Revised Code applies in determining 1203
whether to impose a prison term on the offender. 1204

(b) Except as otherwise provided in division (C) (5) (c), 1205
(d), (e), (f), or (g) of this section, if the offense was 1206
committed in the vicinity of a school, in the vicinity of a 1207
juvenile, or in the vicinity of a substance addiction services 1208
provider or a recovering addict, trafficking in L.S.D. is a 1209
felony of the fourth degree, and division (C) of section 2929.13 1210
of the Revised Code applies in determining whether to impose a 1211

prison term on the offender. 1212

(c) Except as otherwise provided in this division, if the 1213
amount of the drug involved equals or exceeds ten unit doses but 1214
is less than fifty unit doses of L.S.D. in a solid form or 1215
equals or exceeds one gram but is less than five grams of L.S.D. 1216
in a liquid concentrate, liquid extract, or liquid distillate 1217
form, trafficking in L.S.D. is a felony of the fourth degree, 1218
and division (B) of section 2929.13 of the Revised Code applies 1219
in determining whether to impose a prison term for the offense. 1220
If the amount of the drug involved is within that range and if 1221
the offense was committed in the vicinity of a school, in the 1222
vicinity of a juvenile, or in the vicinity of a substance 1223
addiction services provider or a recovering addict, trafficking 1224
in L.S.D. is a felony of the third degree, and there is a 1225
presumption for a prison term for the offense. 1226

(d) Except as otherwise provided in this division, if the 1227
amount of the drug involved equals or exceeds fifty unit doses 1228
but is less than two hundred fifty unit doses of L.S.D. in a 1229
solid form or equals or exceeds five grams but is less than 1230
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1231
extract, or liquid distillate form, trafficking in L.S.D. is a 1232
felony of the third degree, and, except as otherwise provided in 1233
this division, there is a presumption for a prison term for the 1234
offense. If trafficking in L.S.D. is a felony of the third 1235
degree under this division and if the offender two or more times 1236
previously has been convicted of or pleaded guilty to a felony 1237
drug abuse offense, the court shall impose as a mandatory prison 1238
term one of the prison terms prescribed for a felony of the 1239
third degree. If the amount of the drug involved is within that 1240
range and if the offense was committed in the vicinity of a 1241
school, in the vicinity of a juvenile, or in the vicinity of a 1242

substance addiction services provider or a recovering addict, 1243
trafficking in L.S.D. is a felony of the second degree, and the 1244
court shall impose as a mandatory prison term a second degree 1245
felony mandatory prison term. 1246

(e) Except as otherwise provided in this division, if the 1247
amount of the drug involved equals or exceeds two hundred fifty 1248
unit doses but is less than one thousand unit doses of L.S.D. in 1249
a solid form or equals or exceeds twenty-five grams but is less 1250
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1251
extract, or liquid distillate form, trafficking in L.S.D. is a 1252
felony of the second degree, and the court shall impose as a 1253
mandatory prison term a second degree felony mandatory prison 1254
term. If the amount of the drug involved is within that range 1255
and if the offense was committed in the vicinity of a school, in 1256
the vicinity of a juvenile, or in the vicinity of a substance 1257
addiction services provider or a recovering addict, trafficking 1258
in L.S.D. is a felony of the first degree, and the court shall 1259
impose as a mandatory prison term a first degree felony 1260
mandatory prison term. 1261

(f) If the amount of the drug involved equals or exceeds 1262
one thousand unit doses but is less than five thousand unit 1263
doses of L.S.D. in a solid form or equals or exceeds one hundred 1264
grams but is less than five hundred grams of L.S.D. in a liquid 1265
concentrate, liquid extract, or liquid distillate form and 1266
regardless of whether the offense was committed in the vicinity 1267
of a school, in the vicinity of a juvenile, or in the vicinity 1268
of a substance addiction services provider or a recovering 1269
addict, trafficking in L.S.D. is a felony of the first degree, 1270
and the court shall impose as a mandatory prison term a first 1271
degree felony mandatory prison term. 1272

(g) If the amount of the drug involved equals or exceeds 1273
five thousand unit doses of L.S.D. in a solid form or equals or 1274
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1275
liquid extract, or liquid distillate form and regardless of 1276
whether the offense was committed in the vicinity of a school, 1277
in the vicinity of a juvenile, or in the vicinity of a substance 1278
addiction services provider or a recovering addict, trafficking 1279
in L.S.D. is a felony of the first degree, the offender is a 1280
major drug offender, and the court shall impose as a mandatory 1281
prison term a maximum first degree felony mandatory prison term. 1282

(6) If the drug involved in the violation is heroin or a 1283
compound, mixture, preparation, or substance containing heroin, 1284
whoever violates division (A) of this section is guilty of 1285
trafficking in heroin. The penalty for the offense shall be 1286
determined as follows: 1287

(a) Except as otherwise provided in division (C) (6) (b), 1288
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 1289
heroin is a felony of the fifth degree, and division (B) of 1290
section 2929.13 of the Revised Code applies in determining 1291
whether to impose a prison term on the offender. 1292

(b) Except as otherwise provided in division (C) (6) (c), 1293
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 1294
committed in the vicinity of a school, in the vicinity of a 1295
juvenile, or in the vicinity of a substance addiction services 1296
provider or a recovering addict, trafficking in heroin is a 1297
felony of the fourth degree, and division (C) of section 2929.13 1298
of the Revised Code applies in determining whether to impose a 1299
prison term on the offender. 1300

(c) Except as otherwise provided in this division, if the 1301
amount of the drug involved equals or exceeds ten unit doses but 1302

is less than fifty unit doses or equals or exceeds one gram but 1303
is less than five grams, trafficking in heroin is a felony of 1304
the ~~fourth~~ second degree, and ~~division (B) of section 2929.13 of~~ 1305
~~the Revised Code applies in determining whether to impose a~~ 1306
~~prison term for the offense.~~ If the amount of the drug involved 1307
is within that range and if the offense was committed in the 1308
vicinity of a school, in the vicinity of a juvenile, or in the 1309
vicinity of a substance addiction services provider or a 1310
recovering addict, trafficking in heroin is a felony of the 1311
~~third~~ first degree, and there is a presumption for a prison term 1312
for the offense. 1313

(d) ~~Except as otherwise provided in this division, if~~ If 1314
the amount of the drug involved equals or exceeds fifty unit 1315
doses but is less than one hundred unit doses or equals or 1316
exceeds five grams but is less than ten grams and regardless of 1317
whether the offense was committed in the vicinity of a school, 1318
in the vicinity of a juvenile, or in the vicinity of a substance 1319
addiction services provider or a recovering addict, trafficking 1320
in heroin is a felony of the ~~third~~ first degree, and there is a 1321
presumption for a prison term for the offense. ~~If the amount of~~ 1322
~~the drug involved is within that range and if the offense was~~ 1323
~~committed in the vicinity of a school, in the vicinity of a~~ 1324
~~juvenile, or in the vicinity of a substance addiction services~~ 1325
~~provider or a recovering addict, trafficking in heroin is a~~ 1326
~~felony of the second degree, and there is a presumption for a~~ 1327
~~prison term for the offense.~~ 1328

(e) ~~Except as otherwise provided in this division, if~~ If 1329
the amount of the drug involved equals or exceeds one hundred 1330
unit doses but is less than ~~five hundred~~ one thousand unit doses 1331
or equals or exceeds ten grams but is less than ~~fifty~~ one 1332
hundred grams and regardless of whether the offense was 1333

committed in the vicinity of a school, in the vicinity of a 1334
juvenile, or in the vicinity of a substance addiction services 1335
provider or a recovering addict, trafficking in heroin is a 1336
felony of the ~~second~~ first degree, and the court shall impose as 1337
a mandatory prison term a ~~second~~ first degree felony mandatory 1338
prison term. ~~If the amount of the drug involved is within that~~ 1339
~~range and if the offense was committed in the vicinity of a~~ 1340
~~school, in the vicinity of a juvenile, or in the vicinity of a~~ 1341
~~substance addiction services provider or a recovering addict,~~ 1342
~~trafficking in heroin is a felony of the first degree, and the~~ 1343
~~court shall impose as a mandatory prison term a first degree~~ 1344
~~felony mandatory prison term.~~ 1345

(f) ~~If the amount of the drug involved equals or exceeds~~ 1346
~~five hundred unit doses but is less than one thousand unit doses~~ 1347
~~or equals or exceeds fifty grams but is less than one hundred~~ 1348
~~grams and regardless of whether the offense was committed in the~~ 1349
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 1350
~~vicinity of a substance addiction services provider or a~~ 1351
~~recovering addict, trafficking in heroin is a felony of the~~ 1352
~~first degree, and the court shall impose as a mandatory prison~~ 1353
~~term a first degree felony mandatory prison term.~~ 1354

~~(g)~~ If the amount of the drug involved equals or exceeds 1355
one thousand unit doses or equals or exceeds one hundred grams 1356
and regardless of whether the offense was committed in the 1357
vicinity of a school, in the vicinity of a juvenile, or in the 1358
vicinity of a substance addiction services provider or a 1359
recovering addict, trafficking in heroin is a felony of the 1360
first degree, the offender is a major drug offender, and the 1361
court shall impose as a mandatory prison term a maximum first 1362
degree felony mandatory prison term. 1363

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

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

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

in hashish is a felony of the third degree, and division (C) of 1394
section 2929.13 of the Revised Code applies in determining 1395
whether to impose a prison term on the offender. 1396

(d) Except as otherwise provided in this division, if the 1397
amount of the drug involved equals or exceeds fifty grams but is 1398
less than two hundred fifty grams of hashish in a solid form or 1399
equals or exceeds ten grams but is less than fifty grams of 1400
hashish in a liquid concentrate, liquid extract, or liquid 1401
distillate form, trafficking in hashish is a felony of the third 1402
degree, and division (C) of section 2929.13 of the Revised Code 1403
applies in determining whether to impose a prison term on the 1404
offender. If the amount of the drug involved is within that 1405
range and if the offense was committed in the vicinity of a 1406
school, in the vicinity of a juvenile, or in the vicinity of a 1407
substance addiction services provider or a recovering addict, 1408
trafficking in hashish is a felony of the second degree, and 1409
there is a presumption that a prison term shall be imposed for 1410
the offense. 1411

(e) Except as otherwise provided in this division, if the 1412
amount of the drug involved equals or exceeds two hundred fifty 1413
grams but is less than one thousand grams of hashish in a solid 1414
form or equals or exceeds fifty grams but is less than two 1415
hundred grams of hashish in a liquid concentrate, liquid 1416
extract, or liquid distillate form, trafficking in hashish is a 1417
felony of the third degree, and there is a presumption that a 1418
prison term shall be imposed for the offense. If the amount of 1419
the drug involved is within that range and if the offense was 1420
committed in the vicinity of a school, in the vicinity of a 1421
juvenile, or in the vicinity of a substance addiction services 1422
provider or a recovering addict, trafficking in hashish is a 1423
felony of the second degree, and there is a presumption that a 1424

prison term shall be imposed for the offense. 1425

(f) Except as otherwise provided in this division, if the 1426
amount of the drug involved equals or exceeds one thousand grams 1427
but is less than two thousand grams of hashish in a solid form 1428
or equals or exceeds two hundred grams but is less than four 1429
hundred grams of hashish in a liquid concentrate, liquid 1430
extract, or liquid distillate form, trafficking in hashish is a 1431
felony of the second degree, and the court shall impose as a 1432
mandatory prison term a second degree felony mandatory prison 1433
term of five, six, seven, or eight years. If the amount of the 1434
drug involved is within that range and if the offense was 1435
committed in the vicinity of a school, in the vicinity of a 1436
juvenile, or in the vicinity of a substance addiction services 1437
provider or a recovering addict, trafficking in hashish is a 1438
felony of the first degree, and the court shall impose as a 1439
mandatory prison term a maximum first degree felony mandatory 1440
prison term. 1441

(g) Except as otherwise provided in this division, if the 1442
amount of the drug involved equals or exceeds two thousand grams 1443
of hashish in a solid form or equals or exceeds four hundred 1444
grams of hashish in a liquid concentrate, liquid extract, or 1445
liquid distillate form, trafficking in hashish is a felony of 1446
the second degree, and the court shall impose as a mandatory 1447
prison term a maximum second degree felony mandatory prison 1448
term. If the amount of the drug involved equals or exceeds two 1449
thousand grams of hashish in a solid form or equals or exceeds 1450
four hundred grams of hashish in a liquid concentrate, liquid 1451
extract, or liquid distillate form and if the offense was 1452
committed in the vicinity of a school, in the vicinity of a 1453
juvenile, or in the vicinity of a substance addiction services 1454
provider or a recovering addict, trafficking in hashish is a 1455

felony of the first degree, and the court shall impose as a 1456
mandatory prison term a maximum first degree felony mandatory 1457
prison term. 1458

(8) If the drug involved in the violation is a controlled 1459
substance analog or compound, mixture, preparation, or substance 1460
that contains a controlled substance analog, whoever violates 1461
division (A) of this section is guilty of trafficking in a 1462
controlled substance analog. The penalty for the offense shall 1463
be determined as follows: 1464

(a) Except as otherwise provided in division (C) (8) (b), 1465
(c), (d), (e), (f), or (g) of this section, trafficking in a 1466
controlled substance analog is a felony of the fifth degree, and 1467
division (C) of section 2929.13 of the Revised Code applies in 1468
determining whether to impose a prison term on the offender. 1469

(b) Except as otherwise provided in division (C) (8) (c), 1470
(d), (e), (f), or (g) of this section, if the offense was 1471
committed in the vicinity of a school, in the vicinity of a 1472
juvenile, or in the vicinity of a substance addiction services 1473
provider or a recovering addict, trafficking in a controlled 1474
substance analog is a felony of the fourth degree, and division 1475
(C) of section 2929.13 of the Revised Code applies in 1476
determining whether to impose a prison term on the offender. 1477

(c) Except as otherwise provided in this division, if the 1478
amount of the drug involved equals or exceeds ten grams but is 1479
less than twenty grams, trafficking in a controlled substance 1480
analog is a felony of the fourth degree, and division (B) of 1481
section 2929.13 of the Revised Code applies in determining 1482
whether to impose a prison term for the offense. If the amount 1483
of the drug involved is within that range and if the offense was 1484
committed in the vicinity of a school, in the vicinity of a 1485

juvenile, or in the vicinity of a substance addiction services 1486
provider or a recovering addict, trafficking in a controlled 1487
substance analog is a felony of the third degree, and there is a 1488
presumption for a prison term for the offense. 1489

(d) Except as otherwise provided in this division, if the 1490
amount of the drug involved equals or exceeds twenty grams but 1491
is less than thirty grams, trafficking in a controlled substance 1492
analog is a felony of the third degree, and there is a 1493
presumption for a prison term for the offense. If the amount of 1494
the drug involved is within that range and if the offense was 1495
committed in the vicinity of a school, in the vicinity of a 1496
juvenile, or in the vicinity of a substance addiction services 1497
provider or a recovering addict, trafficking in a controlled 1498
substance analog is a felony of the second degree, and there is 1499
a presumption for a prison term for the offense. 1500

(e) Except as otherwise provided in this division, if the 1501
amount of the drug involved equals or exceeds thirty grams but 1502
is less than forty grams, trafficking in a controlled substance 1503
analog is a felony of the second degree, and the court shall 1504
impose as a mandatory prison term a second degree felony 1505
mandatory prison term. If the amount of the drug involved is 1506
within that range and if the offense was committed in the 1507
vicinity of a school, in the vicinity of a juvenile, or in the 1508
vicinity of a substance addiction services provider or a 1509
recovering addict, trafficking in a controlled substance analog 1510
is a felony of the first degree, and the court shall impose as a 1511
mandatory prison term a first degree felony mandatory prison 1512
term. 1513

(f) If the amount of the drug involved equals or exceeds 1514
forty grams but is less than fifty grams and regardless of 1515

whether the offense was committed in the vicinity of a school, 1516
in the vicinity of a juvenile, or in the vicinity of a substance 1517
addiction services provider or a recovering addict, trafficking 1518
in a controlled substance analog is a felony of the first 1519
degree, and the court shall impose as a mandatory prison term a 1520
first degree felony mandatory prison term. 1521

(g) If the amount of the drug involved equals or exceeds 1522
fifty grams and regardless of whether the offense was committed 1523
in the vicinity of a school, in the vicinity of a juvenile, or 1524
in the vicinity of a substance addiction services provider or a 1525
recovering addict, trafficking in a controlled substance analog 1526
is a felony of the first degree, the offender is a major drug 1527
offender, and the court shall impose as a mandatory prison term 1528
a maximum first degree felony mandatory prison term. 1529

(9) If the drug involved in the violation is a fentanyl- 1530
related compound or a compound, mixture, preparation, or 1531
substance containing a fentanyl-related compound and division 1532
(C)(10)(a) of this section does not apply to the drug involved, 1533
whoever violates division (A) of this section is guilty of 1534
trafficking in a fentanyl-related compound. The penalty for the 1535
offense shall be determined as follows: 1536

(a) Except as otherwise provided in division (C)(9)(b), 1537
(c), (d), (e), (f), or (g), ~~or (h)~~ of this section, trafficking 1538
in a fentanyl-related compound is a felony of the third ~~fifth~~ 1539
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 1540
~~applies in determining whether to impose a prison term on the~~ 1541
~~offender.~~ 1542

(b) Except as otherwise provided in division (C)(9)(c), 1543
(d), (e), (f), or (g), ~~or (h)~~ of this section, if the offense 1544
was committed in the vicinity of a school, in the vicinity of a 1545

juvenile, or in the vicinity of a substance addiction services 1546
provider or a recovering addict, trafficking in a fentanyl- 1547
related compound is a felony of the ~~fourth~~first degree, and 1548
division (C) of section 2929.13 of the Revised Code applies in 1549
determining whether to impose a prison term on the offender. 1550

(c) ~~Except as otherwise provided in this division, if~~If 1551
the amount of the drug involved equals or exceeds ten unit doses 1552
but is less than fifty unit doses or equals or exceeds one gram 1553
but is less than five grams and regardless of whether the 1554
offense was committed in the vicinity of a school, in the 1555
vicinity of a juvenile, or in the vicinity of a substance 1556
addiction services provider or a recovering addict, trafficking 1557
in a fentanyl-related compound is a felony of the ~~fourth~~first 1558
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 1559
~~applies in determining whether to impose a prison term for the~~ 1560
~~offense. If the amount of the drug involved is within that range~~ 1561
~~and if the offense was committed in the vicinity of a school, in~~ 1562
~~the vicinity of a juvenile, or in the vicinity of a substance~~ 1563
~~addiction services provider or a recovering addict, trafficking~~ 1564
in a fentanyl-related compound is a felony of the ~~third~~ degree, 1565
and there is a presumption for a prison term for the offense. 1566

(d) ~~Except as otherwise provided in this division, if~~If 1567
the amount of the drug involved equals or exceeds fifty unit 1568
doses but is less than one hundred unit doses or equals or 1569
exceeds five grams but is less than ten grams and regardless of 1570
whether the offense was committed in the vicinity of a school, 1571
in the vicinity of a juvenile, or in the vicinity of a substance 1572
addiction services provider or a recovering addict, trafficking 1573
in a fentanyl-related compound is a felony of the ~~third~~first 1574
degree, and there is a presumption for a prison term for the 1575
offense. ~~If the amount of the drug involved is within that range~~ 1576

~~and if the offense was committed in the vicinity of a school, in
the vicinity of a juvenile, or in the vicinity of a substance-
addiction services provider or a recovering addict, trafficking-
in a fentanyl-related compound is a felony of the second degree,
and there is a presumption for a prison term for the offense.~~ 1577
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~~(e) Except as otherwise provided in this division, if If
the amount of the drug involved equals or exceeds one hundred
unit doses but is less than ~~two~~ five hundred unit doses or
equals or exceeds ten grams but is less than ~~twenty~~ fifty grams,
and regardless of whether the offense was committed in the
vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in a fentanyl-related compound is
a felony of the ~~second~~ first degree, and the court shall impose
as a mandatory prison term one of the prison terms prescribed
for a felony of the ~~second~~ first degree. ~~If the amount of the~~
~~drug involved is within that range and if the offense was~~
~~committed in the vicinity of a school, in the vicinity of a~~
~~juvenile, or in the vicinity of a substance addiction services~~
~~provider or a recovering addict, trafficking in 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.~~ 1582
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~~(f) 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
and regardless of whether the offense was committed in the
vicinity of a school, in the vicinity of a juvenile, or in the
vicinity of a substance addiction services provider or a
recovering addict, trafficking in a fentanyl-related compound is
a felony of the first degree, and the court shall impose as a~~ 1600
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~~mandatory prison term one of the prison terms prescribed for a
felony of the first degree.~~ 1608
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~~(g)~~ If the amount of the drug involved equals or exceeds 1610
five hundred unit doses but is less than one thousand unit doses 1611
or equals or exceeds fifty grams but is less than one hundred 1612
grams and regardless of whether the offense was committed in the 1613
vicinity of a school, in the vicinity of a juvenile, or in the 1614
vicinity of a substance addiction services provider or a 1615
recovering addict, trafficking in a fentanyl-related compound is 1616
a felony of the first degree, and the court shall impose as a 1617
mandatory prison term the maximum prison term prescribed for a 1618
felony of the first degree. 1619

~~(h)~~ (g) If the amount of the drug involved equals or 1620
exceeds one thousand unit doses or equals or exceeds one hundred 1621
grams and regardless of whether the offense was committed in the 1622
vicinity of a school, in the vicinity of a juvenile, or in the 1623
vicinity of a substance addiction services provider or a 1624
recovering addict, trafficking in a fentanyl-related compound is 1625
a felony of the first degree, the offender is a major drug 1626
offender, and the court shall impose as a mandatory prison term 1627
the maximum prison term prescribed for a felony of the first 1628
degree. 1629

(10) If the drug involved in the violation is a compound, 1630
mixture, preparation, or substance that is a combination of a 1631
fentanyl-related compound and marihuana, one of the following 1632
applies: 1633

(a) Except as otherwise provided in division (C) (10) (b) of 1634
this section, the offender is guilty of trafficking in marihuana 1635
and shall be punished under division (C) (3) of this section. The 1636
offender is not guilty of trafficking in a fentanyl-related 1637

compound and shall not be charged with, convicted of, or 1638
punished under division (C) (9) of this section for trafficking 1639
in a fentanyl-related compound. 1640

(b) If the offender knows or has reason to know that the 1641
compound, mixture, preparation, or substance that is the drug 1642
involved contains a fentanyl-related compound, the offender is 1643
guilty of trafficking in a fentanyl-related compound and shall 1644
be punished under division (C) (9) of this section. 1645

(11) If the drug involved in the violation is 1646
methamphetamine or a compound, mixture, preparation, or 1647
substance containing methamphetamine, whoever violates division 1648
(A) of this section is guilty of trafficking in methamphetamine. 1649
The penalty for the offense shall be determined as follows: 1650

(a) Except as otherwise provided in division (C) (11) (b), 1651
(c), (d), (e), or (f) of this section, trafficking in 1652
methamphetamine is a felony of the fourth degree, and division 1653
(B) of section 2929.13 of the Revised Code applies in 1654
determining whether to impose a prison term on the offender. 1655

(b) Except as otherwise provided in division (C) (11) (c), 1656
(d), (e), or (f) of this section, if the offense was committed 1657
in the vicinity of a school, in the vicinity of a juvenile, or 1658
in the vicinity of a substance addiction services provider or a 1659
recovering addict, trafficking in methamphetamine is a felony of 1660
the third degree, and division (C) of section 2929.13 of the 1661
Revised Code applies in determining whether to impose a prison 1662
term on the offender. 1663

(c) Except as otherwise provided in this division, if the 1664
amount of the drug involved equals or exceeds three grams but is 1665
less than ten grams of methamphetamine, trafficking in 1666

methamphetamine is a felony of the third degree and, except as 1667
otherwise provided in this division, there is a presumption for 1668
a prison term for the offense. If trafficking in methamphetamine 1669
is a felony of the third degree and if the offender two or more 1670
times previously has been convicted of or pleaded guilty to a 1671
felony drug abuse offense, the court shall impose as a mandatory 1672
prison term one of the prison terms prescribed for a felony of 1673
the third degree. If the amount of the drug involved is within 1674
that range and if the offense was committed in the vicinity of a 1675
school, in the vicinity of a juvenile, or in the vicinity of a 1676
substance addiction services provider or a recovering addict, 1677
trafficking in methamphetamine is a felony of the second degree, 1678
and the court shall impose as a mandatory prison term one of the 1679
prison terms prescribed for a felony of the second degree. 1680

(d) Except as otherwise provided in this division, if the 1681
amount of the drug involved equals or exceeds ten grams but is 1682
less than twenty grams of methamphetamine, trafficking in 1683
methamphetamine is a felony of the second degree and there is a 1684
presumption for a prison term for the offense. If trafficking in 1685
methamphetamine is a felony of the second degree under this 1686
division and if the offender two or more times previously has 1687
been convicted of or pleaded guilty to a felony drug abuse 1688
offense, the court shall impose as a mandatory prison term one 1689
of the prison terms prescribed for a felony of the second 1690
degree. If the amount of the drug involved is within that range 1691
and if the offense was committed in the vicinity of a school, in 1692
the vicinity of a juvenile, or in the vicinity of a substance 1693
addiction services provider or a recovering addict, trafficking 1694
in methamphetamine is a felony of the first degree, and the 1695
court shall impose as a mandatory prison term a first degree 1696
felony mandatory prison term. 1697

(e) If the amount of the drug involved equals or exceeds 1698
twenty grams but is less than one hundred grams of 1699
methamphetamine and regardless of whether the offense was 1700
committed in the vicinity of a school, in the vicinity of a 1701
juvenile, or in the vicinity of a substance addiction services 1702
provider or a recovering addict, trafficking in methamphetamine 1703
is a felony of the first degree, and the court shall impose as a 1704
mandatory prison term a first degree felony mandatory prison 1705
term. 1706

(f) If the amount of the drug involved equals or exceeds 1707
one hundred grams of methamphetamine and regardless of whether 1708
the offense was committed in the vicinity of a school, in the 1709
vicinity of a juvenile, or in the vicinity of a substance 1710
addiction services provider or a recovering addict, trafficking 1711
in methamphetamine is a felony of the first degree, the offender 1712
is a major drug offender, and the court shall impose as a 1713
mandatory prison term a maximum first degree felony mandatory 1714
prison term. 1715

(D) In addition to any prison term authorized or required 1716
by division (C) of this section and sections 2929.13 and 2929.14 1717
of the Revised Code, and in addition to any other sanction 1718
imposed for the offense under this section or sections 2929.11 1719
to 2929.18 of the Revised Code, the court that sentences an 1720
offender who is convicted of or pleads guilty to a violation of 1721
division (A) of this section may suspend the driver's or 1722
commercial driver's license or permit of the offender in 1723
accordance with division (G) of this section. However, if the 1724
offender pleaded guilty to or was convicted of a violation of 1725
section 4511.19 of the Revised Code or a substantially similar 1726
municipal ordinance or the law of another state or the United 1727
States arising out of the same set of circumstances as the 1728

violation, the court shall suspend the offender's driver's or 1729
commercial driver's license or permit in accordance with 1730
division (G) of this section. If applicable, the court also 1731
shall do the following: 1732

(1) If the violation of division (A) of this section is a 1733
felony of the first, second, or third degree, the court shall 1734
impose upon the offender the mandatory fine specified for the 1735
offense under division (B)(1) of section 2929.18 of the Revised 1736
Code unless, as specified in that division, the court determines 1737
that the offender is indigent. Except as otherwise provided in 1738
division (H)(1) of this section, a mandatory fine or any other 1739
fine imposed for a violation of this section is subject to 1740
division (F) of this section. If a person is charged with a 1741
violation of this section that is a felony of the first, second, 1742
or third degree, posts bail, and forfeits the bail, the clerk of 1743
the court shall pay the forfeited bail pursuant to divisions (D) 1744
(1) and (F) of this section, as if the forfeited bail was a fine 1745
imposed for a violation of this section. If any amount of the 1746
forfeited bail remains after that payment and if a fine is 1747
imposed under division (H)(1) of this section, the clerk of the 1748
court shall pay the remaining amount of the forfeited bail 1749
pursuant to divisions (H)(2) and (3) of this section, as if that 1750
remaining amount was a fine imposed under division (H)(1) of 1751
this section. 1752

(2) If the offender is a professionally licensed person, 1753
the court immediately shall comply with section 2925.38 of the 1754
Revised Code. 1755

(E) When a person is charged with the sale of or offer to 1756
sell a bulk amount or a multiple of a bulk amount of a 1757
controlled substance, the jury, or the court trying the accused, 1758

shall determine the amount of the controlled substance involved 1759
at the time of the offense and, if a guilty verdict is returned, 1760
shall return the findings as part of the verdict. In any such 1761
case, it is unnecessary to find and return the exact amount of 1762
the controlled substance involved, and it is sufficient if the 1763
finding and return is to the effect that the amount of the 1764
controlled substance involved is the requisite amount, or that 1765
the amount of the controlled substance involved is less than the 1766
requisite amount. 1767

(F) (1) Notwithstanding any contrary provision of section 1768
3719.21 of the Revised Code and except as provided in division 1769
(H) of this section, the clerk of the court shall pay any 1770
mandatory fine imposed pursuant to division (D) (1) of this 1771
section and any fine other than a mandatory fine that is imposed 1772
for a violation of this section pursuant to division (A) or (B) 1773
(5) of section 2929.18 of the Revised Code to the county, 1774
township, municipal corporation, park district, as created 1775
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1776
state law enforcement agencies in this state that primarily were 1777
responsible for or involved in making the arrest of, and in 1778
prosecuting, the offender. However, the clerk shall not pay a 1779
mandatory fine so imposed to a law enforcement agency unless the 1780
agency has adopted a written internal control policy under 1781
division (F) (2) of this section that addresses the use of the 1782
fine moneys that it receives. Each agency shall use the 1783
mandatory fines so paid to subsidize the agency's law 1784
enforcement efforts that pertain to drug offenses, in accordance 1785
with the written internal control policy adopted by the 1786
recipient agency under division (F) (2) of this section. 1787

(2) Prior to receiving any fine moneys under division (F) 1788
(1) of this section or division (B) of section 2925.42 of the 1789

Revised Code, a law enforcement agency shall adopt a written 1790
internal control policy that addresses the agency's use and 1791
disposition of all fine moneys so received and that provides for 1792
the keeping of detailed financial records of the receipts of 1793
those fine moneys, the general types of expenditures made out of 1794
those fine moneys, and the specific amount of each general type 1795
of expenditure. The policy shall not provide for or permit the 1796
identification of any specific expenditure that is made in an 1797
ongoing investigation. All financial records of the receipts of 1798
those fine moneys, the general types of expenditures made out of 1799
those fine moneys, and the specific amount of each general type 1800
of expenditure by an agency are public records open for 1801
inspection under section 149.43 of the Revised Code. 1802
Additionally, a written internal control policy adopted under 1803
this division is such a public record, and the agency that 1804
adopted it shall comply with it. 1805

(3) As used in division (F) of this section: 1806

(a) "Law enforcement agencies" includes, but is not 1807
limited to, the state board of pharmacy and the office of a 1808
prosecutor. 1809

(b) "Prosecutor" has the same meaning as in section 1810
2935.01 of the Revised Code. 1811

(G) (1) If the sentencing court suspends the offender's 1812
driver's or commercial driver's license or permit under division 1813
(D) of this section or any other provision of this chapter, the 1814
court shall suspend the license, by order, for not more than 1815
five years. If an offender's driver's or commercial driver's 1816
license or permit is suspended pursuant to this division, the 1817
offender, at any time after the expiration of two years from the 1818
day on which the offender's sentence was imposed or from the day 1819

on which the offender finally was released from a prison term 1820
under the sentence, whichever is later, may file a motion with 1821
the sentencing court requesting termination of the suspension; 1822
upon the filing of such a motion and the court's finding of good 1823
cause for the termination, the court may terminate the 1824
suspension. 1825

(2) Any offender who received a mandatory suspension of 1826
the offender's driver's or commercial driver's license or permit 1827
under this section prior to September 13, 2016, may file a 1828
motion with the sentencing court requesting the termination of 1829
the suspension. However, an offender who pleaded guilty to or 1830
was convicted of a violation of section 4511.19 of the Revised 1831
Code or a substantially similar municipal ordinance or law of 1832
another state or the United States that arose out of the same 1833
set of circumstances as the violation for which the offender's 1834
license or permit was suspended under this section shall not 1835
file such a motion. 1836

Upon the filing of a motion under division (G)(2) of this 1837
section, the sentencing court, in its discretion, may terminate 1838
the suspension. 1839

(H)(1) In addition to any prison term authorized or 1840
required by division (C) of this section and sections 2929.13 1841
and 2929.14 of the Revised Code, in addition to any other 1842
penalty or sanction imposed for the offense under this section 1843
or sections 2929.11 to 2929.18 of the Revised Code, and in 1844
addition to the forfeiture of property in connection with the 1845
offense as prescribed in Chapter 2981. of the Revised Code, the 1846
court that sentences an offender who is convicted of or pleads 1847
guilty to a violation of division (A) of this section may impose 1848
upon the offender an additional fine specified for the offense 1849

in division (B) (4) of section 2929.18 of the Revised Code. A 1850
fine imposed under division (H) (1) of this section is not 1851
subject to division (F) of this section and shall be used solely 1852
for the support of one or more eligible community addiction 1853
services providers in accordance with divisions (H) (2) and (3) 1854
of this section. 1855

(2) The court that imposes a fine under division (H) (1) of 1856
this section shall specify in the judgment that imposes the fine 1857
one or more eligible community addiction services providers for 1858
the support of which the fine money is to be used. No community 1859
addiction services provider shall receive or use money paid or 1860
collected in satisfaction of a fine imposed under division (H) 1861
(1) of this section unless the services provider is specified in 1862
the judgment that imposes the fine. No community addiction 1863
services provider shall be specified in the judgment unless the 1864
services provider is an eligible community addiction services 1865
provider and, except as otherwise provided in division (H) (2) of 1866
this section, unless the services provider is located in the 1867
county in which the court that imposes the fine is located or in 1868
a county that is immediately contiguous to the county in which 1869
that court is located. If no eligible community addiction 1870
services provider is located in any of those counties, the 1871
judgment may specify an eligible community addiction services 1872
provider that is located anywhere within this state. 1873

(3) Notwithstanding any contrary provision of section 1874
3719.21 of the Revised Code, the clerk of the court shall pay 1875
any fine imposed under division (H) (1) of this section to the 1876
eligible community addiction services provider specified 1877
pursuant to division (H) (2) of this section in the judgment. The 1878
eligible community addiction services provider that receives the 1879
fine moneys shall use the moneys only for the alcohol and drug 1880

addiction services identified in the application for 1881
certification of services under section 5119.36 of the Revised 1882
Code or in the application for a license under section 5119.37 1883
of the Revised Code filed with the department of mental health 1884
and addiction services by the community addiction services 1885
provider specified in the judgment. 1886

(4) Each community addiction services provider that 1887
receives in a calendar year any fine moneys under division (H) 1888
(3) of this section shall file an annual report covering that 1889
calendar year with the court of common pleas and the board of 1890
county commissioners of the county in which the services 1891
provider is located, with the court of common pleas and the 1892
board of county commissioners of each county from which the 1893
services provider received the moneys if that county is 1894
different from the county in which the services provider is 1895
located, and with the attorney general. The community addiction 1896
services provider shall file the report no later than the first 1897
day of March in the calendar year following the calendar year in 1898
which the services provider received the fine moneys. The report 1899
shall include statistics on the number of persons served by the 1900
community addiction services provider, identify the types of 1901
alcohol and drug addiction services provided to those persons, 1902
and include a specific accounting of the purposes for which the 1903
fine moneys received were used. No information contained in the 1904
report shall identify, or enable a person to determine the 1905
identity of, any person served by the community addiction 1906
services provider. Each report received by a court of common 1907
pleas, a board of county commissioners, or the attorney general 1908
is a public record open for inspection under section 149.43 of 1909
the Revised Code. 1910

(5) As used in divisions (H) (1) to (5) of this section: 1911

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:

(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.

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

(B) (1) This section does not apply to any of the

following:	1940
(a) Manufacturers, licensed health professionals	1941
authorized to prescribe drugs, pharmacists, owners of	1942
pharmacies, and other persons whose conduct was in accordance	1943
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1944
4741. of the Revised Code;	1945
(b) If the offense involves an anabolic steroid, any	1946
person who is conducting or participating in a research project	1947
involving the use of an anabolic steroid if the project has been	1948
approved by the United States food and drug administration;	1949
(c) Any person who sells, offers for sale, prescribes,	1950
dispenses, or administers for livestock or other nonhuman	1951
species an anabolic steroid that is expressly intended for	1952
administration through implants to livestock or other nonhuman	1953
species and approved for that purpose under the "Federal Food,	1954
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1955
as amended, and is sold, offered for sale, prescribed,	1956
dispensed, or administered for that purpose in accordance with	1957
that act;	1958
(d) Any person who obtained the controlled substance	1959
pursuant to a prescription issued by a licensed health	1960
professional authorized to prescribe drugs if the prescription	1961
was issued for a legitimate medical purpose and not altered,	1962
forged, or obtained through deception or commission of a theft	1963
offense.	1964
As used in division (B) (1) (d) of this section, "deception"	1965
and "theft offense" have the same meanings as in section 2913.01	1966
of the Revised Code.	1967
(2) (a) As used in division (B) (2) of this section:	1968

(i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	1969 1970
(ii) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	1971 1972
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	1973 1974
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	1975 1976 1977
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	1978 1979
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	1980 1981
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	1982 1983
(viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	1984 1985 1986 1987 1988 1989 1990
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.	1991 1992 1993 1994
(b) Subject to division (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted,	1995 1996

convicted, or penalized pursuant to this chapter for a minor 1997
drug possession offense or a violation of section 2925.12, 1998
division (C) (1) of section 2925.14, or section 2925.141 of the 1999
Revised Code if all of the following apply: 2000

(i) The evidence of the obtaining, possession, or use of 2001
the controlled substance or controlled substance analog, drug 2002
abuse instruments, or drug paraphernalia that would be the basis 2003
of the offense was obtained as a result of the qualified 2004
individual seeking the medical assistance or experiencing an 2005
overdose and needing medical assistance. 2006

(ii) Subject to division (B) (2) (f) of this section, within 2007
thirty days after seeking or obtaining the medical assistance, 2008
the qualified individual seeks and obtains a screening and 2009
receives a referral for treatment from a community addiction 2010
services provider or a properly credentialed addiction treatment 2011
professional. 2012

(iii) Subject to division (B) (2) (f) of this section, the 2013
qualified individual who obtains a screening and receives a 2014
referral for treatment under division (B) (2) (b) (ii) of this 2015
section, upon the request of any prosecuting attorney, submits 2016
documentation to the prosecuting attorney that verifies that the 2017
qualified individual satisfied the requirements of that 2018
division. The documentation shall be limited to the date and 2019
time of the screening obtained and referral received. 2020

(c) If a person who is serving a community control 2021
sanction or is under a sanction on post-release control acts 2022
pursuant to division (B) (2) (b) of this section, then division 2023
(B) of section 2929.141, division (B) (2) of section 2929.15, 2024
division (D) (3) of section 2929.25, or division (F) (3) of 2025
section 2967.28 of the Revised Code applies to the person with 2026

respect to any violation of the sanction or post-release control 2027
sanction based on a minor drug possession offense, as defined in 2028
section 2925.11 of the Revised Code, or a violation of section 2029
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2030
of the Revised Code. 2031

(d) Nothing in division (B) (2) (b) of this section shall be 2032
construed to do any of the following: 2033

(i) Limit the admissibility of any evidence in connection 2034
with the investigation or prosecution of a crime with regards to 2035
a defendant who does not qualify for the protections of division 2036
(B) (2) (b) of this section or with regards to any crime other 2037
than a minor drug possession offense or a violation of section 2038
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2039
of the Revised Code committed by a person who qualifies for 2040
protection pursuant to division (B) (2) (b) of this section; 2041

(ii) Limit any seizure of evidence or contraband otherwise 2042
permitted by law; 2043

(iii) Limit or abridge the authority of a peace officer to 2044
detain or take into custody a person in the course of an 2045
investigation or to effectuate an arrest for any offense except 2046
as provided in that division; 2047

(iv) Limit, modify, or remove any immunity from liability 2048
available pursuant to law in effect prior to September 13, 2016, 2049
to any public agency or to an employee of any public agency. 2050

(e) Division (B) (2) (b) of this section does not apply to 2051
any person who twice previously has been granted an immunity 2052
under division (B) (2) (b) of this section. No person shall be 2053
granted an immunity under division (B) (2) (b) of this section 2054
more than two times. 2055

(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 2085
second degree felony mandatory prison term. 2086

(d) If the amount of the drug involved equals or exceeds 2087
fifty times the bulk amount but is less than one hundred times 2088
the bulk amount, aggravated possession of drugs is a felony of 2089
the first degree, and the court shall impose as a mandatory 2090
prison term a first degree felony mandatory prison term. 2091

(e) If the amount of the drug involved equals or exceeds 2092
one hundred times the bulk amount, aggravated possession of 2093
drugs is a felony of the first degree, the offender is a major 2094
drug offender, and the court shall impose as a mandatory prison 2095
term a maximum first degree felony mandatory prison term. 2096

(2) If the drug involved in the violation is a compound, 2097
mixture, preparation, or substance included in schedule III, IV, 2098
or V, whoever violates division (A) of this section is guilty of 2099
possession of drugs. The penalty for the offense shall be 2100
determined as follows: 2101

(a) Except as otherwise provided in division (C) (2) (b), 2102
(c), or (d) of this section, possession of drugs is a 2103
misdemeanor of the first degree or, if the offender previously 2104
has been convicted of a drug abuse offense, a felony of the 2105
fifth degree. 2106

(b) If the amount of the drug involved equals or exceeds 2107
the bulk amount but is less than five times the bulk amount, 2108
possession of drugs is a felony of the fourth degree, and 2109
division (C) of section 2929.13 of the Revised Code applies in 2110
determining whether to impose a prison term on the offender. 2111

(c) If the amount of the drug involved equals or exceeds 2112
five times the bulk amount but is less than fifty times the bulk 2113

amount, possession of drugs is a felony of the third degree, and 2114
there is a presumption for a prison term for the offense. 2115

(d) If the amount of the drug involved equals or exceeds 2116
fifty times the bulk amount, possession of drugs is a felony of 2117
the second degree, and the court shall impose upon the offender 2118
as a mandatory prison term a second degree felony mandatory 2119
prison term. 2120

(3) If the drug involved in the violation is marihuana or 2121
a compound, mixture, preparation, or substance containing 2122
marihuana other than hashish, whoever violates division (A) of 2123
this section is guilty of possession of marihuana. The penalty 2124
for the offense shall be determined as follows: 2125

(a) Except as otherwise provided in division (C) (3) (b), 2126
(c), (d), (e), (f), or (g) of this section, possession of 2127
marihuana is a minor misdemeanor. 2128

(b) If the amount of the drug involved equals or exceeds 2129
one hundred grams but is less than two hundred grams, possession 2130
of marihuana is a misdemeanor of the fourth degree. 2131

(c) If the amount of the drug involved equals or exceeds 2132
two hundred grams but is less than one thousand grams, 2133
possession of marihuana is a felony of the fifth degree, and 2134
division (B) of section 2929.13 of the Revised Code applies in 2135
determining whether to impose a prison term on the offender. 2136

(d) If the amount of the drug involved equals or exceeds 2137
one thousand grams but is less than five thousand grams, 2138
possession of marihuana is a felony of the third degree, and 2139
division (C) of section 2929.13 of the Revised Code applies in 2140
determining whether to impose a prison term on the offender. 2141

(e) If the amount of the drug involved equals or exceeds 2142

five thousand grams but is less than twenty thousand grams, 2143
possession of marihuana is a felony of the third degree, and 2144
there is a presumption that a prison term shall be imposed for 2145
the offense. 2146

(f) If the amount of the drug involved equals or exceeds 2147
twenty thousand grams but is less than forty thousand grams, 2148
possession of marihuana is a felony of the second degree, and 2149
the court shall impose as a mandatory prison term a second 2150
degree felony mandatory prison term of five, six, seven, or 2151
eight years. 2152

(g) If the amount of the drug involved equals or exceeds 2153
forty thousand grams, possession of marihuana is a felony of the 2154
second degree, and the court shall impose as a mandatory prison 2155
term a maximum second degree felony mandatory prison term. 2156

(4) If the drug involved in the violation is cocaine or a 2157
compound, mixture, preparation, or substance containing cocaine, 2158
whoever violates division (A) of this section is guilty of 2159
possession of cocaine. The penalty for the offense shall be 2160
determined as follows: 2161

(a) Except as otherwise provided in division (C) (4) (b), 2162
(c), (d), (e), or (f) of this section, possession of cocaine is 2163
a felony of the fifth degree, and division (B) of section 2164
2929.13 of the Revised Code applies in determining whether to 2165
impose a prison term on the offender. 2166

(b) If the amount of the drug involved equals or exceeds 2167
five grams but is less than ten grams of cocaine, possession of 2168
cocaine is a felony of the fourth degree, and division (B) of 2169
section 2929.13 of the Revised Code applies in determining 2170
whether to impose a prison term on the offender. 2171

(c) If the amount of the drug involved equals or exceeds 2172
ten grams but is less than twenty grams of cocaine, possession 2173
of cocaine is a felony of the third degree, and, except as 2174
otherwise provided in this division, there is a presumption for 2175
a prison term for the offense. If possession of cocaine is a 2176
felony of the third degree under this division and if the 2177
offender two or more times previously has been convicted of or 2178
pleaded guilty to a felony drug abuse offense, the court shall 2179
impose as a mandatory prison term one of the prison terms 2180
prescribed for a felony of the third degree. 2181

(d) If the amount of the drug involved equals or exceeds 2182
twenty grams but is less than twenty-seven grams of cocaine, 2183
possession of cocaine is a felony of the second degree, and the 2184
court shall impose as a mandatory prison term a second degree 2185
felony mandatory prison term. 2186

(e) If the amount of the drug involved equals or exceeds 2187
twenty-seven grams but is less than one hundred grams of 2188
cocaine, possession of cocaine is a felony of the first degree, 2189
and the court shall impose as a mandatory prison term a first 2190
degree felony mandatory prison term. 2191

(f) If the amount of the drug involved equals or exceeds 2192
one hundred grams of cocaine, possession of cocaine is a felony 2193
of the first degree, the offender is a major drug offender, and 2194
the court shall impose as a mandatory prison term a maximum 2195
first degree felony mandatory prison term. 2196

(5) If the drug involved in the violation is L.S.D., 2197
whoever violates division (A) of this section is guilty of 2198
possession of L.S.D. The penalty for the offense shall be 2199
determined as follows: 2200

(a) Except as otherwise provided in division (C) (5) (b), 2201
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2202
felony of the fifth degree, and division (B) of section 2929.13 2203
of the Revised Code applies in determining whether to impose a 2204
prison term on the offender. 2205

(b) If the amount of L.S.D. involved equals or exceeds ten 2206
unit doses but is less than fifty unit doses of L.S.D. in a 2207
solid form or equals or exceeds one gram but is less than five 2208
grams of L.S.D. in a liquid concentrate, liquid extract, or 2209
liquid distillate form, possession of L.S.D. is a felony of the 2210
fourth degree, and division (C) of section 2929.13 of the 2211
Revised Code applies in determining whether to impose a prison 2212
term on the offender. 2213

(c) If the amount of L.S.D. involved equals or exceeds 2214
fifty unit doses, but is less than two hundred fifty unit doses 2215
of L.S.D. in a solid form or equals or exceeds five grams but is 2216
less than twenty-five grams of L.S.D. in a liquid concentrate, 2217
liquid extract, or liquid distillate form, possession of L.S.D. 2218
is a felony of the third degree, and there is a presumption for 2219
a prison term for the offense. 2220

(d) If the amount of L.S.D. involved equals or exceeds two 2221
hundred fifty unit doses but is less than one thousand unit 2222
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2223
grams but is less than one hundred grams of L.S.D. in a liquid 2224
concentrate, liquid extract, or liquid distillate form, 2225
possession of L.S.D. is a felony of the second degree, and the 2226
court shall impose as a mandatory prison term a second degree 2227
felony mandatory prison term. 2228

(e) If the amount of L.S.D. involved equals or exceeds one 2229
thousand unit doses but is less than five thousand unit doses of 2230

L.S.D. in a solid form or equals or exceeds one hundred grams 2231
but is less than five hundred grams of L.S.D. in a liquid 2232
concentrate, liquid extract, or liquid distillate form, 2233
possession of L.S.D. is a felony of the first degree, and the 2234
court shall impose as a mandatory prison term a first degree 2235
felony mandatory prison term. 2236

(f) If the amount of L.S.D. involved equals or exceeds 2237
five thousand unit doses of L.S.D. in a solid form or equals or 2238
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2239
liquid extract, or liquid distillate form, possession of L.S.D. 2240
is a felony of the first degree, the offender is a major drug 2241
offender, and the court shall impose as a mandatory prison term 2242
a maximum first degree felony mandatory prison term. 2243

(6) If the drug involved in the violation is heroin or a 2244
compound, mixture, preparation, or substance containing heroin, 2245
whoever violates division (A) of this section is guilty of 2246
possession of heroin. The penalty for the offense shall be 2247
determined as follows: 2248

(a) Except as otherwise provided in division (C) (6) (b), 2249
(c), (d), (e), or (f) of this section, possession of heroin is a 2250
felony of the fifth degree, and division (B) of section 2929.13 2251
of the Revised Code applies in determining whether to impose a 2252
prison term on the offender. 2253

(b) If the amount of the drug involved equals or exceeds 2254
ten unit doses but is less than fifty unit doses or equals or 2255
exceeds one gram but is less than five grams, possession of 2256
heroin is a felony of the fourth degree, and division (C) of 2257
section 2929.13 of the Revised Code applies in determining 2258
whether to impose a prison term on the offender. 2259

(c) If the amount of the drug involved equals or exceeds 2260
fifty unit doses but is less than one hundred unit doses or 2261
equals or exceeds five grams but is less than ten grams, 2262
possession of heroin is a felony of the third degree, and there 2263
is a presumption for a prison term for the offense. 2264

(d) If the amount of the drug involved equals or exceeds 2265
one hundred unit doses but is less than five hundred unit doses 2266
or equals or exceeds ten grams but is less than fifty grams, 2267
possession of heroin is a felony of the second degree, and the 2268
court shall impose as a mandatory prison term a second degree 2269
felony mandatory prison term. 2270

(e) If the amount of the drug involved equals or exceeds 2271
five hundred unit doses but is less than one thousand unit doses 2272
or equals or exceeds fifty grams but is less than one hundred 2273
grams, possession of heroin is a felony of the first degree, and 2274
the court shall impose as a mandatory prison term a first degree 2275
felony mandatory prison term. 2276

(f) If the amount of the drug involved equals or exceeds 2277
one thousand unit doses or equals or exceeds one hundred grams, 2278
possession of heroin is a felony of the first degree, the 2279
offender is a major drug offender, and the court shall impose as 2280
a mandatory prison term a maximum first degree felony mandatory 2281
prison term. 2282

(7) If the drug involved in the violation is hashish or a 2283
compound, mixture, preparation, or substance containing hashish, 2284
whoever violates division (A) of this section is guilty of 2285
possession of hashish. The penalty for the offense shall be 2286
determined as follows: 2287

(a) Except as otherwise provided in division (C) (7) (b), 2288

(c), (d), (e), (f), or (g) of this section, possession of 2289
hashish is a minor misdemeanor. 2290

(b) If the amount of the drug involved equals or exceeds 2291
five grams but is less than ten grams of hashish in a solid form 2292
or equals or exceeds one gram but is less than two grams of 2293
hashish in a liquid concentrate, liquid extract, or liquid 2294
distillate form, possession of hashish is a misdemeanor of the 2295
fourth degree. 2296

(c) If the amount of the drug involved equals or exceeds 2297
ten grams but is less than fifty grams of hashish in a solid 2298
form or equals or exceeds two grams but is less than ten grams 2299
of hashish in a liquid concentrate, liquid extract, or liquid 2300
distillate form, possession of hashish is a felony of the fifth 2301
degree, and division (B) of section 2929.13 of the Revised Code 2302
applies in determining whether to impose a prison term on the 2303
offender. 2304

(d) If the amount of the drug involved equals or exceeds 2305
fifty grams but is less than two hundred fifty grams of hashish 2306
in a solid form or equals or exceeds ten grams but is less than 2307
fifty grams of hashish in a liquid concentrate, liquid extract, 2308
or liquid distillate form, possession of hashish is a felony of 2309
the third degree, and division (C) of section 2929.13 of the 2310
Revised Code applies in determining whether to impose a prison 2311
term on the offender. 2312

(e) If the amount of the drug involved equals or exceeds 2313
two hundred fifty grams but is less than one thousand grams of 2314
hashish in a solid form or equals or exceeds fifty grams but is 2315
less than two hundred grams of hashish in a liquid concentrate, 2316
liquid extract, or liquid distillate form, possession of hashish 2317
is a felony of the third degree, and there is a presumption that 2318

a prison term shall be imposed for the offense. 2319

(f) If the amount of the drug involved equals or exceeds 2320
one thousand grams but is less than two thousand grams of 2321
hashish in a solid form or equals or exceeds two hundred grams 2322
but is less than four hundred grams of hashish in a liquid 2323
concentrate, liquid extract, or liquid distillate form, 2324
possession of hashish is a felony of the second degree, and the 2325
court shall impose as a mandatory prison term a second degree 2326
felony mandatory prison term of five, six, seven, or eight 2327
years. 2328

(g) If the amount of the drug involved equals or exceeds 2329
two thousand grams of hashish in a solid form or equals or 2330
exceeds four hundred grams of hashish in a liquid concentrate, 2331
liquid extract, or liquid distillate form, possession of hashish 2332
is a felony of the second degree, and the court shall impose as 2333
a mandatory prison term a maximum second degree felony mandatory 2334
prison term. 2335

(8) If the drug involved is a controlled substance analog 2336
or compound, mixture, preparation, or substance that contains a 2337
controlled substance analog, whoever violates division (A) of 2338
this section is guilty of possession of a controlled substance 2339
analog. The penalty for the offense shall be determined as 2340
follows: 2341

(a) Except as otherwise provided in division (C) (8) (b), 2342
(c), (d), (e), or (f) of this section, possession of a 2343
controlled substance analog is a felony of the fifth degree, and 2344
division (B) of section 2929.13 of the Revised Code applies in 2345
determining whether to impose a prison term on the offender. 2346

(b) If the amount of the drug involved equals or exceeds 2347

ten grams but is less than twenty grams, possession of a 2348
controlled substance analog is a felony of the fourth degree, 2349
and there is a presumption for a prison term for the offense. 2350

(c) If the amount of the drug involved equals or exceeds 2351
twenty grams but is less than thirty grams, possession of a 2352
controlled substance analog is a felony of the third degree, and 2353
there is a presumption for a prison term for the offense. 2354

(d) If the amount of the drug involved equals or exceeds 2355
thirty grams but is less than forty grams, possession of a 2356
controlled substance analog is a felony of the second degree, 2357
and the court shall impose as a mandatory prison term a second 2358
degree felony mandatory prison term. 2359

(e) If the amount of the drug involved equals or exceeds 2360
forty grams but is less than fifty grams, possession of a 2361
controlled substance analog is a felony of the first degree, and 2362
the court shall impose as a mandatory prison term a first degree 2363
felony mandatory prison term. 2364

(f) If the amount of the drug involved equals or exceeds 2365
fifty grams, possession of a controlled substance analog is a 2366
felony of the first degree, the offender is a major drug 2367
offender, and the court shall impose as a mandatory prison term 2368
a maximum first degree felony mandatory prison term. 2369

(9) If the drug involved in the violation is a compound, 2370
mixture, preparation, or substance that is a combination of a 2371
fentanyl-related compound and marihuana, one of the following 2372
applies: 2373

(a) Except as otherwise provided in division (C) (9) (b) of 2374
this section, the offender is guilty of possession of marihuana 2375
and shall be punished as provided in division (C) (3) of this 2376

section. Except as otherwise provided in division (C) (9) (b) of 2377
this section, the offender is not guilty of possession of a 2378
fentanyl-related compound under division ~~(C) (11)~~ (C) (10) of this 2379
section and shall not be charged with, convicted of, or punished 2380
under division ~~(C) (11)~~ (C) (10) of this section for possession of 2381
a fentanyl-related compound. 2382

(b) If the offender knows or has reason to know that the 2383
compound, mixture, preparation, or substance that is the drug 2384
involved contains a fentanyl-related compound, the offender is 2385
guilty of possession of a fentanyl-related compound and shall be 2386
punished under division ~~(C) (11)~~ (C) (10) of this section. 2387

~~(10) If the drug involved in the violation is a compound, 2388
mixture, preparation, or substance that is a combination of a 2389
fentanyl-related compound and any schedule III, schedule IV, or 2390
schedule V controlled substance that is not a fentanyl-related 2391
compound, one of the following applies:— 2392~~

~~(a) Except as otherwise provided in division (C) (10) (b) of 2393
this section, the offender is guilty of possession of drugs and 2394
shall be punished as provided in division (C) (2) of this 2395
section. Except as otherwise provided in division (C) (10) (b) of 2396
this section, the offender is not guilty of possession of a 2397
fentanyl-related compound under division (C) (11) of this section 2398
and shall not be charged with, convicted of, or punished under 2399
division (C) (11) of this section for possession of a fentanyl- 2400
related compound.— 2401~~

~~(b) If the offender knows or has reason to know that the 2402
compound, mixture, preparation, or substance that is the drug 2403
involved contains a fentanyl-related compound, the offender is 2404
guilty of possession of a fentanyl-related compound and shall be 2405
punished under division (C) (11) of this section.— 2406~~

~~(11)~~ If the drug involved in the violation is a fentanyl- 2407
related compound and ~~neither division (C) (9) (a) nor division (C)~~ 2408
~~(10) (a)~~ of this section ~~applies~~ does not apply to the drug 2409
involved, or is a compound, mixture, preparation, or substance 2410
that contains a fentanyl-related compound or is a combination of 2411
a fentanyl-related compound and any other controlled substance 2412
and ~~neither division (C) (9) (a) nor division (C) (10) (a)~~ of this 2413
section ~~applies~~ does not apply to the drug involved, whoever 2414
violates division (A) of this section is guilty of possession of 2415
a fentanyl-related compound. The penalty for the offense shall 2416
be determined as follows: 2417

(a) Except as otherwise provided in division ~~(C) (11) (b)~~ (C) 2418
(10) (b), (c), (d), (e), (f), or (g) of this section, possession 2419
of a fentanyl-related compound is a felony of the fifth degree, 2420
and division (B) of section 2929.13 of the Revised Code applies 2421
in determining whether to impose a prison term on the offender. 2422

(b) If the amount of the drug involved equals or exceeds 2423
ten unit doses but is less than fifty unit doses or equals or 2424
exceeds one gram but is less than five grams, possession of a 2425
fentanyl-related compound is a felony of the fourth degree, and 2426
division (C) of section 2929.13 of the Revised Code applies in 2427
determining whether to impose a prison term on the offender. 2428

(c) If the amount of the drug involved equals or exceeds 2429
fifty unit doses but is less than one hundred unit doses or 2430
equals or exceeds five grams but is less than ten grams, 2431
possession of a fentanyl-related compound is a felony of the 2432
third degree, and there is a presumption for a prison term for 2433
the offense. 2434

(d) If the amount of the drug involved equals or exceeds 2435
one hundred unit doses but is less than two hundred unit doses 2436

or equals or exceeds ten grams but is less than twenty grams, 2437
possession of a fentanyl-related compound is a felony of the 2438
second degree, and the court shall impose as a mandatory prison 2439
term one of the prison terms prescribed for a felony of the 2440
second degree. 2441

(e) If the amount of the drug involved equals or exceeds 2442
two hundred unit doses but is less than five hundred unit doses 2443
or equals or exceeds twenty grams but is less than fifty grams, 2444
possession of a fentanyl-related compound is a felony of the 2445
first degree, and the court shall impose as a mandatory prison 2446
term one of the prison terms prescribed for a felony of the 2447
first degree. 2448

(f) If the amount of the drug involved equals or exceeds 2449
five hundred unit doses but is less than one thousand unit doses 2450
or equals or exceeds fifty grams but is less than one hundred 2451
grams, possession of a fentanyl-related compound is a felony of 2452
the first degree, and the court shall impose as a mandatory 2453
prison term the maximum prison term prescribed for a felony of 2454
the first degree. 2455

(g) If the amount of the drug involved equals or exceeds 2456
one thousand unit doses or equals or exceeds one hundred grams, 2457
possession of a fentanyl-related compound is a felony of the 2458
first degree, the offender is a major drug offender, and the 2459
court shall impose as a mandatory prison term the maximum prison 2460
term prescribed for a felony of the first degree. 2461

(D) Arrest or conviction for a minor misdemeanor violation 2462
of this section does not constitute a criminal record and need 2463
not be reported by the person so arrested or convicted in 2464
response to any inquiries about the person's criminal record, 2465
including any inquiries contained in any application for 2466

employment, license, or other right or privilege, or made in 2467
connection with the person's appearance as a witness. 2468

(E) In addition to any prison term or jail term authorized 2469
or required by division (C) of this section and sections 2470
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2471
Code and in addition to any other sanction that is imposed for 2472
the offense under this section, sections 2929.11 to 2929.18, or 2473
sections 2929.21 to 2929.28 of the Revised Code, the court that 2474
sentences an offender who is convicted of or pleads guilty to a 2475
violation of division (A) of this section may suspend the 2476
offender's driver's or commercial driver's license or permit for 2477
not more than five years. However, if the offender pleaded 2478
guilty to or was convicted of a violation of section 4511.19 of 2479
the Revised Code or a substantially similar municipal ordinance 2480
or the law of another state or the United States arising out of 2481
the same set of circumstances as the violation, the court shall 2482
suspend the offender's driver's or commercial driver's license 2483
or permit for not more than five years. If applicable, the court 2484
also shall do the following: 2485

(1) (a) If the violation is a felony of the first, second, 2486
or third degree, the court shall impose upon the offender the 2487
mandatory fine specified for the offense under division (B) (1) 2488
of section 2929.18 of the Revised Code unless, as specified in 2489
that division, the court determines that the offender is 2490
indigent. 2491

(b) Notwithstanding any contrary provision of section 2492
3719.21 of the Revised Code, the clerk of the court shall pay a 2493
mandatory fine or other fine imposed for a violation of this 2494
section pursuant to division (A) of section 2929.18 of the 2495
Revised Code in accordance with and subject to the requirements 2496

of division (F) of section 2925.03 of the Revised Code. The 2497
agency that receives the fine shall use the fine as specified in 2498
division (F) of section 2925.03 of the Revised Code. 2499

(c) If a person is charged with a violation of this 2500
section that is a felony of the first, second, or third degree, 2501
posts bail, and forfeits the bail, the clerk shall pay the 2502
forfeited bail pursuant to division (E) (1) (b) of this section as 2503
if it were a mandatory fine imposed under division (E) (1) (a) of 2504
this section. 2505

(2) If the offender is a professionally licensed person, 2506
in addition to any other sanction imposed for a violation of 2507
this section, the court immediately shall comply with section 2508
2925.38 of the Revised Code. 2509

(F) It is an affirmative defense, as provided in section 2510
2901.05 of the Revised Code, to a charge of a fourth degree 2511
felony violation under this section that the controlled 2512
substance that gave rise to the charge is in an amount, is in a 2513
form, is prepared, compounded, or mixed with substances that are 2514
not controlled substances in a manner, or is possessed under any 2515
other circumstances, that indicate that the substance was 2516
possessed solely for personal use. Notwithstanding any contrary 2517
provision of this section, if, in accordance with section 2518
2901.05 of the Revised Code, an accused who is charged with a 2519
fourth degree felony violation of division (C) (2), (4), (5), or 2520
(6) of this section sustains the burden of going forward with 2521
evidence of and establishes by a preponderance of the evidence 2522
the affirmative defense described in this division, the accused 2523
may be prosecuted for and may plead guilty to or be convicted of 2524
a misdemeanor violation of division (C) (2) of this section or a 2525
fifth degree felony violation of division (C) (4), (5), or (6) of 2526

this section respectively. 2527

(G) When a person is charged with possessing a bulk amount 2528
or multiple of a bulk amount, division (E) of section 2925.03 of 2529
the Revised Code applies regarding the determination of the 2530
amount of the controlled substance involved at the time of the 2531
offense. 2532

(H) It is an affirmative defense to a charge of possession 2533
of a controlled substance analog under division (C) (8) of this 2534
section that the person charged with violating that offense 2535
obtained, possessed, or used one of the following items that are 2536
excluded from the meaning of "controlled substance analog" under 2537
section 3719.01 of the Revised Code: 2538

(1) A controlled substance; 2539

(2) Any substance for which there is an approved new drug 2540
application; 2541

(3) With respect to a particular person, any substance if 2542
an exemption is in effect for investigational use for that 2543
person pursuant to federal law to the extent that conduct with 2544
respect to that substance is pursuant to that exemption. 2545

(I) Any offender who received a mandatory suspension of 2546
the offender's driver's or commercial driver's license or permit 2547
under this section prior to September 13, 2016, may file a 2548
motion with the sentencing court requesting the termination of 2549
the suspension. However, an offender who pleaded guilty to or 2550
was convicted of a violation of section 4511.19 of the Revised 2551
Code or a substantially similar municipal ordinance or law of 2552
another state or the United States that arose out of the same 2553
set of circumstances as the violation for which the offender's 2554
license or permit was suspended under this section shall not 2555

file such a motion. 2556

Upon the filing of a motion under division (I) of this 2557
section, the sentencing court, in its discretion, may terminate 2558
the suspension. 2559

Sec. 2929.14. (A) Except as provided in division (B)(1), 2560
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 2561
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 2562
in division (D)(6) of section 2919.25 of the Revised Code and 2563
except in relation to an offense for which a sentence of death 2564
or life imprisonment is to be imposed, if the court imposing a 2565
sentence upon an offender for a felony elects or is required to 2566
impose a prison term on the offender pursuant to this chapter, 2567
the court shall impose a prison term that shall be one of the 2568
following: 2569

(1)(a) For a felony of the first degree committed on or 2570
after March 22, 2019, the prison term shall be an indefinite 2571
prison term with a stated minimum term selected by the court of 2572
three, four, five, six, seven, eight, nine, ten, or eleven years 2573
and a maximum term that is determined pursuant to section 2574
2929.144 of the Revised Code, except that if the section that 2575
criminalizes the conduct constituting the felony specifies a 2576
different minimum term or penalty for the offense, the specific 2577
language of that section shall control in determining the 2578
minimum term or otherwise sentencing the offender but the 2579
minimum term or sentence imposed under that specific language 2580
shall be considered for purposes of the Revised Code as if it 2581
had been imposed under this division. 2582

(b) For a felony of the first degree committed prior to 2583
March 22, 2019, the prison term shall be a definite prison term 2584
of three, four, five, six, seven, eight, nine, ten, or eleven 2585

years. 2586

(2) (a) For a felony of the second degree committed on or 2587
after March 22, 2019, the prison term shall be an indefinite 2588
prison term with a stated minimum term selected by the court of 2589
two, three, four, five, six, seven, or eight years and a maximum 2590
term that is determined pursuant to section 2929.144 of the 2591
Revised Code, except that if the section that criminalizes the 2592
conduct constituting the felony specifies a different minimum 2593
term or penalty for the offense, the specific language of that 2594
section shall control in determining the minimum term or 2595
otherwise sentencing the offender but the minimum term or 2596
sentence imposed under that specific language shall be 2597
considered for purposes of the Revised Code as if it had been 2598
imposed under this division. 2599

(b) For a felony of the second degree committed prior to 2600
March 22, 2019, the prison term shall be a definite term of two, 2601
three, four, five, six, seven, or eight years. 2602

(3) (a) For a felony of the third degree that is a 2603
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2604
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2605
Code, that is a violation of division (A) of section 4511.19 of 2606
the Revised Code if the offender previously has been convicted 2607
of or pleaded guilty to a violation of division (A) of that 2608
section that was a felony, that is a violation of section 2609
2911.02 or 2911.12 of the Revised Code if the offender 2610
previously has been convicted of or pleaded guilty in two or 2611
more separate proceedings to two or more violations of section 2612
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or 2613
that is a violation of division (B) of section 2921.331 of the 2614
Revised Code if division (C) (5) of that section applies, the 2615

prison term shall be a definite term of twelve, eighteen, 2616
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 2617
four, or sixty months. 2618

(b) For a felony of the third degree that is not an 2619
offense for which division (A) (3) (a) of this section applies, 2620
the prison term shall be a definite term of nine, twelve, 2621
eighteen, twenty-four, thirty, or thirty-six months. 2622

(4) For a felony of the fourth degree, the prison term 2623
shall be a definite term of six, seven, eight, nine, ten, 2624
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2625
or eighteen months. 2626

(5) For a felony of the fifth degree, the prison term 2627
shall be a definite term of six, seven, eight, nine, ten, 2628
eleven, or twelve months. 2629

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2630
section, if an offender who is convicted of or pleads guilty to 2631
a felony also is convicted of or pleads guilty to a 2632
specification of the type described in section 2941.141, 2633
2941.144, or 2941.145 of the Revised Code, the court shall 2634
impose on the offender one of the following prison terms: 2635

(i) A prison term of six years if the specification is of 2636
the type described in division (A) of section 2941.144 of the 2637
Revised Code that charges the offender with having a firearm 2638
that is an automatic firearm or that was equipped with a firearm 2639
muffler or suppressor on or about the offender's person or under 2640
the offender's control while committing the offense; 2641

(ii) A prison term of three years if the specification is 2642
of the type described in division (A) of section 2941.145 of the 2643
Revised Code that charges the offender with having a firearm on 2644

or about the offender's person or under the offender's control 2645
while committing the offense and displaying the firearm, 2646
brandishing the firearm, indicating that the offender possessed 2647
the firearm, or using it to facilitate the offense; 2648

(iii) A prison term of one year if the specification is of 2649
the type described in division (A) of section 2941.141 of the 2650
Revised Code that charges the offender with having a firearm on 2651
or about the offender's person or under the offender's control 2652
while committing the offense; 2653

(iv) A prison term of nine years if the specification is 2654
of the type described in division (D) of section 2941.144 of the 2655
Revised Code that charges the offender with having a firearm 2656
that is an automatic firearm or that was equipped with a firearm 2657
muffler or suppressor on or about the offender's person or under 2658
the offender's control while committing the offense and 2659
specifies that the offender previously has been convicted of or 2660
pleaded guilty to a specification of the type described in 2661
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2662
the Revised Code; 2663

(v) A prison term of fifty-four months if the 2664
specification is of the type described in division (D) of 2665
section 2941.145 of the Revised Code that charges the offender 2666
with having a firearm on or about the offender's person or under 2667
the offender's control while committing the offense and 2668
displaying the firearm, brandishing the firearm, indicating that 2669
the offender possessed the firearm, or using the firearm to 2670
facilitate the offense and that the offender previously has been 2671
convicted of or pleaded guilty to a specification of the type 2672
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2673
2941.1412 of the Revised Code; 2674

(vi) A prison term of eighteen months if the specification 2675
is of the type described in division (D) of section 2941.141 of 2676
the Revised Code that charges the offender with having a firearm 2677
on or about the offender's person or under the offender's 2678
control while committing the offense and that the offender 2679
previously has been convicted of or pleaded guilty to a 2680
specification of the type described in section 2941.141, 2681
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2682

(b) If a court imposes a prison term on an offender under 2683
division (B) (1) (a) of this section, the prison term shall not be 2684
reduced pursuant to section 2929.20, division (A) (2) or (3) of 2685
section 2967.193 or 2967.194, or any other provision of Chapter 2686
2967. or Chapter 5120. of the Revised Code. Except as provided 2687
in division (B) (1) (g) of this section, a court shall not impose 2688
more than one prison term on an offender under division (B) (1) 2689
(a) of this section for felonies committed as part of the same 2690
act or transaction. 2691

(c) (i) Except as provided in division (B) (1) (e) of this 2692
section, if an offender who is convicted of or pleads guilty to 2693
a violation of section 2923.161 of the Revised Code or to a 2694
felony that includes, as an essential element, purposely or 2695
knowingly causing or attempting to cause the death of or 2696
physical harm to another, also is convicted of or pleads guilty 2697
to a specification of the type described in division (A) of 2698
section 2941.146 of the Revised Code that charges the offender 2699
with committing the offense by discharging a firearm from a 2700
motor vehicle other than a manufactured home, the court, after 2701
imposing a prison term on the offender for the violation of 2702
section 2923.161 of the Revised Code or for the other felony 2703
offense under division (A), (B) (2), or (B) (3) of this section, 2704
shall impose an additional prison term of five years upon the 2705

offender that shall not be reduced pursuant to section 2929.20, 2706
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2707
other provision of Chapter 2967. or Chapter 5120. of the Revised 2708
Code. 2709

(ii) Except as provided in division (B) (1) (e) of this 2710
section, if an offender who is convicted of or pleads guilty to 2711
a violation of section 2923.161 of the Revised Code or to a 2712
felony that includes, as an essential element, purposely or 2713
knowingly causing or attempting to cause the death of or 2714
physical harm to another, also is convicted of or pleads guilty 2715
to a specification of the type described in division (C) of 2716
section 2941.146 of the Revised Code that charges the offender 2717
with committing the offense by discharging a firearm from a 2718
motor vehicle other than a manufactured home and that the 2719
offender previously has been convicted of or pleaded guilty to a 2720
specification of the type described in section 2941.141, 2721
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2722
the court, after imposing a prison term on the offender for the 2723
violation of section 2923.161 of the Revised Code or for the 2724
other felony offense under division (A), (B) (2), or (3) of this 2725
section, shall impose an additional prison term of ninety months 2726
upon the offender that shall not be reduced pursuant to section 2727
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2728
or any other provision of Chapter 2967. or Chapter 5120. of the 2729
Revised Code. 2730

(iii) A court shall not impose more than one additional 2731
prison term on an offender under division (B) (1) (c) of this 2732
section for felonies committed as part of the same act or 2733
transaction. If a court imposes an additional prison term on an 2734
offender under division (B) (1) (c) of this section relative to an 2735
offense, the court also shall impose a prison term under 2736

division (B) (1) (a) of this section relative to the same offense, 2737
provided the criteria specified in that division for imposing an 2738
additional prison term are satisfied relative to the offender 2739
and the offense. 2740

(d) If an offender who is convicted of or pleads guilty to 2741
an offense of violence that is a felony also is convicted of or 2742
pleads guilty to a specification of the type described in 2743
section 2941.1411 of the Revised Code that charges the offender 2744
with wearing or carrying body armor while committing the felony 2745
offense of violence, the court shall impose on the offender an 2746
additional prison term of two years. The prison term so imposed 2747
shall not be reduced pursuant to section 2929.20, division (A) 2748
(2) or (3) of section 2967.193 or 2967.194, or any other 2749
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2750
A court shall not impose more than one prison term on an 2751
offender under division (B) (1) (d) of this section for felonies 2752
committed as part of the same act or transaction. If a court 2753
imposes an additional prison term under division (B) (1) (a) or 2754
(c) of this section, the court is not precluded from imposing an 2755
additional prison term under division (B) (1) (d) of this section. 2756

(e) The court shall not impose any of the prison terms 2757
described in division (B) (1) (a) of this section or any of the 2758
additional prison terms described in division (B) (1) (c) of this 2759
section upon an offender for a violation of section 2923.12 or 2760
2923.123 of the Revised Code. The court shall not impose any of 2761
the prison terms described in division (B) (1) (a) or (b) of this 2762
section upon an offender for a violation of section 2923.122 2763
that involves a deadly weapon that is a firearm other than a 2764
dangerous ordnance, section 2923.16, or section 2923.121 of the 2765
Revised Code. The court shall not impose any of the prison terms 2766
described in division (B) (1) (a) of this section or any of the 2767

additional prison terms described in division (B) (1) (c) of this 2768
section upon an offender for a violation of section 2923.13 of 2769
the Revised Code unless all of the following apply: 2770

(i) The offender previously has been convicted of 2771
aggravated murder, murder, or any felony of the first or second 2772
degree. 2773

(ii) Less than five years have passed since the offender 2774
was released from prison or post-release control, whichever is 2775
later, for the prior offense. 2776

(f) (i) If an offender is convicted of or pleads guilty to 2777
a felony that includes, as an essential element, causing or 2778
attempting to cause the death of or physical harm to another and 2779
also is convicted of or pleads guilty to a specification of the 2780
type described in division (A) of section 2941.1412 of the 2781
Revised Code that charges the offender with committing the 2782
offense by discharging a firearm at a peace officer as defined 2783
in section 2935.01 of the Revised Code or a corrections officer, 2784
as defined in section 2941.1412 of the Revised Code, the court, 2785
after imposing a prison term on the offender for the felony 2786
offense under division (A), (B) (2), or (B) (3) of this section, 2787
shall impose an additional prison term of seven years upon the 2788
offender that shall not be reduced pursuant to section 2929.20, 2789
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2790
other provision of Chapter 2967. or Chapter 5120. of the Revised 2791
Code. 2792

(ii) If an offender is convicted of or pleads guilty to a 2793
felony that includes, as an essential element, causing or 2794
attempting to cause the death of or physical harm to another and 2795
also is convicted of or pleads guilty to a specification of the 2796
type described in division (B) of section 2941.1412 of the 2797

Revised Code that charges the offender with committing the 2798
offense by discharging a firearm at a peace officer, as defined 2799
in section 2935.01 of the Revised Code, or a corrections 2800
officer, as defined in section 2941.1412 of the Revised Code, 2801
and that the offender previously has been convicted of or 2802
pleaded guilty to a specification of the type described in 2803
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2804
the Revised Code, the court, after imposing a prison term on the 2805
offender for the felony offense under division (A), (B) (2), or 2806
(3) of this section, shall impose an additional prison term of 2807
one hundred twenty-six months upon the offender that shall not 2808
be reduced pursuant to section 2929.20, division (A) (2) or (3) 2809
of section 2967.193 or 2967.194, or any other provision of 2810
Chapter 2967. or 5120. of the Revised Code. 2811

(iii) If an offender is convicted of or pleads guilty to 2812
two or more felonies that include, as an essential element, 2813
causing or attempting to cause the death or physical harm to 2814
another and also is convicted of or pleads guilty to a 2815
specification of the type described under division (B) (1) (f) of 2816
this section in connection with two or more of the felonies of 2817
which the offender is convicted or to which the offender pleads 2818
guilty, the sentencing court shall impose on the offender the 2819
prison term specified under division (B) (1) (f) of this section 2820
for each of two of the specifications of which the offender is 2821
convicted or to which the offender pleads guilty and, in its 2822
discretion, also may impose on the offender the prison term 2823
specified under that division for any or all of the remaining 2824
specifications. If a court imposes an additional prison term on 2825
an offender under division (B) (1) (f) of this section relative to 2826
an offense, the court shall not impose a prison term under 2827
division (B) (1) (a) or (c) of this section relative to the same 2828

offense. 2829

(g) If an offender is convicted of or pleads guilty to two 2830
or more felonies, if one or more of those felonies are 2831
aggravated murder, murder, attempted aggravated murder, 2832
attempted murder, aggravated robbery, felonious assault, or 2833
rape, and if the offender is convicted of or pleads guilty to a 2834
specification of the type described under division (B)(1)(a) of 2835
this section in connection with two or more of the felonies, the 2836
sentencing court shall impose on the offender the prison term 2837
specified under division (B)(1)(a) of this section for each of 2838
the two most serious specifications of which the offender is 2839
convicted or to which the offender pleads guilty and, in its 2840
discretion, also may impose on the offender the prison term 2841
specified under that division for any or all of the remaining 2842
specifications. 2843

(2)(a) If division (B)(2)(b) of this section does not 2844
apply, the court may impose on an offender, in addition to the 2845
longest prison term authorized or required for the offense or, 2846
for offenses for which division (A)(1)(a) or (2)(a) of this 2847
section applies, in addition to the longest minimum prison term 2848
authorized or required for the offense, an additional definite 2849
prison term of one, two, three, four, five, six, seven, eight, 2850
nine, or ten years if all of the following criteria are met: 2851

(i) The offender is convicted of or pleads guilty to a 2852
specification of the type described in section 2941.149 of the 2853
Revised Code that the offender is a repeat violent offender. 2854

(ii) The offense of which the offender currently is 2855
convicted or to which the offender currently pleads guilty is 2856
aggravated murder and the court does not impose a sentence of 2857
death or life imprisonment without parole, murder, terrorism and 2858

the court does not impose a sentence of life imprisonment 2859
without parole, any felony of the first degree that is an 2860
offense of violence and the court does not impose a sentence of 2861
life imprisonment without parole, or any felony of the second 2862
degree that is an offense of violence and the trier of fact 2863
finds that the offense involved an attempt to cause or a threat 2864
to cause serious physical harm to a person or resulted in 2865
serious physical harm to a person. 2866

(iii) The court imposes the longest prison term for the 2867
offense or the longest minimum prison term for the offense, 2868
whichever is applicable, that is not life imprisonment without 2869
parole. 2870

(iv) The court finds that the prison terms imposed 2871
pursuant to division (B) (2) (a) (iii) of this section and, if 2872
applicable, division (B) (1) or (3) of this section are 2873
inadequate to punish the offender and protect the public from 2874
future crime, because the applicable factors under section 2875
2929.12 of the Revised Code indicating a greater likelihood of 2876
recidivism outweigh the applicable factors under that section 2877
indicating a lesser likelihood of recidivism. 2878

(v) The court finds that the prison terms imposed pursuant 2879
to division (B) (2) (a) (iii) of this section and, if applicable, 2880
division (B) (1) or (3) of this section are demeaning to the 2881
seriousness of the offense, because one or more of the factors 2882
under section 2929.12 of the Revised Code indicating that the 2883
offender's conduct is more serious than conduct normally 2884
constituting the offense are present, and they outweigh the 2885
applicable factors under that section indicating that the 2886
offender's conduct is less serious than conduct normally 2887
constituting the offense. 2888

(b) The court shall impose on an offender the longest 2889
prison term authorized or required for the offense or, for 2890
offenses for which division (A) (1) (a) or (2) (a) of this section 2891
applies, the longest minimum prison term authorized or required 2892
for the offense, and shall impose on the offender an additional 2893
definite prison term of one, two, three, four, five, six, seven, 2894
eight, nine, or ten years if all of the following criteria are 2895
met: 2896

(i) The offender is convicted of or pleads guilty to a 2897
specification of the type described in section 2941.149 of the 2898
Revised Code that the offender is a repeat violent offender. 2899

(ii) The offender within the preceding twenty years has 2900
been convicted of or pleaded guilty to three or more offenses 2901
described in division (CC) (1) of section 2929.01 of the Revised 2902
Code, including all offenses described in that division of which 2903
the offender is convicted or to which the offender pleads guilty 2904
in the current prosecution and all offenses described in that 2905
division of which the offender previously has been convicted or 2906
to which the offender previously pleaded guilty, whether 2907
prosecuted together or separately. 2908

(iii) The offense or offenses of which the offender 2909
currently is convicted or to which the offender currently pleads 2910
guilty is aggravated murder and the court does not impose a 2911
sentence of death or life imprisonment without parole, murder, 2912
terrorism and the court does not impose a sentence of life 2913
imprisonment without parole, any felony of the first degree that 2914
is an offense of violence and the court does not impose a 2915
sentence of life imprisonment without parole, or any felony of 2916
the second degree that is an offense of violence and the trier 2917
of fact finds that the offense involved an attempt to cause or a 2918

threat to cause serious physical harm to a person or resulted in 2919
serious physical harm to a person. 2920

(c) For purposes of division (B) (2) (b) of this section, 2921
two or more offenses committed at the same time or as part of 2922
the same act or event shall be considered one offense, and that 2923
one offense shall be the offense with the greatest penalty. 2924

(d) A sentence imposed under division (B) (2) (a) or (b) of 2925
this section shall not be reduced pursuant to section 2929.20, 2926
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2927
other provision of Chapter 2967. or Chapter 5120. of the Revised 2928
Code. The offender shall serve an additional prison term imposed 2929
under division (B) (2) (a) or (b) of this section consecutively to 2930
and prior to the prison term imposed for the underlying offense. 2931

(e) When imposing a sentence pursuant to division (B) (2) 2932
(a) or (b) of this section, the court shall state its findings 2933
explaining the imposed sentence. 2934

(3) Except when an offender commits a violation of section 2935
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2936
for the violation is life imprisonment or commits a violation of 2937
section 2903.02 of the Revised Code, if the offender commits a 2938
violation of section 2925.03 or 2925.11 of the Revised Code and 2939
that section classifies the offender as a major drug offender, 2940
if the offender commits a violation of section 2925.05 of the 2941
Revised Code and division (E) (1) of that section classifies the 2942
offender as a major drug offender, if the offender commits a 2943
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2944
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2945
division (C) or (D) of section 3719.172, division (E) of section 2946
4729.51, or division (J) of section 4729.54 of the Revised Code 2947
that includes the sale, offer to sell, or possession of a 2948

schedule I or II controlled substance, with the exception of 2949
marihuana, and the court imposing sentence upon the offender 2950
finds that the offender is guilty of a specification of the type 2951
described in division (A) of section 2941.1410 of the Revised 2952
Code charging that the offender is a major drug offender, if the 2953
court imposing sentence upon an offender for a felony finds that 2954
the offender is guilty of corrupt activity with the most serious 2955
offense in the pattern of corrupt activity being a felony of the 2956
first degree, or if the offender is guilty of an attempted 2957
violation of section 2907.02 of the Revised Code and, had the 2958
offender completed the violation of section 2907.02 of the 2959
Revised Code that was attempted, the offender would have been 2960
subject to a sentence of life imprisonment or life imprisonment 2961
without parole for the violation of section 2907.02 of the 2962
Revised Code, the court shall impose upon the offender for the 2963
felony violation a mandatory prison term determined as described 2964
in this division that cannot be reduced pursuant to section 2965
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2966
or any other provision of Chapter 2967. or 5120. of the Revised 2967
Code. The mandatory prison term shall be the maximum definite 2968
prison term prescribed in division (A) (1) (b) of this section for 2969
a felony of the first degree, except that for offenses for which 2970
division (A) (1) (a) of this section applies, the mandatory prison 2971
term shall be the longest minimum prison term prescribed in that 2972
division for the offense. 2973

(4) If the offender is being sentenced for a third or 2974
fourth degree felony OVI offense under division (G) (2) of 2975
section 2929.13 of the Revised Code, the sentencing court shall 2976
impose upon the offender a mandatory prison term in accordance 2977
with that division. In addition to the mandatory prison term, if 2978
the offender is being sentenced for a fourth degree felony OVI 2979

offense, the court, notwithstanding division (A) (4) of this 2980
section, may sentence the offender to a definite prison term of 2981
not less than six months and not more than thirty months, and if 2982
the offender is being sentenced for a third degree felony OVI 2983
offense, the sentencing court may sentence the offender to an 2984
additional prison term of any duration specified in division (A) 2985
(3) of this section. In either case, the additional prison term 2986
imposed shall be reduced by the sixty or one hundred twenty days 2987
imposed upon the offender as the mandatory prison term. The 2988
total of the additional prison term imposed under division (B) 2989
(4) of this section plus the sixty or one hundred twenty days 2990
imposed as the mandatory prison term shall equal a definite term 2991
in the range of six months to thirty months for a fourth degree 2992
felony OVI offense and shall equal one of the authorized prison 2993
terms specified in division (A) (3) of this section for a third 2994
degree felony OVI offense. If the court imposes an additional 2995
prison term under division (B) (4) of this section, the offender 2996
shall serve the additional prison term after the offender has 2997
served the mandatory prison term required for the offense. In 2998
addition to the mandatory prison term or mandatory and 2999
additional prison term imposed as described in division (B) (4) 3000
of this section, the court also may sentence the offender to a 3001
community control sanction under section 2929.16 or 2929.17 of 3002
the Revised Code, but the offender shall serve all of the prison 3003
terms so imposed prior to serving the community control 3004
sanction. 3005

If the offender is being sentenced for a fourth degree 3006
felony OVI offense under division (G) (1) of section 2929.13 of 3007
the Revised Code and the court imposes a mandatory term of local 3008
incarceration, the court may impose a prison term as described 3009
in division (A) (1) of that section. 3010

(5) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 2941.1414 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term shall not be reduced pursuant to section 2929.20, division (A)

(2) or (3) of section 2967.193 or 2967.194, or any other 3042
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3043
A court shall not impose more than one prison term on an 3044
offender under division (B)(6) of this section for felonies 3045
committed as part of the same act. 3046

(7) (a) If an offender is convicted of or pleads guilty to 3047
a felony violation of section 2905.01, 2905.02, 2905.321, 3048
2907.21, 2907.22, or 2923.32, division (A)(1) or (2) of section 3049
2907.323 involving a minor, or division (B)(1), (2), (3), (4), 3050
or (5) of section 2919.22 of the Revised Code and also is 3051
convicted of or pleads guilty to a specification of the type 3052
described in section 2941.1422 of the Revised Code that charges 3053
that the offender knowingly committed the offense in furtherance 3054
of human trafficking, the court shall impose on the offender a 3055
mandatory prison term that is one of the following: 3056

(i) If the offense is a felony of the first degree, a 3057
definite prison term of not less than five years and not greater 3058
than eleven years, except that if the offense is a felony of the 3059
first degree committed on or after March 22, 2019, the court 3060
shall impose as the minimum prison term a mandatory term of not 3061
less than five years and not greater than eleven years; 3062

(ii) If the offense is a felony of the second or third 3063
degree, a definite prison term of not less than three years and 3064
not greater than the maximum prison term allowed for the offense 3065
by division (A)(2)(b) or (3) of this section, except that if the 3066
offense is a felony of the second degree committed on or after 3067
March 22, 2019, the court shall impose as the minimum prison 3068
term a mandatory term of not less than three years and not 3069
greater than eight years; 3070

(iii) If the offense is a felony of the fourth or fifth 3071

degree, a definite prison term that is the maximum prison term 3072
allowed for the offense by division (A) of section 2929.14 of 3073
the Revised Code. 3074

(b) The prison term imposed under division (B)(7)(a) of 3075
this section shall not be reduced pursuant to section 2929.20, 3076
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 3077
other provision of Chapter 2967. of the Revised Code. A court 3078
shall not impose more than one prison term on an offender under 3079
division (B)(7)(a) of this section for felonies committed as 3080
part of the same act, scheme, or plan. 3081

(8) If an offender is convicted of or pleads guilty to a 3082
felony violation of section 2903.11, 2903.12, or 2903.13 of the 3083
Revised Code and also is convicted of or pleads guilty to a 3084
specification of the type described in section 2941.1423 of the 3085
Revised Code that charges that the victim of the violation was a 3086
woman whom the offender knew was pregnant at the time of the 3087
violation, notwithstanding the range prescribed in division (A) 3088
of this section as the definite prison term or minimum prison 3089
term for felonies of the same degree as the violation, the court 3090
shall impose on the offender a mandatory prison term that is 3091
either a definite prison term of six months or one of the prison 3092
terms prescribed in division (A) of this section for felonies of 3093
the same degree as the violation, except that if the violation 3094
is a felony of the first or second degree committed on or after 3095
~~arch~~ March 22, 2019, the court shall impose as the minimum 3096
prison term under division (A)(1)(a) or (2)(a) of this section a 3097
mandatory term that is one of the terms prescribed in that 3098
division, whichever is applicable, for the offense. 3099

(9)(a) If an offender is convicted of or pleads guilty to 3100
a violation of division (A)(1) or (2) of section 2903.11 of the 3101

Revised Code and also is convicted of or pleads guilty to a 3102
specification of the type described in section 2941.1425 of the 3103
Revised Code, the court shall impose on the offender a mandatory 3104
prison term of six years if either of the following applies: 3105

(i) The violation is a violation of division (A) (1) of 3106
section 2903.11 of the Revised Code and the specification 3107
charges that the offender used an accelerant in committing the 3108
violation and the serious physical harm to another or to 3109
another's unborn caused by the violation resulted in a 3110
permanent, serious disfigurement or permanent, substantial 3111
incapacity; 3112

(ii) The violation is a violation of division (A) (2) of 3113
section 2903.11 of the Revised Code and the specification 3114
charges that the offender used an accelerant in committing the 3115
violation, that the violation caused physical harm to another or 3116
to another's unborn, and that the physical harm resulted in a 3117
permanent, serious disfigurement or permanent, substantial 3118
incapacity. 3119

(b) If a court imposes a prison term on an offender under 3120
division (B) (9) (a) of this section, the prison term shall not be 3121
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3122
section 2967.193 or 2967.194, or any other provision of Chapter 3123
2967. or Chapter 5120. of the Revised Code. A court shall not 3124
impose more than one prison term on an offender under division 3125
(B) (9) of this section for felonies committed as part of the 3126
same act. 3127

(c) The provisions of divisions (B) (9) and (C) (6) of this 3128
section and of division (D) (2) of section 2903.11, division (F) 3129
(20) of section 2929.13, and section 2941.1425 of the Revised 3130
Code shall be known as "Judy's Law." 3131

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

~~(11)~~(11) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division ~~(C)~~~~(11)~~(C) (10) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall

impose on the offender a mandatory prison term of three, four, 3163
five, six, seven, or eight years. ~~If~~ 3164

(b) If an offender is convicted of or pleads guilty to a 3165
violation of section 2903.04 of the Revised Code and if the 3166
offender also is convicted of or pleads guilty to a 3167
specification of the type described in section 2941.1427 of the 3168
Revised Code, in addition to any other penalty imposed for the 3169
violation, the court shall impose on the offender a mandatory 3170
prison term of five years. 3171

(c) If a court imposes a prison term on an offender under 3172
division (B) (11) of this section, the prison term shall not be 3173
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3174
section 2967.193 or 2967.194, or any other provision of Chapter 3175
2967. or 5120. of the Revised Code. A court shall not impose 3176
more than one prison term on an offender under division (B) (11) 3177
of this section for felonies committed as part of the same act. 3178

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3179
if a mandatory prison term is imposed upon an offender pursuant 3180
to division (B) (1) (a) of this section for having a firearm on or 3181
about the offender's person or under the offender's control 3182
while committing a felony, if a mandatory prison term is imposed 3183
upon an offender pursuant to division (B) (1) (c) of this section 3184
for committing a felony specified in that division by 3185
discharging a firearm from a motor vehicle, or if both types of 3186
mandatory prison terms are imposed, the offender shall serve any 3187
mandatory prison term imposed under either division 3188
consecutively to any other mandatory prison term imposed under 3189
either division or under division (B) (1) (d) of this section, 3190
consecutively to and prior to any prison term imposed for the 3191
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3192

this section or any other section of the Revised Code, and 3193
consecutively to any other prison term or mandatory prison term 3194
previously or subsequently imposed upon the offender. 3195

(b) If a mandatory prison term is imposed upon an offender 3196
pursuant to division (B)(1)(d) of this section for wearing or 3197
carrying body armor while committing an offense of violence that 3198
is a felony, the offender shall serve the mandatory term so 3199
imposed consecutively to any other mandatory prison term imposed 3200
under that division or under division (B)(1)(a) or (c) of this 3201
section, consecutively to and prior to any prison term imposed 3202
for the underlying felony under division (A), (B)(2), or (B)(3) 3203
of this section or any other section of the Revised Code, and 3204
consecutively to any other prison term or mandatory prison term 3205
previously or subsequently imposed upon the offender. 3206

(c) If a mandatory prison term is imposed upon an offender 3207
pursuant to division (B)(1)(f) of this section, the offender 3208
shall serve the mandatory prison term so imposed consecutively 3209
to and prior to any prison term imposed for the underlying 3210
felony under division (A), (B)(2), or (B)(3) of this section or 3211
any other section of the Revised Code, and consecutively to any 3212
other prison term or mandatory prison term previously or 3213
subsequently imposed upon the offender. 3214

(d) If a mandatory prison term is imposed upon an offender 3215
pursuant to division (B)(7) or (8) of this section, the offender 3216
shall serve the mandatory prison term so imposed consecutively 3217
to any other mandatory prison term imposed under that division 3218
or under any other provision of law and consecutively to any 3219
other prison term or mandatory prison term previously or 3220
subsequently imposed upon the offender. 3221

(e) If a mandatory prison term is imposed upon an offender 3222

pursuant to division (B)(11) of this section, the offender shall 3223
serve the mandatory prison term consecutively to any other 3224
mandatory prison term imposed under that division, consecutively 3225
to and prior to any prison term imposed for the underlying 3226
felony, and consecutively to any other prison term or mandatory 3227
prison term previously or subsequently imposed upon the 3228
offender. 3229

(2) If an offender who is an inmate in a jail, prison, or 3230
other residential detention facility violates section 2917.02, 3231
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3232
(2) of section 2921.34 of the Revised Code, if an offender who 3233
is under detention at a detention facility commits a felony 3234
violation of section 2923.131 of the Revised Code, or if an 3235
offender who is an inmate in a jail, prison, or other 3236
residential detention facility or is under detention at a 3237
detention facility commits another felony while the offender is 3238
an escapee in violation of division (A)(1) or (2) of section 3239
2921.34 of the Revised Code, any prison term imposed upon the 3240
offender for one of those violations shall be served by the 3241
offender consecutively to the prison term or term of 3242
imprisonment the offender was serving when the offender 3243
committed that offense and to any other prison term previously 3244
or subsequently imposed upon the offender. 3245

(3) If a prison term is imposed for a violation of 3246
division (B) of section 2911.01 of the Revised Code, a violation 3247
of division (A) of section 2913.02 of the Revised Code in which 3248
the stolen property is a firearm or dangerous ordnance, or a 3249
felony violation of division (B) of section 2921.331 of the 3250
Revised Code, the offender shall serve that prison term 3251
consecutively to any other prison term or mandatory prison term 3252
previously or subsequently imposed upon the offender. 3253

(4) If multiple prison terms are imposed on an offender 3254
for convictions of multiple offenses, the court may require the 3255
offender to serve the prison terms consecutively if the court 3256
finds that the consecutive service is necessary to protect the 3257
public from future crime or to punish the offender and that 3258
consecutive sentences are not disproportionate to the 3259
seriousness of the offender's conduct and to the danger the 3260
offender poses to the public, and if the court also finds any of 3261
the following: 3262

(a) The offender committed one or more of the multiple 3263
offenses while the offender was awaiting trial or sentencing, 3264
was under a sanction imposed pursuant to section 2929.16, 3265
2929.17, or 2929.18 of the Revised Code, or was under post- 3266
release control for a prior offense. 3267

(b) At least two of the multiple offenses were committed 3268
as part of one or more courses of conduct, and the harm caused 3269
by two or more of the multiple offenses so committed was so 3270
great or unusual that no single prison term for any of the 3271
offenses committed as part of any of the courses of conduct 3272
adequately reflects the seriousness of the offender's conduct. 3273

(c) The offender's history of criminal conduct 3274
demonstrates that consecutive sentences are necessary to protect 3275
the public from future crime by the offender. 3276

(5) If a mandatory prison term is imposed upon an offender 3277
pursuant to division (B) (5) or (6) of this section, the offender 3278
shall serve the mandatory prison term consecutively to and prior 3279
to any prison term imposed for the underlying violation of 3280
division (A) (1) or (2) of section 2903.06 of the Revised Code 3281
pursuant to division (A) of this section or section 2929.142 of 3282
the Revised Code. If a mandatory prison term is imposed upon an 3283

offender pursuant to division (B) (5) of this section, and if a
mandatory prison term also is imposed upon the offender pursuant
to division (B) (6) of this section in relation to the same
violation, the offender shall serve the mandatory prison term
imposed pursuant to division (B) (5) of this section
consecutively to and prior to the mandatory prison term imposed
pursuant to division (B) (6) of this section and consecutively to
and prior to any prison term imposed for the underlying
violation of division (A) (1) or (2) of section 2903.06 of the
Revised Code pursuant to division (A) of this section or section
2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender
pursuant to division (B) (9) of this section, the offender shall
serve the mandatory prison term consecutively to and prior to
any prison term imposed for the underlying violation of division
(A) (1) or (2) of section 2903.11 of the Revised Code and
consecutively to and prior to any other prison term or mandatory
prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender
pursuant to division (B) (10) of this section, the offender shall
serve that mandatory prison term consecutively to and prior to
any prison term imposed for the underlying felonious assault.
Except as otherwise provided in division (C) of this section,
any other prison term or mandatory prison term previously or
subsequently imposed upon the offender may be served
concurrently with, or consecutively to, the prison term imposed
pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section
2903.04 of the Revised Code that is based on a violation of
section 2925.03 or 2925.11 of the Revised Code or on a violation

of section 2925.05 of the Revised Code that is not funding of 3314
marihuana trafficking shall run consecutively to any prison term 3315
imposed for the violation of section 2925.03 or 2925.11 of the 3316
Revised Code or for the violation of section 2925.05 of the 3317
Revised Code that is not funding of marihuana trafficking. 3318

(9) When consecutive prison terms are imposed pursuant to 3319
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 3320
division (H) (1) or (2) of this section, subject to division (C) 3321
(10) of this section, the term to be served is the aggregate of 3322
all of the terms so imposed. 3323

(10) When a court sentences an offender to a non-life 3324
felony indefinite prison term, any definite prison term or 3325
mandatory definite prison term previously or subsequently 3326
imposed on the offender in addition to that indefinite sentence 3327
that is required to be served consecutively to that indefinite 3328
sentence shall be served prior to the indefinite sentence. 3329

(11) If a court is sentencing an offender for a felony of 3330
the first or second degree, if division (A) (1) (a) or (2) (a) of 3331
this section applies with respect to the sentencing for the 3332
offense, and if the court is required under the Revised Code 3333
section that sets forth the offense or any other Revised Code 3334
provision to impose a mandatory prison term for the offense, the 3335
court shall impose the required mandatory prison term as the 3336
minimum term imposed under division (A) (1) (a) or (2) (a) of this 3337
section, whichever is applicable. 3338

(D) (1) If a court imposes a prison term, other than a term 3339
of life imprisonment, for a felony of the first degree, for a 3340
felony of the second degree, for a felony sex offense, or for a 3341
felony of the third degree that is an offense of violence and 3342
that is not a felony sex offense, it shall include in the 3343

sentence a requirement that the offender be subject to a period 3344
of post-release control after the offender's release from 3345
imprisonment, in accordance with section 2967.28 of the Revised 3346
Code. If a court imposes a sentence including a prison term of a 3347
type described in this division on or after July 11, 2006, the 3348
failure of a court to include a post-release control requirement 3349
in the sentence pursuant to this division does not negate, 3350
limit, or otherwise affect the mandatory period of post-release 3351
control that is required for the offender under division (B) of 3352
section 2967.28 of the Revised Code. Section 2929.191 of the 3353
Revised Code applies if, prior to July 11, 2006, a court imposed 3354
a sentence including a prison term of a type described in this 3355
division and failed to include in the sentence pursuant to this 3356
division a statement regarding post-release control. 3357

(2) If a court imposes a prison term for a felony of the 3358
third, fourth, or fifth degree that is not subject to division 3359
(D) (1) of this section, it shall include in the sentence a 3360
requirement that the offender be subject to a period of post- 3361
release control after the offender's release from imprisonment, 3362
in accordance with that division, if the parole board determines 3363
that a period of post-release control is necessary. Section 3364
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3365
a court imposed a sentence including a prison term of a type 3366
described in this division and failed to include in the sentence 3367
pursuant to this division a statement regarding post-release 3368
control. 3369

(E) The court shall impose sentence upon the offender in 3370
accordance with section 2971.03 of the Revised Code, and Chapter 3371
2971. of the Revised Code applies regarding the prison term or 3372
term of life imprisonment without parole imposed upon the 3373
offender and the service of that term of imprisonment if any of 3374

the following apply: 3375

(1) A person is convicted of or pleads guilty to a violent 3376
sex offense or a designated homicide, assault, or kidnapping 3377
offense, and, in relation to that offense, the offender is 3378
adjudicated a sexually violent predator. 3379

(2) A person is convicted of or pleads guilty to a 3380
violation of division (A) (1) (b) of section 2907.02 of the 3381
Revised Code committed on or after January 2, 2007, and either 3382
the court does not impose a sentence of life without parole when 3383
authorized pursuant to division (B) of section 2907.02 of the 3384
Revised Code, or division (B) of section 2907.02 of the Revised 3385
Code provides that the court shall not sentence the offender 3386
pursuant to section 2971.03 of the Revised Code. 3387

(3) A person is convicted of or pleads guilty to attempted 3388
rape committed on or after January 2, 2007, and a specification 3389
of the type described in section 2941.1418, 2941.1419, or 3390
2941.1420 of the Revised Code. 3391

(4) A person is convicted of or pleads guilty to a 3392
violation of section 2905.01 of the Revised Code committed on or 3393
after January 1, 2008, and that section requires the court to 3394
sentence the offender pursuant to section 2971.03 of the Revised 3395
Code. 3396

(5) A person is convicted of or pleads guilty to 3397
aggravated murder committed on or after January 1, 2008, and 3398
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3399
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3400
(a) (iv) of section 2929.03, or division (A) or (B) of section 3401
2929.06 of the Revised Code requires the court to sentence the 3402
offender pursuant to division (B) (3) of section 2971.03 of the 3403

Revised Code. 3404

(6) A person is convicted of or pleads guilty to murder 3405
committed on or after January 1, 2008, and division (B) (2) of 3406
section 2929.02 of the Revised Code requires the court to 3407
sentence the offender pursuant to section 2971.03 of the Revised 3408
Code. 3409

(F) If a person who has been convicted of or pleaded 3410
guilty to a felony is sentenced to a prison term or term of 3411
imprisonment under this section, sections 2929.02 to 2929.06 of 3412
the Revised Code, section 2929.142 of the Revised Code, section 3413
2971.03 of the Revised Code, or any other provision of law, 3414
section 5120.163 of the Revised Code applies regarding the 3415
person while the person is confined in a state correctional 3416
institution. 3417

(G) If an offender who is convicted of or pleads guilty to 3418
a felony that is an offense of violence also is convicted of or 3419
pleads guilty to a specification of the type described in 3420
section 2941.142 of the Revised Code that charges the offender 3421
with having committed the felony while participating in a 3422
criminal gang, the court shall impose upon the offender an 3423
additional prison term of one, two, or three years. 3424

(H) (1) If an offender who is convicted of or pleads guilty 3425
to aggravated murder, murder, or a felony of the first, second, 3426
or third degree that is an offense of violence also is convicted 3427
of or pleads guilty to a specification of the type described in 3428
section 2941.143 of the Revised Code that charges the offender 3429
with having committed the offense in a school safety zone or 3430
towards a person in a school safety zone, the court shall impose 3431
upon the offender an additional prison term of two years. The 3432
offender shall serve the additional two years consecutively to 3433

and prior to the prison term imposed for the underlying offense. 3434

(2) (a) If an offender is convicted of or pleads guilty to 3435
a felony violation of section 2907.22, 2907.24, 2907.241, or 3436
2907.25 of the Revised Code and to a specification of the type 3437
described in section 2941.1421 of the Revised Code and if the 3438
court imposes a prison term on the offender for the felony 3439
violation, the court may impose upon the offender an additional 3440
prison term as follows: 3441

(i) Subject to division (H) (2) (a) (ii) of this section, an 3442
additional prison term of one, two, three, four, five, or six 3443
months; 3444

(ii) If the offender previously has been convicted of or 3445
pleaded guilty to one or more felony or misdemeanor violations 3446
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3447
the Revised Code and also was convicted of or pleaded guilty to 3448
a specification of the type described in section 2941.1421 of 3449
the Revised Code regarding one or more of those violations, an 3450
additional prison term of one, two, three, four, five, six, 3451
seven, eight, nine, ten, eleven, or twelve months. 3452

(b) In lieu of imposing an additional prison term under 3453
division (H) (2) (a) of this section, the court may directly 3454
impose on the offender a sanction that requires the offender to 3455
wear a real-time processing, continual tracking electronic 3456
monitoring device during the period of time specified by the 3457
court. The period of time specified by the court shall equal the 3458
duration of an additional prison term that the court could have 3459
imposed upon the offender under division (H) (2) (a) of this 3460
section. A sanction imposed under this division shall commence 3461
on the date specified by the court, provided that the sanction 3462
shall not commence until after the offender has served the 3463

prison term imposed for the felony violation of section 2907.22, 3464
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3465
residential sanction imposed for the violation under section 3466
2929.16 of the Revised Code. A sanction imposed under this 3467
division shall be considered to be a community control sanction 3468
for purposes of section 2929.15 of the Revised Code, and all 3469
provisions of the Revised Code that pertain to community control 3470
sanctions shall apply to a sanction imposed under this division, 3471
except to the extent that they would by their nature be clearly 3472
inapplicable. The offender shall pay all costs associated with a 3473
sanction imposed under this division, including the cost of the 3474
use of the monitoring device. 3475

(I) At the time of sentencing, the court may recommend the 3476
offender for placement in a program of shock incarceration under 3477
section 5120.031 of the Revised Code or for placement in an 3478
intensive program prison under section 5120.032 of the Revised 3479
Code, disapprove placement of the offender in a program of shock 3480
incarceration or an intensive program prison of that nature, or 3481
make no recommendation on placement of the offender. In no case 3482
shall the department of rehabilitation and correction place the 3483
offender in a program or prison of that nature unless the 3484
department determines as specified in section 5120.031 or 3485
5120.032 of the Revised Code, whichever is applicable, that the 3486
offender is eligible for the placement. 3487

If the court disapproves placement of the offender in a 3488
program or prison of that nature, the department of 3489
rehabilitation and correction shall not place the offender in 3490
any program of shock incarceration or intensive program prison. 3491

If the court recommends placement of the offender in a 3492
program of shock incarceration or in an intensive program 3493

prison, and if the offender is subsequently placed in the 3494
recommended program or prison, the department shall notify the 3495
court of the placement and shall include with the notice a brief 3496
description of the placement. 3497

If the court recommends placement of the offender in a 3498
program of shock incarceration or in an intensive program prison 3499
and the department does not subsequently place the offender in 3500
the recommended program or prison, the department shall send a 3501
notice to the court indicating why the offender was not placed 3502
in the recommended program or prison. 3503

If the court does not make a recommendation under this 3504
division with respect to an offender and if the department 3505
determines as specified in section 5120.031 or 5120.032 of the 3506
Revised Code, whichever is applicable, that the offender is 3507
eligible for placement in a program or prison of that nature, 3508
the department shall screen the offender and determine if there 3509
is an available program of shock incarceration or an intensive 3510
program prison for which the offender is suited. If there is an 3511
available program of shock incarceration or an intensive program 3512
prison for which the offender is suited, the department shall 3513
notify the court of the proposed placement of the offender as 3514
specified in section 5120.031 or 5120.032 of the Revised Code 3515
and shall include with the notice a brief description of the 3516
placement. The court shall have ten days from receipt of the 3517
notice to disapprove the placement. 3518

(J) If a person is convicted of or pleads guilty to 3519
aggravated vehicular homicide in violation of division (A) (1) of 3520
section 2903.06 of the Revised Code and division (B) (2) (c) of 3521
that section applies, the person shall be sentenced pursuant to 3522
section 2929.142 of the Revised Code. 3523

(K) (1) The court shall impose an additional mandatory 3524
prison term of two, three, four, five, six, seven, eight, nine, 3525
ten, or eleven years on an offender who is convicted of or 3526
pleads guilty to a violent felony offense if the offender also 3527
is convicted of or pleads guilty to a specification of the type 3528
described in section 2941.1424 of the Revised Code that charges 3529
that the offender is a violent career criminal and had a firearm 3530
on or about the offender's person or under the offender's 3531
control while committing the presently charged violent felony 3532
offense and displayed or brandished the firearm, indicated that 3533
the offender possessed a firearm, or used the firearm to 3534
facilitate the offense. The offender shall serve the prison term 3535
imposed under this division consecutively to and prior to the 3536
prison term imposed for the underlying offense. The prison term 3537
shall not be reduced pursuant to section 2929.20, division (A) 3538
(2) or (3) of section 2967.193 or 2967.194, or any other 3539
provision of Chapter 2967. or 5120. of the Revised Code. A court 3540
may not impose more than one sentence under division (B) (2) (a) 3541
of this section and this division for acts committed as part of 3542
the same act or transaction. 3543

(2) As used in division (K) (1) of this section, "violent 3544
career criminal" and "violent felony offense" have the same 3545
meanings as in section 2923.132 of the Revised Code. 3546

(L) If an offender receives or received a sentence of life 3547
imprisonment without parole, a sentence of life imprisonment, a 3548
definite sentence, or a sentence to an indefinite prison term 3549
under this chapter for a felony offense that was committed when 3550
the offender was under eighteen years of age, the offender's 3551
parole eligibility shall be determined under section 2967.132 of 3552
the Revised Code. 3553

Sec. 2941.1422. (A) Imposition of a mandatory prison term 3554
under division (B) (7) of section 2929.14 of the Revised Code is 3555
precluded unless the offender is convicted of or pleads guilty 3556
to a felony violation of section 2905.01, 2905.02, 2905.321, 3557
2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 3558
2907.323, or division (B) (1), (2), (3), (4), or (5) of section 3559
2919.22 of the Revised Code and unless the indictment, count in 3560
the indictment, or information charging the offense specifies 3561
that the offender knowingly committed the offense in furtherance 3562
of human trafficking. The specification shall be stated at the 3563
end of the body of the indictment, count, or information and 3564
shall be stated in substantially the following form: 3565

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3566
Grand Jurors (or insert the person's or the prosecuting 3567
attorney's name when appropriate) further find and specify that 3568
(set forth that the defendant knowingly committed the offense in 3569
furtherance of human trafficking)." 3570

(B) As used in this section, "human trafficking" has the 3571
same meaning as in section 2929.01 of the Revised Code. 3572

Sec. 2941.1427. (A) Imposition of a mandatory prison term 3573
under division (B) (11) (b) of section 2929.14 of the Revised Code 3574
is precluded unless the offender is convicted of or pleads 3575
guilty to a violation of section 2903.04 of the Revised Code and 3576
unless the indictment, count in the indictment, or information 3577
charging the offense specifies that: 3578

(1) Fentanyl or a fentanyl-related compound, as defined in 3579
section 2925.01 of the Revised Code, was present in the body of 3580
the decedent victim in an amount or concentration that is 3581
considered to be lethal by generally accepted scientific 3582
standards; 3583

(2) The results of an autopsy performed on the decedent 3584
victim are consistent with an opioid overdose as the cause of 3585
death. 3586

(B) The specification shall be stated at the end of the 3587
body of the indictment, count, or information and shall be 3588
stated in substantially the following form: 3589

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 3590
Grand Jurors (or insert the person's or prosecuting attorney's 3591
name when appropriate) further find and specify that (set forth 3592
that the victim's death was consistent with opioid overdose and 3593
fentanyl or a fentanyl-related compound was present in the 3594
victim's body in lethal amounts)." 3595

Sec. 3313.60. Notwithstanding division (D) of section 3596
3311.52 of the Revised Code, divisions (A) to (E) of this 3597
section do not apply to any cooperative education school 3598
district established pursuant to divisions (A) to (C) of section 3599
3311.52 of the Revised Code. 3600

(A) The board of education of each city, exempted village, 3601
and local school district and the board of each cooperative 3602
education school district established, pursuant to section 3603
3311.521 of the Revised Code, shall prescribe a curriculum for 3604
all schools under its control. Except as provided in division 3605
(E) of this section, in any such curriculum there shall be 3606
included the study of the following subjects: 3607

(1) The language arts, including reading, writing, 3608
spelling, oral and written English, and literature; 3609

(2) Geography, the history of the United States and of 3610
Ohio, and national, state, and local government in the United 3611
States, including a balanced presentation of the relevant 3612

contributions to society of men and women of African, Mexican,	3613
Puerto Rican, and American Indian descent as well as other	3614
ethnic and racial groups in Ohio and the United States;	3615
(3) Mathematics;	3616
(4) Natural science, including instruction in the	3617
conservation of natural resources;	3618
(5) Health education, which shall include instruction in:	3619
(a) The nutritive value of foods, including natural and	3620
organically produced foods, the relation of nutrition to health,	3621
and the use and effects of food additives;	3622
(b) The <u>Fentanyl abuse prevention in accordance with</u>	3623
<u>section 3313.6031 of the Revised Code, and the harmful effects</u>	3624
of and legal restrictions against the use of drugs of abuse,	3625
alcoholic beverages, and tobacco, including electronic smoking	3626
devices;	3627
(c) Sexually transmitted infection education, except that	3628
upon written request of the student's parent or guardian, a	3629
student shall be excused from taking instruction in sexually	3630
transmitted infection education;	3631
(d) In grades kindergarten through six, annual	3632
developmentally appropriate instruction in child sexual abuse	3633
prevention, including information on available counseling and	3634
resources for children who are sexually abused. Such instruction	3635
and information provided shall not be connected in any way to	3636
any individual, entity, or organization that provides, promotes,	3637
counsels, or makes referrals for abortion or abortion-related	3638
services. Upon written request of the student's parent or	3639
guardian, a student shall be excused from taking instruction in	3640
child sexual abuse prevention.	3641

(e) In grades kindergarten through six, instruction in 3642
personal safety and assault prevention, except that upon written 3643
request of the student's parent or guardian, a student shall be 3644
excused from taking instruction in personal safety and assault 3645
prevention; 3646

(f) In grades seven through twelve, developmentally 3647
appropriate instruction in dating violence prevention education 3648
and sexual violence prevention education, which shall include 3649
instruction in recognizing dating violence warning signs and 3650
characteristics of healthy relationships, except that upon 3651
written request of the student's parent or guardian a student 3652
shall be excused from taking instruction in sexual violence 3653
prevention. 3654

In order to assist school districts in developing a dating 3655
violence prevention education and sexual violence prevention 3656
education curriculum, the department of education and workforce 3657
shall provide on its web site links to free curricula addressing 3658
dating violence prevention and sexual violence prevention 3659
education. Such instruction and information shall not be 3660
connected in any way to any individual, entity, or organization 3661
that provides, promotes, counsels, or makes referrals for 3662
abortion or abortion-related services. 3663

Each school district shall notify the parents and legal 3664
guardians of students who receive instruction related to child 3665
sexual abuse prevention and sexual violence prevention, as 3666
described under divisions (A) (5) (d) and (f) of this section, of 3667
all of the following: 3668

(i) That instruction in child sexual abuse prevention and 3669
sexual violence prevention is a required part of the district's 3670
curriculum; 3671

(ii) That upon request, parents and legal guardians may 3672
examine such instructional materials in accordance with this 3673
section; 3674

(iii) That upon written request of the student's parent or 3675
guardian, a student shall be excused from taking instruction in 3676
child sexual abuse prevention and sexual violence prevention. 3677

If the parent or legal guardian of a student less than 3678
eighteen years of age submits to the principal of the student's 3679
school a written request to examine the dating violence 3680
prevention and sexual violence prevention instruction materials 3681
used at that school, the principal, within forty-eight hours 3682
after the request is made, shall allow the parent or guardian to 3683
examine those materials at that school. 3684

(g) Prescription opioid abuse prevention, with an emphasis 3685
on the prescription drug epidemic and the connection between 3686
prescription opioid abuse and addiction to other drugs, such as 3687
heroin; 3688

(h) The process of making an anatomical gift under Chapter 3689
2108. of the Revised Code, with an emphasis on the life-saving 3690
and life-enhancing effects of organ and tissue donation; 3691

(i) Beginning with the first day of the next school year 3692
that begins at least two years after March 24, 2021, in grades 3693
six through twelve, at least one hour or one standard class 3694
period per school year of evidence-based suicide awareness and 3695
prevention and at least one hour or one standard class period 3696
per school year of safety training and violence prevention, 3697
except that upon written request of the student's parent or 3698
guardian, a student shall be excused from taking instruction in 3699
suicide awareness and prevention or safety training and violence 3700

prevention; 3701

(j) Beginning with the first day of the next school year 3702
that begins at least two years after March 24, 2021, in grades 3703
six through twelve, at least one hour or one standard class 3704
period per school year of evidence-based social inclusion 3705
instruction, except that upon written request of the student's 3706
parent or guardian, a student shall be excused from taking 3707
instruction in social inclusion. 3708

For the instruction required under divisions (A) (5) (i) and 3709
(j) of this section, the board shall use a training program 3710
approved by the department of education and workforce under 3711
section 3301.221 of the Revised Code. 3712

Schools may use student assemblies, digital learning, and 3713
homework to satisfy the instruction requirements under divisions 3714
(A) (5) (i) and (j) of this section. 3715

(6) Physical education; 3716

(7) The fine arts, including music; 3717

(8) First aid, including a training program in 3718
cardiopulmonary resuscitation, which shall comply with section 3719
3313.6021 of the Revised Code when offered in any of grades nine 3720
through twelve, safety, and fire prevention. However, upon 3721
written request of the student's parent or guardian, a student 3722
shall be excused from taking instruction in cardiopulmonary 3723
resuscitation. 3724

(B) Except as provided in division (E) of this section, 3725
every school or school district shall include in the 3726
requirements for promotion from the eighth grade to the ninth 3727
grade one year's course of study of American history. A board 3728
may waive this requirement for academically accelerated students 3729

who, in accordance with procedures adopted by the board, are 3730
able to demonstrate mastery of essential concepts and skills of 3731
the eighth grade American history course of study. 3732

(C) As specified in divisions (B) (6) and (C) (6) of section 3733
3313.603 of the Revised Code, except as provided in division (E) 3734
of this section, every high school shall include in the 3735
requirements for graduation from any curriculum one-half unit 3736
each of American history and government. 3737

(D) Except as provided in division (E) of this section, 3738
basic instruction or demonstrated mastery in geography, United 3739
States history, the government of the United States, the 3740
government of the state of Ohio, local government in Ohio, the 3741
Declaration of Independence, the United States Constitution, and 3742
the Constitution of the state of Ohio shall be required before 3743
pupils may participate in courses involving the study of social 3744
problems, economics, foreign affairs, United Nations, world 3745
government, socialism, and communism. 3746

(E) For each cooperative education school district 3747
established pursuant to section 3311.521 of the Revised Code and 3748
each city, exempted village, and local school district that has 3749
territory within such a cooperative district, the curriculum 3750
adopted pursuant to divisions (A) to (D) of this section shall 3751
only include the study of the subjects that apply to the grades 3752
operated by each such school district. The curricula for such 3753
schools, when combined, shall provide to each student of these 3754
districts all of the subjects required under divisions (A) to 3755
(D) of this section. 3756

(F) The board of education of any cooperative education 3757
school district established pursuant to divisions (A) to (C) of 3758
section 3311.52 of the Revised Code shall prescribe a curriculum 3759

for the subject areas and grade levels offered in any school 3760
under its control. 3761

(G) Upon the request of any parent or legal guardian of a 3762
student, the board of education of any school district shall 3763
permit the parent or guardian to promptly examine, with respect 3764
to the parent's or guardian's own child: 3765

(1) Any survey or questionnaire, prior to its 3766
administration to the child; 3767

(2) Any textbook, workbook, software, video, or other 3768
instructional materials being used by the district in connection 3769
with the instruction of the child; 3770

(3) Any completed and graded test taken or survey or 3771
questionnaire filled out by the child; 3772

(4) Copies of the statewide academic standards and each 3773
model curriculum developed pursuant to section 3301.079 of the 3774
Revised Code, which copies shall be available at all times 3775
during school hours in each district school building. 3776

Sec. 3313.6031. (A) Beginning with the 2025-2026 school 3777
year and each school year thereafter, the board of education of 3778
each city, local, exempted village, and joint vocational school 3779
district shall provide age-appropriate, research-based 3780
instruction regarding the dangers of fentanyl to students in 3781
grades kindergarten to twelve. 3782

(B) The course material and instruction in fentanyl abuse 3783
prevention and drug poisoning awareness required under division 3784
(A) of this section shall include some or all of the following: 3785

(1) Information on fentanyl, including an explanation of 3786
the differences between synthetic and nonsynthetic opioids and 3787

<u>illicit drugs, the variations of fentanyl, and the differences</u>	3788
<u>between the legal and illegal uses of fentanyl;</u>	3789
<u>(2) The side effects and risk factors of using fentanyl,</u>	3790
<u>along with information comparing the lethal amounts of fentanyl</u>	3791
<u>to other drugs. Information on risk factors may include:</u>	3792
<u>(a) The lethal dose of fentanyl;</u>	3793
<u>(b) How often fentanyl is placed in drugs without a</u>	3794
<u>person's knowledge;</u>	3795
<u>(c) An explanation of what fentanyl does to a person's</u>	3796
<u>body and the severity of fentanyl's addictive properties;</u>	3797
<u>(d) How the consumption of fentanyl can lead to hypoxia,</u>	3798
<u>as well as an explanation of what hypoxia precisely does to a</u>	3799
<u>person's body.</u>	3800
<u>(3) The process of lacing fentanyl in other drugs and why</u>	3801
<u>drugs get laced with fentanyl;</u>	3802
<u>(4) Detection of fentanyl in drugs and how to save someone</u>	3803
<u>from an overdose of fentanyl, which shall include instruction on</u>	3804
<u>how to do all of the following:</u>	3805
<u>(a) Buy and use fentanyl test strips;</u>	3806
<u>(b) Buy and use naloxone, either through a nasal spray or</u>	3807
<u>injections;</u>	3808
<u>(c) Recognize when a person is overdosing on fentanyl.</u>	3809
<u>(5) Awareness of school and community resources and any</u>	3810
<u>processes involved in accessing those resources;</u>	3811
<u>(6) Information about substance use and abuse, including</u>	3812
<u>youth substance abuse;</u>	3813

<u>(7) Guest presentations from community service and</u>	3814
<u>religious organizations.</u>	3815
<u>(C) The instruction required under this section shall be</u>	3816
<u>taught by a licensed educator, school nurse, school counselor,</u>	3817
<u>or public safety officer.</u>	3818
<u>Sec. 3313.6032. Each board of education of each city,</u>	3819
<u>local, exempted village, and joint vocational school district</u>	3820
<u>shall designate a week during the school year to be known as</u>	3821
<u>"fentanyl poisoning awareness week" to educate students about</u>	3822
<u>the dangers posed by the drug fentanyl and the risk of fentanyl</u>	3823
<u>poisoning, including overdose.</u>	3824
<u>Sec. 3314.03. A copy of every contract entered into under</u>	3825
<u>this section shall be filed with the director of education and</u>	3826
<u>workforce. The department of education and workforce shall make</u>	3827
<u>available on its web site a copy of every approved, executed</u>	3828
<u>contract filed with the director under this section.</u>	3829
<u>(A) Each contract entered into between a sponsor and the</u>	3830
<u>governing authority of a community school shall specify the</u>	3831
<u>following:</u>	3832
<u>(1) That the school shall be established as either of the</u>	3833
<u>following:</u>	3834
<u>(a) A nonprofit corporation established under Chapter</u>	3835
<u>1702. of the Revised Code, if established prior to April 8,</u>	3836
<u>2003;</u>	3837
<u>(b) A public benefit corporation established under Chapter</u>	3838
<u>1702. of the Revised Code, if established after April 8, 2003.</u>	3839
<u>(2) The education program of the school, including the</u>	3840
<u>school's mission, the characteristics of the students the school</u>	3841

is expected to attract, the ages and grades of students, and the 3842
focus of the curriculum; 3843

(3) The academic goals to be achieved and the method of 3844
measurement that will be used to determine progress toward those 3845
goals, which shall include the statewide achievement 3846
assessments; 3847

(4) Performance standards, including but not limited to 3848
all applicable report card measures set forth in section 3302.03 3849
or 3314.017 of the Revised Code, by which the success of the 3850
school will be evaluated by the sponsor; 3851

(5) The admission standards of section 3314.06 of the 3852
Revised Code and, if applicable, section 3314.061 of the Revised 3853
Code; 3854

(6) (a) Dismissal procedures; 3855

(b) A requirement that the governing authority adopt an 3856
attendance policy that includes a procedure for automatically 3857
withdrawing a student from the school if the student without a 3858
legitimate excuse fails to participate in seventy-two 3859
consecutive hours of the learning opportunities offered to the 3860
student. 3861

(7) The ways by which the school will achieve racial and 3862
ethnic balance reflective of the community it serves; 3863

(8) Requirements for financial audits by the auditor of 3864
state. The contract shall require financial records of the 3865
school to be maintained in the same manner as are financial 3866
records of school districts, pursuant to rules of the auditor of 3867
state. Audits shall be conducted in accordance with section 3868
117.10 of the Revised Code. 3869

(9) An addendum to the contract outlining the facilities	3870
to be used that contains at least the following information:	3871
(a) A detailed description of each facility used for	3872
instructional purposes;	3873
(b) The annual costs associated with leasing each facility	3874
that are paid by or on behalf of the school;	3875
(c) The annual mortgage principal and interest payments	3876
that are paid by the school;	3877
(d) The name of the lender or landlord, identified as	3878
such, and the lender's or landlord's relationship to the	3879
operator, if any.	3880
(10) Qualifications of employees, including both of the	3881
following:	3882
(a) A requirement that the school's classroom teachers be	3883
licensed in accordance with sections 3319.22 to 3319.31 of the	3884
Revised Code, except that a community school may engage	3885
noncertificated persons to teach up to twelve hours or forty	3886
hours per week pursuant to section 3319.301 of the Revised Code;	3887
(b) A prohibition against the school employing an	3888
individual described in section 3314.104 of the Revised Code in	3889
any position.	3890
(11) That the school will comply with the following	3891
requirements:	3892
(a) The school will provide learning opportunities to a	3893
minimum of twenty-five students for a minimum of nine hundred	3894
twenty hours per school year.	3895
(b) The governing authority will purchase liability	3896

insurance, or otherwise provide for the potential liability of 3897
the school. 3898

(c) The school will be nonsectarian in its programs, 3899
admission policies, employment practices, and all other 3900
operations, and will not be operated by a sectarian school or 3901
religious institution. 3902

(d) The school will comply with sections 9.90, 9.91, 3903
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3904
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3905
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3906
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3907
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3908
3313.6031, 3313.6032, 3313.643, 3313.648, 3313.6411, 3313.6413, 3909
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3910
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3911
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3912
3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3913
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3914
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3915
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3916
3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3917
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3918
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 3919
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3920
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 3921
it were a school district and will comply with section 3301.0714 3922
of the Revised Code in the manner specified in section 3314.17 3923
of the Revised Code. 3924

(e) The school shall comply with Chapter 102. and section 3925
2921.42 of the Revised Code. 3926

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the department. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J) (1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J) (3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four

months after the end of each school year a report of its 3958
activities and progress in meeting the goals and standards of 3959
divisions (A) (3) and (4) of this section and its financial 3960
status to the sponsor and the parents of all students enrolled 3961
in the school. 3962

(h) The school, unless it is an internet- or computer- 3963
based community school, will comply with section 3313.801 of the 3964
Revised Code as if it were a school district. 3965

(i) If the school is the recipient of moneys from a grant 3966
awarded under the federal race to the top program, Division (A), 3967
Title XIV, Sections 14005 and 14006 of the "American Recovery 3968
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 3969
the school will pay teachers based upon performance in 3970
accordance with section 3317.141 and will comply with section 3971
3319.111 of the Revised Code as if it were a school district. 3972

(j) If the school operates a preschool program that is 3973
licensed by the department under sections 3301.52 to 3301.59 of 3974
the Revised Code, the school shall comply with sections 3301.50 3975
to 3301.59 of the Revised Code and the minimum standards for 3976
preschool programs prescribed in rules adopted by the department 3977
of children and youth under section 3301.53 of the Revised Code. 3978

(k) The school will comply with sections 3313.6021 and 3979
3313.6023 of the Revised Code as if it were a school district 3980
unless it is either of the following: 3981

(i) An internet- or computer-based community school; 3982

(ii) A community school in which a majority of the 3983
enrolled students are children with disabilities as described in 3984
division (B) (2) of section 3314.35 of the Revised Code. 3985

(l) The school will comply with section 3321.191 of the 3986

Revised Code, unless it is an internet- or computer-based 3987
community school that is subject to section 3314.261 of the 3988
Revised Code. 3989

(12) Arrangements for providing health and other benefits 3990
to employees; 3991

(13) The length of the contract, which shall begin at the 3992
beginning of an academic year. No contract shall exceed five 3993
years unless such contract has been renewed pursuant to division 3994
(E) of this section. 3995

(14) The governing authority of the school, which shall be 3996
responsible for carrying out the provisions of the contract; 3997

(15) A financial plan detailing an estimated school budget 3998
for each year of the period of the contract and specifying the 3999
total estimated per pupil expenditure amount for each such year. 4000

(16) Requirements and procedures regarding the disposition 4001
of employees of the school in the event the contract is 4002
terminated or not renewed pursuant to section 3314.07 of the 4003
Revised Code; 4004

(17) Whether the school is to be created by converting all 4005
or part of an existing public school or educational service 4006
center building or is to be a new start-up school, and if it is 4007
a converted public school or service center building, 4008
specification of any duties or responsibilities of an employer 4009
that the board of education or service center governing board 4010
that operated the school or building before conversion is 4011
delegating to the governing authority of the community school 4012
with respect to all or any specified group of employees provided 4013
the delegation is not prohibited by a collective bargaining 4014
agreement applicable to such employees; 4015

(18) Provisions establishing procedures for resolving 4016
disputes or differences of opinion between the sponsor and the 4017
governing authority of the community school; 4018

(19) A provision requiring the governing authority to 4019
adopt a policy regarding the admission of students who reside 4020
outside the district in which the school is located. That policy 4021
shall comply with the admissions procedures specified in 4022
sections 3314.06 and 3314.061 of the Revised Code and, at the 4023
sole discretion of the authority, shall do one of the following: 4024

(a) Prohibit the enrollment of students who reside outside 4025
the district in which the school is located; 4026

(b) Permit the enrollment of students who reside in 4027
districts adjacent to the district in which the school is 4028
located; 4029

(c) Permit the enrollment of students who reside in any 4030
other district in the state. 4031

(20) A provision recognizing the authority of the 4032
department to take over the sponsorship of the school in 4033
accordance with the provisions of division (C) of section 4034
3314.015 of the Revised Code; 4035

(21) A provision recognizing the sponsor's authority to 4036
assume the operation of a school under the conditions specified 4037
in division (B) of section 3314.073 of the Revised Code; 4038

(22) A provision recognizing both of the following: 4039

(a) The authority of public health and safety officials to 4040
inspect the facilities of the school and to order the facilities 4041
closed if those officials find that the facilities are not in 4042
compliance with health and safety laws and regulations; 4043

(b) The authority of the department as the community 4044
school oversight body to suspend the operation of the school 4045
under section 3314.072 of the Revised Code if the department has 4046
evidence of conditions or violations of law at the school that 4047
pose an imminent danger to the health and safety of the school's 4048
students and employees and the sponsor refuses to take such 4049
action. 4050

(23) A description of the learning opportunities that will 4051
be offered to students including both classroom-based and non- 4052
classroom-based learning opportunities that is in compliance 4053
with criteria for student participation established by the 4054
department under division (H) (2) of section 3314.08 of the 4055
Revised Code; 4056

(24) The school will comply with sections 3302.04 and 4057
3302.041 of the Revised Code, except that any action required to 4058
be taken by a school district pursuant to those sections shall 4059
be taken by the sponsor of the school. 4060

(25) Beginning in the 2006-2007 school year, the school 4061
will open for operation not later than the thirtieth day of 4062
September each school year, unless the mission of the school as 4063
specified under division (A) (2) of this section is solely to 4064
serve dropouts. In its initial year of operation, if the school 4065
fails to open by the thirtieth day of September, or within one 4066
year after the adoption of the contract pursuant to division (D) 4067
of section 3314.02 of the Revised Code if the mission of the 4068
school is solely to serve dropouts, the contract shall be void. 4069

(26) Whether the school's governing authority is planning 4070
to seek designation for the school as a STEM school equivalent 4071
under section 3326.032 of the Revised Code; 4072

- (27) That the school's attendance and participation policies will be available for public inspection; 4073
4074
- (28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code; 4075
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- (29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information: 4082
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4084
- (a) An indication of what blended learning model or models will be used; 4085
4086
- (b) A description of how student instructional needs will be determined and documented; 4087
4088
- (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level; 4089
4090
- (d) The school's attendance requirements, including how the school will document participation in learning opportunities; 4091
4092
4093
- (e) A statement describing how student progress will be monitored; 4094
4095
- (f) A statement describing how private student data will be protected; 4096
4097
- (g) A description of the professional development activities that will be offered to teachers. 4098
4099

(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy	4128
of the school;	4129
(5) Internal financial controls.	4130
When submitting the plan under this division, the school	4131
shall also submit copies of all policies and procedures	4132
regarding internal financial controls adopted by the governing	4133
authority of the school.	4134
(C) A contract entered into under section 3314.02 of the	4135
Revised Code between a sponsor and the governing authority of a	4136
community school may provide for the community school governing	4137
authority to make payments to the sponsor, which is hereby	4138
authorized to receive such payments as set forth in the contract	4139
between the governing authority and the sponsor. The total	4140
amount of such payments for monitoring, oversight, and technical	4141
assistance of the school shall not exceed three per cent of the	4142
total amount of payments for operating expenses that the school	4143
receives from the state.	4144
(D) The contract shall specify the duties of the sponsor	4145
which shall be in accordance with the written agreement entered	4146
into with the department under division (B) of section 3314.015	4147
of the Revised Code and shall include the following:	4148
(1) Monitor the community school's compliance with all	4149
laws applicable to the school and with the terms of the	4150
contract;	4151
(2) Monitor and evaluate the academic and fiscal	4152
performance and the organization and operation of the community	4153
school on at least an annual basis;	4154
(3) Provide technical assistance to the community school	4155
in complying with laws applicable to the school and terms of the	4156

contract; 4157

(4) Take steps to intervene in the school's operation to 4158
correct problems in the school's overall performance, declare 4159
the school to be on probationary status pursuant to section 4160
3314.073 of the Revised Code, suspend the operation of the 4161
school pursuant to section 3314.072 of the Revised Code, or 4162
terminate the contract of the school pursuant to section 3314.07 4163
of the Revised Code as determined necessary by the sponsor; 4164

(5) Have in place a plan of action to be undertaken in the 4165
event the community school experiences financial difficulties or 4166
closes prior to the end of a school year. 4167

(E) Upon the expiration of a contract entered into under 4168
this section, the sponsor of a community school may, with the 4169
approval of the governing authority of the school, renew that 4170
contract for a period of time determined by the sponsor, but not 4171
ending earlier than the end of any school year, if the sponsor 4172
finds that the school's compliance with applicable laws and 4173
terms of the contract and the school's progress in meeting the 4174
academic goals prescribed in the contract have been 4175
satisfactory. Any contract that is renewed under this division 4176
remains subject to the provisions of sections 3314.07, 3314.072, 4177
and 3314.073 of the Revised Code. 4178

(F) If a community school fails to open for operation 4179
within one year after the contract entered into under this 4180
section is adopted pursuant to division (D) of section 3314.02 4181
of the Revised Code or permanently closes prior to the 4182
expiration of the contract, the contract shall be void and the 4183
school shall not enter into a contract with any other sponsor. A 4184
school shall not be considered permanently closed because the 4185
operations of the school have been suspended pursuant to section 4186

3314.072 of the Revised Code. 4187

Sec. 3326.11. Each science, technology, engineering, and 4188
mathematics school established under this chapter and its 4189
governing body shall comply with sections 9.90, 9.91, 109.65, 4190
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 4191
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 4192
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 4193
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 4194
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 4195
3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 4196
3313.6028, 3313.6029, 3313.6031, 3313.6032, 3313.61, 3313.611, 4197
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 4198
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 4199
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 4200
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 4201
3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 4202
3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 4203
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 4204
3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 4205
3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 4206
3319.393, 3319.41, 3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 4207
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 4208
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 4209
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 4210
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 4211
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 4212
as if it were a school district. 4213

Sec. 3328.24. A college-preparatory boarding school 4214
established under this chapter and its board of trustees shall 4215
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 4216
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 4217

3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 4218
3313.6026, 3313.6029, 3313.6031, 3313.6032, 3313.617, 3313.618, 4219
3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 4220
3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 4221
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 4222
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 4223
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 4224
if the school were a school district and the school's board of 4225
trustees were a district board of education. 4226

Sec. 3345.372. (A) Each state institution of higher 4227
education, as defined in section 3345.011 of the Revised Code, 4228
shall develop and implement an age-appropriate and research- 4229
based education program to advise students regarding the dangers 4230
of fentanyl. 4231

(B) The education program on fentanyl abuse prevention and 4232
drug poisoning awareness required under division (A) of this 4233
section shall include all of the following: 4234

(1) Information on fentanyl, including an explanation of 4235
the differences between synthetic and nonsynthetic opioids and 4236
illicit drugs, the variations of fentanyl, and the differences 4237
between the legal and illegal uses of fentanyl; 4238

(2) The side effects and risk factors of using fentanyl, 4239
along with information comparing the lethal amounts of fentanyl 4240
to other drugs. Information on risk factors may include: 4241

(a) The lethal dose of fentanyl; 4242

(b) How often fentanyl is placed in drugs without a 4243
person's knowledge; 4244

(c) An explanation of what fentanyl does to a person's 4245
body and the severity of fentanyl's addictive properties; 4246

(d) How the consumption of fentanyl can lead to hypoxia, 4247
as well as an explanation of what hypoxia precisely does to a 4248
person's body. 4249

(3) The process of lacing fentanyl in other drugs and why 4250
drugs get laced with fentanyl; 4251

(4) Detection of fentanyl in drugs and how to save someone 4252
from an overdose of fentanyl, which shall include instruction on 4253
how to do all of the following: 4254

(a) Buy and use fentanyl test strips; 4255

(b) Buy and use naloxone, either through a nasal spray or 4256
injections; 4257

(c) Recognize when a person is overdosing on fentanyl. 4258

(5) Awareness of university and community resources and 4259
any processes involved in accessing those resources; 4260

(6) Information about substance use and abuse. 4261

Sec. 3705.08. (A) The director of health, by rule, shall 4262
prescribe the form of records and certificates required by this 4263
chapter. Records and certificates shall include the items and 4264
information prescribed by the director, including the items 4265
recommended by the national center for health statistics of the 4266
United States department of health and human services, subject 4267
to approval of and modification by the director. 4268

(B) All birth certificates shall include a statement 4269
setting forth the names of the child's parents. 4270

(C) All death certificates shall include, in the medical 4271
certification portion of the certificate, a space to indicate, 4272
if the deceased individual is female and the manner of death is 4273

determined to be a suspicious or violent death, whether any of 4274
the following conditions apply to the individual: 4275

(1) Not pregnant within the past year; 4276

(2) Pregnant at the time of death; 4277

(3) Not pregnant, but had been pregnant within forty-two 4278
days prior to the time of death; 4279

(4) Not pregnant, but had been pregnant within forty-three 4280
days to one year prior to the time of death; 4281

(5) Unknown whether pregnant within the past year. 4282

~~(D) (1)~~ (D) All death certificates shall include, in the 4283
medical certification portion of the certificate, a space to 4284
indicate whether the cause of death was due to fentanyl 4285
poisoning and shall include the term "fentanyl poisoning" on the 4286
certificate if both of the following apply: 4287

(1) A toxicology examination reveals fentanyl or a 4288
fentanyl-related compound, as defined in section 2925.01 of the 4289
Revised Code, was present in the body of the decedent in an 4290
amount or concentration that is considered to be lethal by 4291
generally accepted scientific standards; 4292

(2) The results of an autopsy performed on the decedent 4293
are consistent with an opioid overdose as the cause of death. 4294

(E) (1) The director shall prescribe electronic methods and 4295
forms for obtaining registration of births, deaths, and other 4296
vital statistics in each registration district, and for 4297
preserving the records of the office of vital statistics, and no 4298
forms or blanks shall be used other than those prescribed by the 4299
director. 4300

(2) All birth, fetal death, and death records and certificates shall be certified. Except as provided in division (G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, division (D) of section 3705.15, or section 3705.16 of the Revised Code, a birth certificate requiring signature may be electronically certified by the person in charge of the institution or that person's designee. A death certificate may be electronically certified by the individual who attests to the facts of death.

(3) All vital records shall contain the date received for filing.

(4) Information and signatures required in certificates, records, or reports authorized by this chapter may be filed and registered by photographic, electronic, or other means as prescribed by the director.

Section 2. That existing sections 2923.31, 2925.01, 2925.03, 2925.11, 2929.14, 2941.1422, 3313.60, 3314.03, 3326.11, 3328.24, and 3705.08 of the Revised Code are hereby repealed.

Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 2923.31 of the Revised Code, as amended by both H.B. 199 and H.B. 405 of the 132nd General Assembly.

Section 2929.14 of the Revised Code, as amended by both

H.B. 56 and S.B. 106 of the 135th General Assembly.	4330
Section 3314.03 of the Revised Code, as amended by H.B. 214, H.B. 250, and S.B. 168, all of the 135th General Assembly.	4331 4332
Section 3326.11 of the Revised Code, as amended by H.B. 47, H.B. 214, and S.B. 168, all of the 135th General Assembly.	4333 4334
Section 3328.24 of the Revised Code, as amended by both H.B. 47 and H.B. 214 of the 135th General Assembly.	4335 4336
	4337