

As Reported by the House Judiciary Committee

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Sub. H. B. No. 88

Representatives Abrams, Plummer

Cosponsor: Representative Swearingen

To amend sections 2923.31, 2925.01, 2925.03,
2925.11, 2929.14, 3313.60, 3314.03, 3326.11,
3328.24, and 3705.08 and to enact sections 5.57,
2941.1427, 3313.6031, 3313.6032, and 3345.372 of
the Revised Code to modify penalties for drug
trafficking and possession, to require schools
and institutions of higher education to
incorporate instruction and policies on fentanyl
awareness and abuse prevention, and to designate
the month of August as "Fentanyl Poisoning
Awareness Month."

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

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

Sec. 5.57. The month of August is designated as "Fentanyl
Poisoning Awareness Month" to increase awareness of the dangers
of fentanyl and potential overdoses.

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 20
the Revised Code: 21

(A) "Beneficial interest" means any of the following: 22

(1) The interest of a person as a beneficiary under a 23
trust in which the trustee holds title to personal or real 24
property; 25

(2) The interest of a person as a beneficiary under any 26
other trust arrangement under which any other person holds title 27
to personal or real property for the benefit of such person; 28

(3) The interest of a person under any other form of 29
express fiduciary arrangement under which any other person holds 30
title to personal or real property for the benefit of such 31
person. 32

"Beneficial interest" does not include the interest of a 33
stockholder in a corporation or the interest of a partner in 34
either a general or limited partnership. 35

(B) "Costs of investigation and prosecution" and "costs of 36
investigation and litigation" mean all of the costs incurred by 37
the state or a county or municipal corporation under sections 38
2923.31 to 2923.36 of the Revised Code in the prosecution and 39
investigation of any criminal action or in the litigation and 40
investigation of any civil action, and includes, but is not 41
limited to, the costs of resources and personnel. 42

(C) "Enterprise" includes any individual, sole 43
proprietorship, partnership, limited partnership, corporation, 44
trust, union, government agency, or other legal entity, or any 45
organization, association, or group of persons associated in 46
fact although not a legal entity. "Enterprise" includes illicit 47
as well as licit enterprises. An "enterprise" may be proved by 48

evidence that the accused was acting alone or in concert with 49
others at the time of the commission of the offense. 50

(D) "Innocent person" includes any bona fide purchaser of 51
property that is allegedly involved in a violation of section 52
2923.32 of the Revised Code, including any person who 53
establishes a valid claim to or interest in the property in 54
accordance with division (E) of section 2981.04 of the Revised 55
Code, and any victim of an alleged violation of that section or 56
of any underlying offense involved in an alleged violation of 57
that section. 58

(E) "Pattern of corrupt activity" means two or more 59
incidents of corrupt activity, whether or not there has been a 60
prior conviction, that are related to the affairs of the same 61
enterprise, are not isolated, and are not so closely related to 62
each other and connected in time and place that they constitute 63
a single event. 64

At least one of the incidents forming the pattern shall 65
occur on or after January 1, 1986. Unless any incident was an 66
aggravated murder or murder, the last of the incidents forming 67
the pattern shall occur within six years after the commission of 68
any prior incident forming the pattern, excluding any period of 69
imprisonment served by any person engaging in the corrupt 70
activity. 71

For the purposes of the criminal penalties that may be 72
imposed pursuant to section 2923.32 of the Revised Code, at 73
least one of the incidents forming the pattern shall constitute 74
a felony under the laws of this state in existence at the time 75
it was committed or, if committed in violation of the laws of 76
the United States or of any other state, shall constitute a 77
felony under the law of the United States or the other state and 78

would be a criminal offense under the law of this state if 79
committed in this state. 80

(F) "Pecuniary value" means money, a negotiable 81
instrument, a commercial interest, or anything of value, as 82
defined in section 1.03 of the Revised Code, or any other 83
property or service that has a value in excess of one hundred 84
dollars. 85

(G) "Person" means any person, as defined in section 1.59 86
of the Revised Code, and any governmental officer, employee, or 87
entity. 88

(H) "Personal property" means any personal property, any 89
interest in personal property, or any right, including, but not 90
limited to, bank accounts, debts, corporate stocks, patents, or 91
copyrights. Personal property and any beneficial interest in 92
personal property are deemed to be located where the trustee of 93
the property, the personal property, or the instrument 94
evidencing the right is located. 95

(I) "Corrupt activity" means engaging in, attempting to 96
engage in, conspiring to engage in, or soliciting, coercing, or 97
intimidating another person to engage in any of the following: 98

(1) Conduct defined as "racketeering activity" under the 99
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 100
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 101

(2) Conduct constituting any of the following: 102

(a) A violation of section 1315.55, 1322.07, 2903.01, 103
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 104
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 105
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 106
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 107

2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 108
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 109
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 110
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 111
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 112
or (F) of section 1707.44; division (A) (1) or (2) of section 113
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 114
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 115
division (C), (D), or (E) of section 4719.07; section 4719.08; 116
or division (A) of section 4719.09 of the Revised Code. 117

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 118
3769.19 of the Revised Code as it existed prior to July 1, 1996, 119
any violation of section 2915.02 of the Revised Code that occurs 120
on or after July 1, 1996, and that, had it occurred prior to 121
that date, would have been a violation of section 3769.11 of the 122
Revised Code as it existed prior to that date, or any violation 123
of section 2915.05 of the Revised Code that occurs on or after 124
July 1, 1996, and that, had it occurred prior to that date, 125
would have been a violation of section 3769.15, 3769.16, or 126
3769.19 of the Revised Code as it existed prior to that date. 127

(c) Any violation of section 2907.21, 2907.22, 2907.31, 128
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 129
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 130
of the Revised Code, any violation of section 2925.11 of the 131
Revised Code that is a felony of the first, second, third, or 132
fourth degree and that occurs on or after July 1, 1996, any 133
violation of section 2915.02 of the Revised Code that occurred 134
prior to July 1, 1996, any violation of section 2915.02 of the 135
Revised Code that occurs on or after July 1, 1996, and that, had 136
it occurred prior to that date, would not have been a violation 137
of section 3769.11 of the Revised Code as it existed prior to 138

that date, any violation of section 2915.06 of the Revised Code 139
as it existed prior to July 1, 1996, or any violation of 140
division (B) of section 2915.05 of the Revised Code as it exists 141
on and after July 1, 1996, when the proceeds of the violation, 142
the payments made in the violation, the amount of a claim for 143
payment or for any other benefit that is false or deceptive and 144
that is involved in the violation, or the value of the 145
contraband or other property illegally possessed, sold, or 146
purchased in the violation exceeds one thousand dollars, or any 147
combination of violations described in division (I)(2)(c) of 148
this section when the total proceeds of the combination of 149
violations, payments made in the combination of violations, 150
amount of the claims for payment or for other benefits that is 151
false or deceptive and that is involved in the combination of 152
violations, or value of the contraband or other property 153
illegally possessed, sold, or purchased in the combination of 154
violations exceeds one thousand dollars; 155

(d) Any violation of section 5743.112 of the Revised Code 156
when the amount of unpaid tax exceeds one hundred dollars; 157

(e) Any violation or combination of violations of section 158
2907.32 of the Revised Code involving any material or 159
performance containing a display of bestiality or of sexual 160
conduct, as defined in section 2907.01 of the Revised Code, that 161
is explicit and depicted with clearly visible penetration of the 162
genitals or clearly visible penetration by the penis of any 163
orifice when the total proceeds of the violation or combination 164
of violations, the payments made in the violation or combination 165
of violations, or the value of the contraband or other property 166
illegally possessed, sold, or purchased in the violation or 167
combination of violations exceeds one thousand dollars; 168

(f) Any combination of violations described in division 169
(I) (2) (c) of this section and violations of section 2907.32 of 170
the Revised Code involving any material or performance 171
containing a display of bestiality or of sexual conduct, as 172
defined in section 2907.01 of the Revised Code, that is explicit 173
and depicted with clearly visible penetration of the genitals or 174
clearly visible penetration by the penis of any orifice when the 175
total proceeds of the combination of violations, payments made 176
in the combination of violations, amount of the claims for 177
payment or for other benefits that is false or deceptive and 178
that is involved in the combination of violations, or value of 179
the contraband or other property illegally possessed, sold, or 180
purchased in the combination of violations exceeds one thousand 181
dollars; 182

(g) Any violation of section 2905.32 of the Revised Code 183
to the extent the violation is not based solely on the same 184
conduct that constitutes corrupt activity pursuant to division 185
(I) (2) (c) of this section due to the conduct being in violation 186
of section 2907.21 of the Revised Code. 187

(3) Conduct constituting a violation of any law of any 188
state other than this state that is substantially similar to the 189
conduct described in division (I) (2) of this section, provided 190
the defendant was convicted of the conduct in a criminal 191
proceeding in the other state; 192

(4) Animal or ecological terrorism; 193

(5) (a) Conduct constituting any of the following: 194

(i) Organized retail theft; 195

(ii) Conduct that constitutes one or more violations of 196
any law of any state other than this state, that is 197

substantially similar to organized retail theft, and that if 198
committed in this state would be organized retail theft, if the 199
defendant was convicted of or pleaded guilty to the conduct in a 200
criminal proceeding in the other state. 201

(b) By enacting division (I) (5) (a) of this section, it is 202
the intent of the general assembly to add organized retail theft 203
and the conduct described in division (I) (5) (a) (ii) of this 204
section as conduct constituting corrupt activity. The enactment 205
of division (I) (5) (a) of this section and the addition by 206
division (I) (5) (a) of this section of organized retail theft and 207
the conduct described in division (I) (5) (a) (ii) of this section 208
as conduct constituting corrupt activity does not limit or 209
preclude, and shall not be construed as limiting or precluding, 210
any prosecution for a violation of section 2923.32 of the 211
Revised Code that is based on one or more violations of section 212
2913.02 or 2913.51 of the Revised Code, one or more similar 213
offenses under the laws of this state or any other state, or any 214
combination of any of those violations or similar offenses, even 215
though the conduct constituting the basis for those violations 216
or offenses could be construed as also constituting organized 217
retail theft or conduct of the type described in division (I) (5) 218
(a) (ii) of this section. 219

(J) "Real property" means any real property or any 220
interest in real property, including, but not limited to, any 221
lease of, or mortgage upon, real property. Real property and any 222
beneficial interest in it is deemed to be located where the real 223
property is located. 224

(K) "Trustee" means any of the following: 225

(1) Any person acting as trustee under a trust in which 226
the trustee holds title to personal or real property; 227

(2) Any person who holds title to personal or real 228
property for which any other person has a beneficial interest; 229

(3) Any successor trustee. 230

"Trustee" does not include an assignee or trustee for an 231
insolvent debtor or an executor, administrator, administrator 232
with the will annexed, testamentary trustee, guardian, or 233
committee, appointed by, under the control of, or accountable to 234
a court. 235

(L) "Unlawful debt" means any money or other thing of 236
value constituting principal or interest of a debt that is 237
legally unenforceable in this state in whole or in part because 238
the debt was incurred or contracted in violation of any federal 239
or state law relating to the business of gambling activity or 240
relating to the business of lending money at an usurious rate 241
unless the creditor proves, by a preponderance of the evidence, 242
that the usurious rate was not intentionally set and that it 243
resulted from a good faith error by the creditor, 244
notwithstanding the maintenance of procedures that were adopted 245
by the creditor to avoid an error of that nature. 246

(M) "Animal activity" means any activity that involves the 247
use of animals or animal parts, including, but not limited to, 248
hunting, fishing, trapping, traveling, camping, the production, 249
preparation, or processing of food or food products, clothing or 250
garment manufacturing, medical research, other research, 251
entertainment, recreation, agriculture, biotechnology, or 252
service activity that involves the use of animals or animal 253
parts. 254

(N) "Animal facility" means a vehicle, building, 255
structure, nature preserve, or other premises in which an animal 256

is lawfully kept, handled, housed, exhibited, bred, or offered 257
for sale, including, but not limited to, a zoo, rodeo, circus, 258
amusement park, hunting preserve, or premises in which a horse 259
or dog event is held. 260

(O) "Animal or ecological terrorism" means the commission 261
of any felony that involves causing or creating a substantial 262
risk of physical harm to any property of another, the use of a 263
deadly weapon or dangerous ordnance, or purposely, knowingly, or 264
recklessly causing serious physical harm to property and that 265
involves an intent to obstruct, impede, or deter any person from 266
participating in a lawful animal activity, from mining, 267
forestry, harvesting, gathering, or processing natural 268
resources, or from being lawfully present in or on an animal 269
facility or research facility. 270

(P) "Research facility" means a place, laboratory, 271
institution, medical care facility, government facility, or 272
public or private educational institution in which a scientific 273
test, experiment, or investigation involving the use of animals 274
or other living organisms is lawfully carried out, conducted, or 275
attempted. 276

(Q) "Organized retail theft" means the theft of retail 277
property with a retail value of one thousand dollars or more 278
from one or more retail establishments with the intent to sell, 279
deliver, or transfer that property to a retail property fence. 280

(R) "Retail property" means any tangible personal property 281
displayed, held, stored, or offered for sale in or by a retail 282
establishment. 283

(S) "Retail property fence" means a person who possesses, 284
procures, receives, or conceals retail property that was 285

represented to the person as being stolen or that the person 286
knows or believes to be stolen. 287

(T) "Retail value" means the full retail value of the 288
retail property. In determining whether the retail value of 289
retail property equals or exceeds one thousand dollars, the 290
value of all retail property stolen from the retail 291
establishment or retail establishments by the same person or 292
persons within any one-hundred-eighty-day period shall be 293
aggregated. 294

Sec. 2925.01. As used in this chapter: 295

(A) "Administer," "controlled substance," "controlled 296
substance analog," "dispense," "distribute," "hypodermic," 297
"manufacturer," "official written order," "person," 298
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 299
"schedule III," "schedule IV," "schedule V," and "wholesaler" 300
have the same meanings as in section 3719.01 of the Revised 301
Code. 302

(B) "Drug of abuse" and "person with a drug dependency" 303
have the same meanings as in section 3719.011 of the Revised 304
Code. 305

(C) "Drug," "dangerous drug," "licensed health 306
professional authorized to prescribe drugs," and "prescription" 307
have the same meanings as in section 4729.01 of the Revised 308
Code. 309

(D) "Bulk amount" of a controlled substance means any of 310
the following: 311

(1) For any compound, mixture, preparation, or substance 312
included in schedule I, schedule II, or schedule III, with the 313
exception of any controlled substance analog, marihuana, 314

cocaine, L.S.D., heroin, any fentanyl-related compound, and 315
hashish and except as provided in division (D) (2) or (5) ~~or~~ 316
~~(6)~~ of this section, whichever of the following is applicable: 317

(a) An amount equal to or exceeding ten grams or twenty- 318
five unit doses of a compound, mixture, preparation, or 319
substance that is or contains any amount of a schedule I opiate 320
or opium derivative; 321

(b) An amount equal to or exceeding ten grams of a 322
compound, mixture, preparation, or substance that is or contains 323
any amount of raw or gum opium; 324

(c) An amount equal to or exceeding thirty grams or ten 325
unit doses of a compound, mixture, preparation, or substance 326
that is or contains any amount of a schedule I hallucinogen 327
other than tetrahydrocannabinol or lysergic acid amide, or a 328
schedule I stimulant or depressant; 329

(d) An amount equal to or exceeding twenty grams or five 330
times the maximum daily dose in the usual dose range specified 331
in a standard pharmaceutical reference manual of a compound, 332
mixture, preparation, or substance that is or contains any 333
amount of a schedule II opiate or opium derivative; 334

(e) An amount equal to or exceeding five grams or ten unit 335
doses of a compound, mixture, preparation, or substance that is 336
or contains any amount of phencyclidine; 337

(f) An amount equal to or exceeding one hundred twenty 338
grams or thirty times the maximum daily dose in the usual dose 339
range specified in a standard pharmaceutical reference manual of 340
a compound, mixture, preparation, or substance that is or 341
contains any amount of a schedule II stimulant that is in a 342
final dosage form manufactured by a person authorized by the 343

"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 344
U.S.C.A. 301, as amended, and the federal drug abuse control 345
laws, as defined in section 3719.01 of the Revised Code, that is 346
or contains any amount of a schedule II depressant substance or 347
a schedule II hallucinogenic substance; 348

(g) An amount equal to or exceeding three grams of a 349
compound, mixture, preparation, or substance that is or contains 350
any amount of a schedule II stimulant, or any of its salts or 351
isomers, that is not in a final dosage form manufactured by a 352
person authorized by the Federal Food, Drug, and Cosmetic Act 353
and the federal drug abuse control laws. 354

(2) An amount equal to or exceeding one hundred twenty 355
grams or thirty times the maximum daily dose in the usual dose 356
range specified in a standard pharmaceutical reference manual of 357
a compound, mixture, preparation, or substance that is or 358
contains any amount of a schedule III or IV substance other than 359
an anabolic steroid or a schedule III opiate or opium 360
derivative; 361

(3) An amount equal to or exceeding twenty grams or five 362
times the maximum daily dose in the usual dose range specified 363
in a standard pharmaceutical reference manual of a compound, 364
mixture, preparation, or substance that is or contains any 365
amount of a schedule III opiate or opium derivative; 366

(4) An amount equal to or exceeding two hundred fifty 367
milliliters or two hundred fifty grams of a compound, mixture, 368
preparation, or substance that is or contains any amount of a 369
schedule V substance; 370

(5) An amount equal to or exceeding two hundred solid 371
dosage units, sixteen grams, or sixteen milliliters of a 372

compound, mixture, preparation, or substance that is or contains 373
any amount of a schedule III anabolic steroid;— 374

~~(6) For any compound, mixture, preparation, or substance 375
that is a combination of a fentanyl-related compound and any 376
other compound, mixture, preparation, or substance included in 377
schedule III, schedule IV, or schedule V, if the defendant is 378
charged with a violation of section 2925.11 of the Revised Code 379
and the sentencing provisions set forth in divisions (C) (10) (b) 380
and (C) (11) of that section will not apply regarding the 381
defendant and the violation, the bulk amount of the controlled 382
substance for purposes of the violation is the amount specified 383
in division (D) (1), (2), (3), (4), or (5) of this section for 384
the other schedule III, IV, or V controlled substance that is 385
combined with the fentanyl-related compound. 386~~

(E) "Unit dose" means an amount or unit of a compound, 387
mixture, or preparation containing a controlled substance that 388
is separately identifiable and in a form that indicates that it 389
is the amount or unit by which the controlled substance is 390
separately administered to or taken by an individual. 391

(F) "Cultivate" includes planting, watering, fertilizing, 392
or tilling. 393

(G) "Drug abuse offense" means any of the following: 394

(1) A violation of division (A) of section 2913.02 that 395
constitutes theft of drugs, or a violation of section 2925.02, 396
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 397
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 398
or 2925.37 of the Revised Code; 399

(2) A violation of an existing or former law of this or 400
any other state or of the United States that is substantially 401

equivalent to any section listed in division (G) (1) of this 402
section; 403

(3) An offense under an existing or former law of this or 404
any other state, or of the United States, of which planting, 405
cultivating, harvesting, processing, making, manufacturing, 406
producing, shipping, transporting, delivering, acquiring, 407
possessing, storing, distributing, dispensing, selling, inducing 408
another to use, administering to another, using, or otherwise 409
dealing with a controlled substance is an element; 410

(4) A conspiracy to commit, attempt to commit, or 411
complicity in committing or attempting to commit any offense 412
under division (G) (1), (2), or (3) of this section. 413

(H) "Felony drug abuse offense" means any drug abuse 414
offense that would constitute a felony under the laws of this 415
state, any other state, or the United States. 416

(I) "Harmful intoxicant" does not include beer or 417
intoxicating liquor but means any of the following: 418

(1) Any compound, mixture, preparation, or substance the 419
gas, fumes, or vapor of which when inhaled can induce 420
intoxication, excitement, giddiness, irrational behavior, 421
depression, stupefaction, paralysis, unconsciousness, 422
asphyxiation, or other harmful physiological effects, and 423
includes, but is not limited to, any of the following: 424

(a) Any volatile organic solvent, plastic cement, model 425
cement, fingernail polish remover, lacquer thinner, cleaning 426
fluid, gasoline, or other preparation containing a volatile 427
organic solvent; 428

(b) Any aerosol propellant; 429

(c) Any fluorocarbon refrigerant;	430
(d) Any anesthetic gas.	431
(2) Gamma Butyrolactone;	432
(3) 1,4 Butanediol.	433
(J) "Manufacture" means to plant, cultivate, harvest,	434
process, make, prepare, or otherwise engage in any part of the	435
production of a drug, by propagation, extraction, chemical	436
synthesis, or compounding, or any combination of the same, and	437
includes packaging, repackaging, labeling, and other activities	438
incident to production.	439
(K) "Possess" or "possession" means having control over a	440
thing or substance, but may not be inferred solely from mere	441
access to the thing or substance through ownership or occupation	442
of the premises upon which the thing or substance is found.	443
(L) "Sample drug" means a drug or pharmaceutical	444
preparation that would be hazardous to health or safety if used	445
without the supervision of a licensed health professional	446
authorized to prescribe drugs, or a drug of abuse, and that, at	447
one time, had been placed in a container plainly marked as a	448
sample by a manufacturer.	449
(M) "Standard pharmaceutical reference manual" means the	450
current edition, with cumulative changes if any, of references	451
that are approved by the state board of pharmacy.	452
(N) "Juvenile" means a person under eighteen years of age.	453
(O) "Counterfeit controlled substance" means any of the	454
following:	455
(1) Any drug that bears, or whose container or label	456

bears, a trademark, trade name, or other identifying mark used 457
without authorization of the owner of rights to that trademark, 458
trade name, or identifying mark; 459

(2) Any unmarked or unlabeled substance that is 460
represented to be a controlled substance manufactured, 461
processed, packed, or distributed by a person other than the 462
person that manufactured, processed, packed, or distributed it; 463

(3) Any substance that is represented to be a controlled 464
substance but is not a controlled substance or is a different 465
controlled substance; 466

(4) Any substance other than a controlled substance that a 467
reasonable person would believe to be a controlled substance 468
because of its similarity in shape, size, and color, or its 469
markings, labeling, packaging, distribution, or the price for 470
which it is sold or offered for sale. 471

(P) An offense is "committed in the vicinity of a school" 472
if the offender commits the offense on school premises, in a 473
school building, or within one thousand feet of the boundaries 474
of any school premises, regardless of whether the offender knows 475
the offense is being committed on school premises, in a school 476
building, or within one thousand feet of the boundaries of any 477
school premises. 478

(Q) "School" means any school operated by a board of 479
education, any community school established under Chapter 3314. 480
of the Revised Code, or any nonpublic school for which the 481
director of education and workforce prescribes minimum standards 482
under section 3301.07 of the Revised Code, whether or not any 483
instruction, extracurricular activities, or training provided by 484
the school is being conducted at the time a criminal offense is 485

committed. 486

(R) "School premises" means either of the following: 487

(1) The parcel of real property on which any school is 488
situated, whether or not any instruction, extracurricular 489
activities, or training provided by the school is being 490
conducted on the premises at the time a criminal offense is 491
committed; 492

(2) Any other parcel of real property that is owned or 493
leased by a board of education of a school, the governing 494
authority of a community school established under Chapter 3314. 495
of the Revised Code, or the governing body of a nonpublic school 496
for which the director of education and workforce prescribes 497
minimum standards under section 3301.07 of the Revised Code and 498
on which some of the instruction, extracurricular activities, or 499
training of the school is conducted, whether or not any 500
instruction, extracurricular activities, or training provided by 501
the school is being conducted on the parcel of real property at 502
the time a criminal offense is committed. 503

(S) "School building" means any building in which any of 504
the instruction, extracurricular activities, or training 505
provided by a school is conducted, whether or not any 506
instruction, extracurricular activities, or training provided by 507
the school is being conducted in the school building at the time 508
a criminal offense is committed. 509

(T) "Disciplinary counsel" means the disciplinary counsel 510
appointed by the board of commissioners on grievances and 511
discipline of the supreme court under the Rules for the 512
Government of the Bar of Ohio. 513

(U) "Certified grievance committee" means a duly 514

constituted and organized committee of the Ohio state bar 515
association or of one or more local bar associations of the 516
state of Ohio that complies with the criteria set forth in Rule 517
V, section 6 of the Rules for the Government of the Bar of Ohio. 518

(V) "Professional license" means any license, permit, 519
certificate, registration, qualification, admission, temporary 520
license, temporary permit, temporary certificate, or temporary 521
registration that is described in divisions (W) (1) to (37) of 522
this section and that qualifies a person as a professionally 523
licensed person. 524

(W) "Professionally licensed person" means any of the 525
following: 526

(1) A person who has received a certificate or temporary 527
certificate as a certified public accountant or who has 528
registered as a public accountant under Chapter 4701. of the 529
Revised Code and who holds an Ohio permit issued under that 530
chapter; 531

(2) A person who holds a certificate of qualification to 532
practice architecture issued or renewed and registered under 533
Chapter 4703. of the Revised Code; 534

(3) A person who is registered as a landscape architect 535
under Chapter 4703. of the Revised Code or who holds a permit as 536
a landscape architect issued under that chapter; 537

(4) A person licensed under Chapter 4707. of the Revised 538
Code; 539

(5) A person who has been issued a barber's license, 540
barber instructor's license, assistant barber instructor's 541
license, or independent contractor's license under Chapter 4709. 542
of the Revised Code; 543

(6) A person licensed and regulated to engage in the 544
business of a debt pooling company by a legislative authority, 545
under authority of Chapter 4710. of the Revised Code; 546

(7) A person who has been issued a cosmetologist's 547
license, hair designer's license, manicurist's license, 548
esthetician's license, natural hair stylist's license, advanced 549
license to practice cosmetology, advanced license to practice 550
hair design, advanced license to practice manicuring, advanced 551
license to practice esthetics, advanced license to practice 552
natural hair styling, cosmetology instructor's license, hair 553
design instructor's license, manicurist instructor's license, 554
esthetics instructor's license, natural hair style instructor's 555
license, independent contractor's license, or tanning facility 556
permit under Chapter 4713. of the Revised Code; 557

(8) A person who has been issued a license to practice 558
dentistry, a general anesthesia permit, a conscious sedation 559
permit, a limited resident's license, a limited teaching 560
license, a dental hygienist's license, or a dental hygienist's 561
teacher's certificate under Chapter 4715. of the Revised Code; 562

(9) A person who has been issued an embalmer's license, a 563
funeral director's license, a funeral home license, or a 564
crematory license, or who has been registered for an embalmer's 565
or funeral director's apprenticeship under Chapter 4717. of the 566
Revised Code; 567

(10) A person who has been licensed as a registered nurse 568
or practical nurse, or who has been issued a certificate for the 569
practice of nurse-midwifery under Chapter 4723. of the Revised 570
Code; 571

(11) A person who has been licensed to practice optometry 572

or to engage in optical dispensing under Chapter 4725. of the	573
Revised Code;	574
(12) A person licensed to act as a pawnbroker under	575
Chapter 4727. of the Revised Code;	576
(13) A person licensed to act as a precious metals dealer	577
under Chapter 4728. of the Revised Code;	578
(14) A person licensed under Chapter 4729. of the Revised	579
Code as a pharmacist or pharmacy intern or registered under that	580
chapter as a registered pharmacy technician, certified pharmacy	581
technician, or pharmacy technician trainee;	582
(15) A person licensed under Chapter 4729. of the Revised	583
Code as a manufacturer of dangerous drugs, outsourcing facility,	584
third-party logistics provider, repackager of dangerous drugs,	585
wholesale distributor of dangerous drugs, or terminal	586
distributor of dangerous drugs;	587
(16) A person who is authorized to practice as a physician	588
assistant under Chapter 4730. of the Revised Code;	589
(17) A person who has been issued a license to practice	590
medicine and surgery, osteopathic medicine and surgery, or	591
podiatric medicine and surgery under Chapter 4731. of the	592
Revised Code or has been issued a certificate to practice a	593
limited branch of medicine under that chapter;	594
(18) A person licensed as a psychologist, independent	595
school psychologist, or school psychologist under Chapter 4732.	596
of the Revised Code;	597
(19) A person registered to practice the profession of	598
engineering or surveying under Chapter 4733. of the Revised	599
Code;	600

(20) A person who has been issued a license to practice	601
chiropractic under Chapter 4734. of the Revised Code;	602
(21) A person licensed to act as a real estate broker or	603
real estate salesperson under Chapter 4735. of the Revised Code;	604
(22) A person registered as a registered environmental	605
health specialist under Chapter 3776. of the Revised Code;	606
(23) A person licensed to operate or maintain a junkyard	607
under Chapter 4737. of the Revised Code;	608
(24) A person who has been issued a motor vehicle salvage	609
dealer's license under Chapter 4738. of the Revised Code;	610
(25) A person who has been licensed to act as a steam	611
engineer under Chapter 4739. of the Revised Code;	612
(26) A person who has been issued a license or temporary	613
permit to practice veterinary medicine or any of its branches,	614
or who is registered as a graduate animal technician under	615
Chapter 4741. of the Revised Code;	616
(27) A person who has been issued a hearing aid dealer's	617
or fitter's license or trainee permit under Chapter 4747. of the	618
Revised Code;	619
(28) A person who has been issued a class A, class B, or	620
class C license or who has been registered as an investigator or	621
security guard employee under Chapter 4749. of the Revised Code;	622
(29) A person licensed to practice as a nursing home	623
administrator under Chapter 4751. of the Revised Code;	624
(30) A person licensed to practice as a speech-language	625
pathologist or audiologist under Chapter 4753. of the Revised	626
Code;	627

(31) A person issued a license as an occupational 628
therapist or physical therapist under Chapter 4755. of the 629
Revised Code; 630

(32) A person who is licensed as a licensed professional 631
clinical counselor, licensed professional counselor, social 632
worker, independent social worker, independent marriage and 633
family therapist, or marriage and family therapist, or 634
registered as a social work assistant under Chapter 4757. of the 635
Revised Code; 636

(33) A person issued a license to practice dietetics under 637
Chapter 4759. of the Revised Code; 638

(34) A person who has been issued a license or limited 639
permit to practice respiratory therapy under Chapter 4761. of 640
the Revised Code; 641

(35) A person who has been issued a real estate appraiser 642
certificate under Chapter 4763. of the Revised Code; 643

(36) A person who has been issued a home inspector license 644
under Chapter 4764. of the Revised Code; 645

(37) A person who has been admitted to the bar by order of 646
the supreme court in compliance with its prescribed and 647
published rules. 648

(X) "Cocaine" means any of the following: 649

(1) A cocaine salt, isomer, or derivative, a salt of a 650
cocaine isomer or derivative, or the base form of cocaine; 651

(2) Coca leaves or a salt, compound, derivative, or 652
preparation of coca leaves, including ecgonine, a salt, isomer, 653
or derivative of ecgonine, or a salt of an isomer or derivative 654
of ecgonine; 655

(3) A salt, compound, derivative, or preparation of a 656
substance identified in division (X) (1) or (2) of this section 657
that is chemically equivalent to or identical with any of those 658
substances, except that the substances shall not include 659
decocainized coca leaves or extraction of coca leaves if the 660
extractions do not contain cocaine or ecgonine. 661

(Y) "L.S.D." means lysergic acid diethylamide. 662

(Z) "Hashish" means a resin or a preparation of a resin to 663
which both of the following apply: 664

(1) It is contained in or derived from any part of the 665
plant of the genus cannabis, whether in solid form or in a 666
liquid concentrate, liquid extract, or liquid distillate form. 667

(2) It has a delta-9 tetrahydrocannabinol concentration of 668
more than three-tenths per cent. 669

"Hashish" does not include a hemp byproduct in the 670
possession of a licensed hemp processor under Chapter 928. of 671
the Revised Code, provided that the hemp byproduct is being 672
produced, stored, and disposed of in accordance with rules 673
adopted under section 928.03 of the Revised Code. 674

(AA) "Marihuana" has the same meaning as in section 675
3719.01 of the Revised Code, except that it does not include 676
hashish. 677

(BB) An offense is "committed in the vicinity of a 678
juvenile" if the offender commits the offense within one hundred 679
feet of a juvenile or within the view of a juvenile, regardless 680
of whether the offender knows the age of the juvenile, whether 681
the offender knows the offense is being committed within one 682
hundred feet of or within view of the juvenile, or whether the 683
juvenile actually views the commission of the offense. 684

(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.	713
(KK) "Fentanyl-related compound" means any of the	714
following:	715
(1) Fentanyl;	716
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	717
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	718
phenylethyl)-4-(N-propanilido) piperidine);	719
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	720
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	721
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	722
piperidinyl] -N-phenylpropanamide);	723
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	724
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	725
phenylpropanamide);	726
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	727
piperidyl]-N- phenylpropanamide);	728
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	729
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	730
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	731
phenethyl)-4- piperidinyl]propanamide;	732
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	733
piperidinyl]- propanamide;	734
(10) Alfentanil;	735
(11) Carfentanil;	736
(12) Remifentanil;	737
(13) Sufentanil;	738

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

(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:

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

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

(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.

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

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

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

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

the minimum prison terms prescribed in division (A) (1) (a) of 767
that section for a felony of the first degree. 768

(MM) "Second degree felony mandatory prison term" means 769
one of the definite prison terms prescribed in division (A) (2) 770
(b) of section 2929.14 of the Revised Code for a felony of the 771
second degree, except that if the violation for which sentence 772
is being imposed is committed on or after March 22, 2019, it 773
means one of the minimum prison terms prescribed in division (A) 774
(2) (a) of that section for a felony of the second degree. 775

(NN) "Maximum first degree felony mandatory prison term" 776
means the maximum definite prison term prescribed in division 777
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 778
the first degree, except that if the violation for which 779
sentence is being imposed is committed on or after March 22, 780
2019, it means the longest minimum prison term prescribed in 781
division (A) (1) (a) of that section for a felony of the first 782
degree. 783

(OO) "Maximum second degree felony mandatory prison term" 784
means the maximum definite prison term prescribed in division 785
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 786
the second degree, except that if the violation for which 787
sentence is being imposed is committed on or after March 22, 788
2019, it means the longest minimum prison term prescribed in 789
division (A) (2) (a) of that section for a felony of the second 790
degree. 791

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 792
as in section 928.01 of the Revised Code. 793

(QQ) An offense is "committed in the vicinity of a 794
substance addiction services provider or a recovering addict" if 795

either of the following apply: 796

(1) The offender commits the offense on the premises of a 797
substance addiction services provider's facility, including a 798
facility licensed prior to June 29, 2019, under section 5119.391 799
of the Revised Code to provide methadone treatment or an opioid 800
treatment program licensed on or after that date under section 801
5119.37 of the Revised Code, or within five hundred feet of the 802
premises of a substance addiction services provider's facility 803
and the offender knows or should know that the offense is being 804
committed within the vicinity of the substance addiction 805
services provider's facility. 806

(2) The offender sells, offers to sell, delivers, or 807
distributes the controlled substance or controlled substance 808
analog to a person who is receiving treatment at the time of the 809
commission of the offense, or received treatment within thirty 810
days prior to the commission of the offense, from a substance 811
addiction services provider and the offender knows that the 812
person is receiving or received that treatment. 813

(RR) "Substance addiction services provider" means an 814
agency, association, corporation or other legal entity, 815
individual, or program that provides one or more of the 816
following at a facility: 817

(1) Either alcohol addiction services, or drug addiction 818
services, or both such services that are certified by the 819
director of mental health and addiction services under section 820
5119.36 of the Revised Code; 821

(2) Recovery supports that are related to either alcohol 822
addiction services, or drug addiction services, or both such 823
services and paid for with federal, state, or local funds 824

administered by the department of mental health and addiction 825
services or a board of alcohol, drug addiction, and mental 826
health services. 827

(SS) "Premises of a substance addiction services 828
provider's facility" means the parcel of real property on which 829
any substance addiction service provider's facility is situated. 830

(TT) "Alcohol and drug addiction services" has the same 831
meaning as in section 5119.01 of the Revised Code. 832

Sec. 2925.03. (A) No person shall knowingly do any of the 833
following: 834

(1) Sell or offer to sell a controlled substance or a 835
controlled substance analog; 836

(2) Prepare for shipment, ship, transport, deliver, 837
prepare for distribution, or distribute a controlled substance 838
or a controlled substance analog, when the offender knows or has 839
reasonable cause to believe that the controlled substance or a 840
controlled substance analog is intended for sale or resale by 841
the offender or another person. 842

(B) This section does not apply to any of the following: 843

(1) Manufacturers, licensed health professionals 844
authorized to prescribe drugs, pharmacists, owners of 845
pharmacies, and other persons whose conduct is in accordance 846
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 847
4741. of the Revised Code; 848

(2) If the offense involves an anabolic steroid, any 849
person who is conducting or participating in a research project 850
involving the use of an anabolic steroid if the project has been 851
approved by the United States food and drug administration; 852

(3) Any person who sells, offers for sale, prescribes, 853
dispenses, or administers for livestock or other nonhuman 854
species an anabolic steroid that is expressly intended for 855
administration through implants to livestock or other nonhuman 856
species and approved for that purpose under the "Federal Food, 857
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 858
as amended, and is sold, offered for sale, prescribed, 859
dispensed, or administered for that purpose in accordance with 860
that act. 861

(C) Whoever violates division (A) of this section is 862
guilty of one of the following: 863

(1) If the drug involved in the violation is any compound, 864
mixture, preparation, or substance included in schedule I or 865
schedule II, with the exception of marihuana, cocaine, L.S.D., 866
heroin, any fentanyl-related compound, hashish, methamphetamine, 867
and any controlled substance analog, whoever violates division 868
(A) of this section is guilty of aggravated trafficking in 869
drugs. The penalty for the offense shall be determined as 870
follows: 871

(a) Except as otherwise provided in division (C) (1) (b), 872
(c), (d), (e), or (f) of this section, aggravated trafficking in 873
drugs is a felony of the fourth degree, and division (C) of 874
section 2929.13 of the Revised Code applies in determining 875
whether to impose a prison term on the offender. 876

(b) Except as otherwise provided in division (C) (1) (c), 877
(d), (e), or (f) of this section, if the offense was committed 878
in the vicinity of a school, in the vicinity of a juvenile, or 879
in the vicinity of a substance addiction services provider or a 880
recovering addict, aggravated trafficking in drugs is a felony 881
of the third degree, and division (C) of section 2929.13 of the 882

Revised Code applies in determining whether to impose a prison 883
term on the offender. 884

(c) Except as otherwise provided in this division, if the 885
amount of the drug involved equals or exceeds the bulk amount 886
but is less than five times the bulk amount, aggravated 887
trafficking in drugs is a felony of the third degree, and, 888
except as otherwise provided in this division, there is a 889
presumption for a prison term for the offense. If aggravated 890
trafficking in drugs is a felony of the third degree under this 891
division and if the offender two or more times previously has 892
been convicted of or pleaded guilty to a felony drug abuse 893
offense, the court shall impose as a mandatory prison term one 894
of the prison terms prescribed for a felony of the third degree. 895
If the amount of the drug involved is within that range and if 896
the offense was committed in the vicinity of a school, in the 897
vicinity of a juvenile, or in the vicinity of a substance 898
addiction services provider or a recovering addict, aggravated 899
trafficking in drugs is a felony of the second degree, and the 900
court shall impose as a mandatory prison term a second degree 901
felony mandatory prison term. 902

(d) Except as otherwise provided in this division, if the 903
amount of the drug involved equals or exceeds five times the 904
bulk amount but is less than fifty times the bulk amount, 905
aggravated trafficking in drugs is a felony of the second 906
degree, and the court shall impose as a mandatory prison term a 907
second degree felony mandatory prison term. If the amount of the 908
drug involved is within that range and if the offense was 909
committed in the vicinity of a school, in the vicinity of a 910
juvenile, or in the vicinity of a substance addiction services 911
provider or a recovering addict, aggravated trafficking in drugs 912
is a felony of the first degree, and the court shall impose as a 913

mandatory prison term a first degree felony mandatory prison 914
term. 915

(e) If the amount of the drug involved equals or exceeds 916
fifty times the bulk amount but is less than one hundred times 917
the bulk amount and regardless of whether the offense was 918
committed in the vicinity of a school, in the vicinity of a 919
juvenile, or in the vicinity of a substance addiction services 920
provider or a recovering addict, aggravated trafficking in drugs 921
is a felony of the first degree, and the court shall impose as a 922
mandatory prison term a first degree felony mandatory prison 923
term. 924

(f) If the amount of the drug involved equals or exceeds 925
one hundred times the bulk amount and regardless of whether the 926
offense was committed in the vicinity of a school, in the 927
vicinity of a juvenile, or in the vicinity of a substance 928
addiction services provider or a recovering addict, aggravated 929
trafficking in drugs is a felony of the first degree, the 930
offender is a major drug offender, and the court shall impose as 931
a mandatory prison term a maximum first degree felony mandatory 932
prison term. 933

(2) If the drug involved in the violation is any compound, 934
mixture, preparation, or substance included in schedule III, IV, 935
or V, whoever violates division (A) of this section is guilty of 936
trafficking in drugs. The penalty for the offense shall be 937
determined as follows: 938

(a) Except as otherwise provided in division (C) (2) (b), 939
(c), (d), or (e) of this section, trafficking in drugs is a 940
felony of the fifth degree, ~~and division (B) of section 2929.13~~ 941
~~of the Revised Code applies in determining whether to impose a~~ 942
~~prison term on the offender.~~ 943

(b) Except as otherwise provided in division (C) (2) (c), 944
(d), or (e) of this section, if the offense was committed in the 945
vicinity of a school or in the vicinity of a juvenile, 946
trafficking in drugs is a felony of the fourth degree, and 947
division (C) of section 2929.13 of the Revised Code applies in 948
determining whether to impose a prison term on the offender. 949

(c) Except as otherwise provided in this division, if the 950
amount of the drug involved equals or exceeds the bulk amount 951
but is less than five times the bulk amount, trafficking in 952
drugs is a felony of the fourth degree, ~~and division (B) of~~ 953
~~section 2929.13 of the Revised Code applies in determining~~ 954
~~whether to impose a prison term for the offense.~~ If the amount 955
of the drug involved is within that range and if the offense was 956
committed in the vicinity of a school or in the vicinity of a 957
juvenile, trafficking in drugs is a felony of the third degree, 958
and there is a presumption for a prison term for the offense. 959

(d) Except as otherwise provided in this division, if the 960
amount of the drug involved equals or exceeds five times the 961
bulk amount but is less than fifty times the bulk amount, 962
trafficking in drugs is a felony of the third degree, and there 963
is a presumption for a prison term for the offense. If the 964
amount of the drug involved is within that range and if the 965
offense was committed in the vicinity of a school or in the 966
vicinity of a juvenile, trafficking in drugs is a felony of the 967
second degree, and there is a presumption for a prison term for 968
the offense. 969

(e) Except as otherwise provided in this division, if the 970
amount of the drug involved equals or exceeds fifty times the 971
bulk amount, trafficking in drugs is a felony of the second 972
degree, and the court shall impose as a mandatory prison term a 973

second degree felony mandatory prison term. If the amount of the 974
drug involved equals or exceeds fifty times the bulk amount and 975
if the offense was committed in the vicinity of a school or in 976
the vicinity of a juvenile, trafficking in drugs is a felony of 977
the first degree, and the court shall impose as a mandatory 978
prison term a first degree felony mandatory prison term. 979

(3) If the drug involved in the violation is marihuana or 980
a compound, mixture, preparation, or substance containing 981
marihuana other than hashish, whoever violates division (A) of 982
this section is guilty of trafficking in marihuana. The penalty 983
for the offense shall be determined as follows: 984

(a) Except as otherwise provided in division (C) (3) (b), 985
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 986
marihuana is a felony of the fifth degree, ~~and division (B) of~~ 987
~~section 2929.13 of the Revised Code applies in determining~~ 988
~~whether to impose a prison term on the offender.~~ 989

(b) Except as otherwise provided in division (C) (3) (c), 990
(d), (e), (f), (g), or (h) of this section, if the offense was 991
committed in the vicinity of a school or in the vicinity of a 992
juvenile, trafficking in marihuana is a felony of the fourth 993
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 994
~~applies in determining whether to impose a prison term on the~~ 995
~~offender.~~ 996

(c) Except as otherwise provided in this division, if the 997
amount of the drug involved equals or exceeds two hundred grams 998
but is less than one thousand grams, trafficking in marihuana is 999
a felony of the fourth degree, ~~and division (B) of section~~ 1000
~~2929.13 of the Revised Code applies in determining whether to~~ 1001
~~impose a prison term on the offender.~~ If the amount of the drug 1002
involved is within that range and if the offense was committed 1003

in the vicinity of a school or in the vicinity of a juvenile, 1004
trafficking in marihuana is a felony of the third degree, and 1005
division (C) of section 2929.13 of the Revised Code applies in 1006
determining whether to impose a prison term on the offender. 1007

(d) Except as otherwise provided in this division, if the 1008
amount of the drug involved equals or exceeds one thousand grams 1009
but is less than five thousand grams, trafficking in marihuana 1010
is a felony of the third degree, and division (C) of section 1011
2929.13 of the Revised Code applies in determining whether to 1012
impose a prison term on the offender. If the amount of the drug 1013
involved is within that range and if the offense was committed 1014
in the vicinity of a school or in the vicinity of a juvenile, 1015
trafficking in marihuana is a felony of the second degree, and 1016
there is a presumption that a prison term shall be imposed for 1017
the offense. 1018

(e) Except as otherwise provided in this division, if the 1019
amount of the drug involved equals or exceeds five thousand 1020
grams but is less than twenty thousand grams, trafficking in 1021
marihuana is a felony of the third degree, and there is a 1022
presumption that a prison term shall be imposed for the offense. 1023
If the amount of the drug involved is within that range and if 1024
the offense was committed in the vicinity of a school or in the 1025
vicinity of a juvenile, trafficking in marihuana is a felony of 1026
the second degree, and there is a presumption that a prison term 1027
shall be imposed for the offense. 1028

(f) Except as otherwise provided in this division, if the 1029
amount of the drug involved equals or exceeds twenty thousand 1030
grams but is less than forty thousand grams, trafficking in 1031
marihuana is a felony of the second degree, and the court shall 1032
impose as a mandatory prison term a second degree felony 1033

mandatory prison term of five, six, seven, or eight years. If 1034
the amount of the drug involved is within that range and if the 1035
offense was committed in the vicinity of a school or in the 1036
vicinity of a juvenile, trafficking in marihuana is a felony of 1037
the first degree, and the court shall impose as a mandatory 1038
prison term a maximum first degree felony mandatory prison term. 1039

(g) Except as otherwise provided in this division, if the 1040
amount of the drug involved equals or exceeds forty thousand 1041
grams, trafficking in marihuana is a felony of the second 1042
degree, and the court shall impose as a mandatory prison term a 1043
maximum second degree felony mandatory prison term. If the 1044
amount of the drug involved equals or exceeds forty thousand 1045
grams and if the offense was committed in the vicinity of a 1046
school or in the vicinity of a juvenile, trafficking in 1047
marihuana is a felony of the first degree, and the court shall 1048
impose as a mandatory prison term a maximum first degree felony 1049
mandatory prison term. 1050

(h) Except as otherwise provided in this division, if the 1051
offense involves a gift of twenty grams or less of marihuana, 1052
trafficking in marihuana is a minor misdemeanor upon a first 1053
offense and a misdemeanor of the third degree upon a subsequent 1054
offense. If the offense involves a gift of twenty grams or less 1055
of marihuana and if the offense was committed in the vicinity of 1056
a school or in the vicinity of a juvenile, trafficking in 1057
marihuana is a misdemeanor of the third degree. 1058

(4) If the drug involved in the violation is cocaine or a 1059
compound, mixture, preparation, or substance containing cocaine, 1060
whoever violates division (A) of this section is guilty of 1061
trafficking in cocaine. The penalty for the offense shall be 1062
determined as follows: 1063

(a) Except as otherwise provided in division (C) (4) (b), 1064
(c), (d), (e), (f), or (g) of this section, trafficking in 1065
cocaine is a felony of the fifth degree, ~~and division (B) of~~ 1066
~~section 2929.13 of the Revised Code applies in determining~~ 1067
~~whether to impose a prison term on the offender.~~ 1068

(b) Except as otherwise provided in division (C) (4) (c), 1069
(d), (e), (f), or (g) of this section, if the offense was 1070
committed in the vicinity of a school, in the vicinity of a 1071
juvenile, or in the vicinity of a substance addiction services 1072
provider or a recovering addict, trafficking in cocaine is a 1073
felony of the fourth degree, and division (C) of section 2929.13 1074
of the Revised Code applies in determining whether to impose a 1075
prison term on the offender. 1076

(c) Except as otherwise provided in this division, if the 1077
amount of the drug involved equals or exceeds five grams but is 1078
less than ten grams of cocaine, trafficking in cocaine is a 1079
felony of the fourth degree, ~~and division (B) of section 2929.13~~ 1080
~~of the Revised Code applies in determining whether to impose a~~ 1081
~~prison term for the offense.~~ If the amount of the drug involved 1082
is within that range and if the offense was committed in the 1083
vicinity of a school, in the vicinity of a juvenile, or in the 1084
vicinity of a substance addiction services provider or a 1085
recovering addict, trafficking in cocaine is a felony of the 1086
third degree, and there is a presumption for a prison term for 1087
the offense. 1088

(d) Except as otherwise provided in this division, if the 1089
amount of the drug involved equals or exceeds ten grams but is 1090
less than twenty grams of cocaine, trafficking in cocaine is a 1091
felony of the third degree, and, except as otherwise provided in 1092
this division, there is a presumption for a prison term for the 1093

offense. If trafficking in cocaine is a felony of the third 1094
degree under this division and if the offender two or more times 1095
previously has been convicted of or pleaded guilty to a felony 1096
drug abuse offense, the court shall impose as a mandatory prison 1097
term one of the prison terms prescribed for a felony of the 1098
third degree. If the amount of the drug involved is within that 1099
range and if the offense was committed in the vicinity of a 1100
school, in the vicinity of a juvenile, or in the vicinity of a 1101
substance addiction services provider or a recovering addict, 1102
trafficking in cocaine is a felony of the second degree, and the 1103
court shall impose as a mandatory prison term a second degree 1104
felony mandatory prison term. 1105

(e) Except as otherwise provided in this division, if the 1106
amount of the drug involved equals or exceeds twenty grams but 1107
is less than twenty-seven grams of cocaine, trafficking in 1108
cocaine is a felony of the second degree, and the court shall 1109
impose as a mandatory prison term a second degree felony 1110
mandatory prison term. If the amount of the drug involved is 1111
within that range and if the offense was committed in the 1112
vicinity of a school, in the vicinity of a juvenile, or in the 1113
vicinity of a substance addiction services provider or a 1114
recovering addict, trafficking in cocaine is a felony of the 1115
first degree, and the court shall impose as a mandatory prison 1116
term a first degree felony mandatory prison term. 1117

(f) If the amount of the drug involved equals or exceeds 1118
twenty-seven grams but is less than ~~one hundred~~ fifty grams of 1119
cocaine and regardless of whether the offense was committed in 1120
the vicinity of a school, in the vicinity of a juvenile, or in 1121
the vicinity of a substance addiction services provider or a 1122
recovering addict, trafficking in cocaine is a felony of the 1123
first degree, and the court shall impose as a mandatory prison 1124

term a first degree felony mandatory prison term. 1125

(g) If the amount of the drug involved equals or exceeds 1126
~~one hundred fifty~~ grams of cocaine and regardless of whether the 1127
offense was committed in the vicinity of a school, in the 1128
vicinity of a juvenile, or in the vicinity of a substance 1129
addiction services provider or a recovering addict, trafficking 1130
in cocaine is a felony of the first degree, the offender is a 1131
major drug offender, and the court shall impose as a mandatory 1132
prison term a maximum first degree felony mandatory prison term. 1133

(5) If the drug involved in the violation is L.S.D. or a 1134
compound, mixture, preparation, or substance containing L.S.D., 1135
whoever violates division (A) of this section is guilty of 1136
trafficking in L.S.D. The penalty for the offense shall be 1137
determined as follows: 1138

(a) Except as otherwise provided in division (C) (5) (b), 1139
(c), (d), (e), (f), or (g) of this section, trafficking in 1140
L.S.D. is a felony of the fifth degree, ~~and division (B) of~~ 1141
~~section 2929.13 of the Revised Code applies in determining~~ 1142
~~whether to impose a prison term on the offender.~~ 1143

(b) Except as otherwise provided in division (C) (5) (c), 1144
(d), (e), (f), or (g) of this section, if the offense was 1145
committed in the vicinity of a school, in the vicinity of a 1146
juvenile, or in the vicinity of a substance addiction services 1147
provider or a recovering addict, trafficking in L.S.D. is a 1148
felony of the fourth degree, and division (C) of section 2929.13 1149
of the Revised Code applies in determining whether to impose a 1150
prison term on the offender. 1151

(c) Except as otherwise provided in this division, if the 1152
amount of the drug involved equals or exceeds ten unit doses but 1153

is less than fifty unit doses of L.S.D. in a solid form or 1154
equals or exceeds one gram but is less than five grams of L.S.D. 1155
in a liquid concentrate, liquid extract, or liquid distillate 1156
form, trafficking in L.S.D. is a felony of the fourth degree, 1157
~~and division (B) of section 2929.13 of the Revised Code applies~~ 1158
~~in determining whether to impose a prison term for the offense.~~ 1159
If the amount of the drug involved is within that range and if 1160
the offense was committed in the vicinity of a school, in the 1161
vicinity of a juvenile, or in the vicinity of a substance 1162
addiction services provider or a recovering addict, trafficking 1163
in L.S.D. is a felony of the third degree, and there is a 1164
presumption for a prison term for the offense. 1165

(d) Except as otherwise provided in this division, if the 1166
amount of the drug involved equals or exceeds fifty unit doses 1167
but is less than two hundred fifty unit doses of L.S.D. in a 1168
solid form or equals or exceeds five grams but is less than 1169
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1170
extract, or liquid distillate form, trafficking in L.S.D. is a 1171
felony of the third degree, and, except as otherwise provided in 1172
this division, there is a presumption for a prison term for the 1173
offense. If trafficking in L.S.D. is a felony of the third 1174
degree under this division and if the offender two or more times 1175
previously has been convicted of or pleaded guilty to a felony 1176
drug abuse offense, the court shall impose as a mandatory prison 1177
term one of the prison terms prescribed for a felony of the 1178
third degree. If the amount of the drug involved is within that 1179
range and if the offense was committed in the vicinity of a 1180
school, in the vicinity of a juvenile, or in the vicinity of a 1181
substance addiction services provider or a recovering addict, 1182
trafficking in L.S.D. is a felony of the second degree, and the 1183
court shall impose as a mandatory prison term a second degree 1184

felony mandatory prison term. 1185

(e) Except as otherwise provided in this division, if the 1186
amount of the drug involved equals or exceeds two hundred fifty 1187
unit doses but is less than one thousand unit doses of L.S.D. in 1188
a solid form or equals or exceeds twenty-five grams but is less 1189
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1190
extract, or liquid distillate form, trafficking in L.S.D. is a 1191
felony of the second degree, and the court shall impose as a 1192
mandatory prison term a second degree felony mandatory prison 1193
term. If the amount of the drug involved is within that range 1194
and if the offense was committed in the vicinity of a school, in 1195
the vicinity of a juvenile, or in the vicinity of a substance 1196
addiction services provider or a recovering addict, trafficking 1197
in L.S.D. is a felony of the first degree, and the court shall 1198
impose as a mandatory prison term a first degree felony 1199
mandatory prison term. 1200

(f) If the amount of the drug involved equals or exceeds 1201
one thousand unit doses but is less than five thousand unit 1202
doses of L.S.D. in a solid form or equals or exceeds one hundred 1203
grams but is less than five hundred grams of L.S.D. in a liquid 1204
concentrate, liquid extract, or liquid distillate form and 1205
regardless of whether the offense was committed in the vicinity 1206
of a school, in the vicinity of a juvenile, or in the vicinity 1207
of a substance addiction services provider or a recovering 1208
addict, trafficking in L.S.D. is a felony of the first degree, 1209
and the court shall impose as a mandatory prison term a first 1210
degree felony mandatory prison term. 1211

(g) If the amount of the drug involved equals or exceeds 1212
five thousand unit doses of L.S.D. in a solid form or equals or 1213
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1214

liquid extract, or liquid distillate form and regardless of 1215
whether the offense was committed in the vicinity of a school, 1216
in the vicinity of a juvenile, or in the vicinity of a substance 1217
addiction services provider or a recovering addict, trafficking 1218
in L.S.D. is a felony of the first degree, the offender is a 1219
major drug offender, and the court shall impose as a mandatory 1220
prison term a maximum first degree felony mandatory prison term. 1221

(6) If the drug involved in the violation is heroin or a 1222
compound, mixture, preparation, or substance containing heroin, 1223
whoever violates division (A) of this section is guilty of 1224
trafficking in heroin. The penalty for the offense shall be 1225
determined as follows: 1226

(a) Except as otherwise provided in division (C) (6) (b), 1227
(c), (d), (e), or (f), ~~or (g)~~ of this section, trafficking in 1228
heroin is a felony of the fifth degree, ~~and division (B) of~~ 1229
~~section 2929.13 of the Revised Code applies in determining~~ 1230
~~whether to impose a prison term on the offender.~~ 1231

(b) Except as otherwise provided in division (C) (6) (c), 1232
(d), (e), or (f), ~~or (g)~~ of this section, if the offense was 1233
committed in the vicinity of a school, in the vicinity of a 1234
juvenile, or in the vicinity of a substance addiction services 1235
provider or a recovering addict, trafficking in heroin is a 1236
felony of the fourth degree, and division (C) of section 2929.13 1237
of the Revised Code applies in determining whether to impose a 1238
prison term on the offender. 1239

(c) Except as otherwise provided in this division, if the 1240
amount of the drug involved equals or exceeds ten unit doses but 1241
is less than fifty unit doses or equals or exceeds one gram but 1242
is less than five grams, trafficking in heroin is a felony of 1243
the fourth degree, ~~and division (B) of section 2929.13 of the~~ 1244

~~Revised Code applies in determining whether to impose a prison~~ 1245
~~term for the offense.~~ If the amount of the drug involved is 1246
within that range and if the offense was committed in the 1247
vicinity of a school, in the vicinity of a juvenile, or in the 1248
vicinity of a substance addiction services provider or a 1249
recovering addict, trafficking in heroin is a felony of the 1250
third degree, and there is a presumption for a prison term for 1251
the offense. 1252

(d) ~~Except as otherwise provided in this division, if~~ 1253
the amount of the drug involved equals or exceeds fifty unit 1254
doses but is less than one hundred unit doses or equals or 1255
exceeds five grams but is less than ten grams, trafficking in 1256
heroin is a felony of the third degree, and there is a 1257
presumption for a prison term for the offense. If the amount of 1258
the drug involved is within that range and if the offense was 1259
committed in the vicinity of a school, in the vicinity of a 1260
juvenile, or in the vicinity of a substance addiction services 1261
provider or a recovering addict, trafficking in heroin is a 1262
felony of the second degree, and there is a presumption for a 1263
prison term for the offense. 1264

(e) ~~Except as otherwise provided in this division, if~~ 1265
the amount of the drug involved equals or exceeds one hundred 1266
unit doses but is less than five hundred unit doses or equals or 1267
exceeds ten grams but is less than fifty grams, trafficking in 1268
heroin is a felony of the second degree, and the court shall 1269
impose as a mandatory prison term a second degree felony 1270
mandatory prison term. If the amount of the drug involved is 1271
within that range and if the offense was committed in the 1272
vicinity of a school, in the vicinity of a juvenile, or in the 1273
vicinity of a substance addiction services provider or a 1274
recovering addict, trafficking in heroin is a felony of the 1275

first degree, and the court shall impose as a mandatory prison 1276
term a first degree felony mandatory prison term. 1277

~~(f) If the amount of the drug involved equals or exceeds 1278
five hundred unit doses but is less than one thousand unit doses 1279
or equals or exceeds fifty grams but is less than one hundred 1280
grams and regardless of whether the offense was committed in the 1281
vicinity of a school, in the vicinity of a juvenile, or in the 1282
vicinity of a substance addiction services provider or a 1283
recovering addict, trafficking in heroin is a felony of the 1284
first degree, and the court shall impose as a mandatory prison 1285
term a first degree felony mandatory prison term. 1286~~

~~(g) If the amount of the drug involved equals or exceeds 1287
one thousand five hundred unit doses or equals or exceeds ~~one~~ 1288
~~hundred~~ fifty grams and regardless of whether the offense was 1289
committed in the vicinity of a school, in the vicinity of a 1290
juvenile, or in the vicinity of a substance addiction services 1291
provider or a recovering addict, trafficking in heroin is a 1292
felony of the first degree, the offender is a major drug 1293
offender, and the court shall impose as a mandatory prison term 1294
a maximum first degree felony mandatory prison term. 1295~~

(7) If the drug involved in the violation is hashish or a 1296
compound, mixture, preparation, or substance containing hashish, 1297
whoever violates division (A) of this section is guilty of 1298
trafficking in hashish. The penalty for the offense shall be 1299
determined as follows: 1300

(a) Except as otherwise provided in division (C) (7) (b), 1301
(c), (d), (e), (f), or (g) of this section, trafficking in 1302
hashish is a felony of the fifth degree, ~~and division (B) of~~ 1303
~~section 2929.13 of the Revised Code applies in determining~~ 1304
~~whether to impose a prison term on the offender.~~ 1305

(b) Except as otherwise provided in division (C) (7) (c), 1306
(d), (e), (f), or (g) of this section, if the offense was 1307
committed in the vicinity of a school, in the vicinity of a 1308
juvenile, or in the vicinity of a substance addiction services 1309
provider or a recovering addict, trafficking in hashish is a 1310
felony of the fourth degree, ~~and division (B) of section 2929.13~~ 1311
~~of the Revised Code applies in determining whether to impose a~~ 1312
~~prison term on the offender.~~ 1313

(c) Except as otherwise provided in this division, if the 1314
amount of the drug involved equals or exceeds ten grams but is 1315
less than fifty grams of hashish in a solid form or equals or 1316
exceeds two grams but is less than ten grams of hashish in a 1317
liquid concentrate, liquid extract, or liquid distillate form, 1318
trafficking in hashish is a felony of the fourth degree, ~~and~~ 1319
~~division (B) of section 2929.13 of the Revised Code applies in~~ 1320
~~determining whether to impose a prison term on the offender.~~ If 1321
the amount of the drug involved is within that range and if the 1322
offense was committed in the vicinity of a school, in the 1323
vicinity of a juvenile, or in the vicinity of a substance 1324
addiction services provider or a recovering addict, trafficking 1325
in hashish is a felony of the third degree, and division (C) of 1326
section 2929.13 of the Revised Code applies in determining 1327
whether to impose a prison term on the offender. 1328

(d) Except as otherwise provided in this division, if the 1329
amount of the drug involved equals or exceeds fifty grams but is 1330
less than two hundred fifty grams of hashish in a solid form or 1331
equals or exceeds ten grams but is less than fifty grams of 1332
hashish in a liquid concentrate, liquid extract, or liquid 1333
distillate form, trafficking in hashish is a felony of the third 1334
degree, and division (C) of section 2929.13 of the Revised Code 1335
applies in determining whether to impose a prison term on the 1336

offender. If the amount of the drug involved is within that 1337
range and if the offense was committed in the vicinity of a 1338
school, in the vicinity of a juvenile, or in the vicinity of a 1339
substance addiction services provider or a recovering addict, 1340
trafficking in hashish is a felony of the second degree, and 1341
there is a presumption that a prison term shall be imposed for 1342
the offense. 1343

(e) Except as otherwise provided in this division, if the 1344
amount of the drug involved equals or exceeds two hundred fifty 1345
grams but is less than one thousand grams of hashish in a solid 1346
form or equals or exceeds fifty grams but is less than two 1347
hundred grams of hashish in a liquid concentrate, liquid 1348
extract, or liquid distillate form, trafficking in hashish is a 1349
felony of the third degree, and there is a presumption that a 1350
prison term shall be imposed for the offense. If the amount of 1351
the drug involved is within that range and if the offense was 1352
committed in the vicinity of a school, in the vicinity of a 1353
juvenile, or in the vicinity of a substance addiction services 1354
provider or a recovering addict, trafficking in hashish is a 1355
felony of the second degree, and there is a presumption that a 1356
prison term shall be imposed for the offense. 1357

(f) Except as otherwise provided in this division, if the 1358
amount of the drug involved equals or exceeds one thousand grams 1359
but is less than two thousand grams of hashish in a solid form 1360
or equals or exceeds two hundred grams but is less than four 1361
hundred grams of hashish in a liquid concentrate, liquid 1362
extract, or liquid distillate form, trafficking in hashish is a 1363
felony of the second degree, and the court shall impose as a 1364
mandatory prison term a second degree felony mandatory prison 1365
term of five, six, seven, or eight years. If the amount of the 1366
drug involved is within that range and if the offense was 1367

committed in the vicinity of a school, in the vicinity of a 1368
juvenile, or in the vicinity of a substance addiction services 1369
provider or a recovering addict, trafficking in hashish is a 1370
felony of the first degree, and the court shall impose as a 1371
mandatory prison term a maximum first degree felony mandatory 1372
prison term. 1373

(g) Except as otherwise provided in this division, if the 1374
amount of the drug involved equals or exceeds two thousand grams 1375
of hashish in a solid form or equals or exceeds four hundred 1376
grams of hashish in a liquid concentrate, liquid extract, or 1377
liquid distillate form, trafficking in hashish is a felony of 1378
the second degree, and the court shall impose as a mandatory 1379
prison term a maximum second degree felony mandatory prison 1380
term. If the amount of the drug involved equals or exceeds two 1381
thousand grams of hashish in a solid form or equals or exceeds 1382
four hundred grams of hashish in a liquid concentrate, liquid 1383
extract, or liquid distillate form and if the offense was 1384
committed in the vicinity of a school, in the vicinity of a 1385
juvenile, or in the vicinity of a substance addiction services 1386
provider or a recovering addict, trafficking in hashish is a 1387
felony of the first degree, and the court shall impose as a 1388
mandatory prison term a maximum first degree felony mandatory 1389
prison term. 1390

(8) If the drug involved in the violation is a controlled 1391
substance analog or compound, mixture, preparation, or substance 1392
that contains a controlled substance analog, whoever violates 1393
division (A) of this section is guilty of trafficking in a 1394
controlled substance analog. The penalty for the offense shall 1395
be determined as follows: 1396

(a) Except as otherwise provided in division (C) (8) (b), 1397

(c), (d), (e), (f), or (g) of this section, trafficking in a 1398
controlled substance analog is a felony of the fifth degree, and 1399
division (C) of section 2929.13 of the Revised Code applies in 1400
determining whether to impose a prison term on the offender. 1401

(b) Except as otherwise provided in division (C) (8) (c), 1402
(d), (e), (f), or (g) of this section, if the offense was 1403
committed in the vicinity of a school, in the vicinity of a 1404
juvenile, or in the vicinity of a substance addiction services 1405
provider or a recovering addict, trafficking in a controlled 1406
substance analog is a felony of the fourth degree, and division 1407
(C) of section 2929.13 of the Revised Code applies in 1408
determining whether to impose a prison term on the offender. 1409

(c) Except as otherwise provided in this division, if the 1410
amount of the drug involved equals or exceeds ten grams but is 1411
less than twenty grams, trafficking in a controlled substance 1412
analog is a felony of the fourth degree, ~~and division (B) of~~ 1413
~~section 2929.13 of the Revised Code applies in determining~~ 1414
~~whether to impose a prison term for the offense.~~ If the amount 1415
of the drug involved is within that range and if the offense was 1416
committed in the vicinity of a school, in the vicinity of a 1417
juvenile, or in the vicinity of a substance addiction services 1418
provider or a recovering addict, trafficking in a controlled 1419
substance analog is a felony of the third degree, and there is a 1420
presumption for a prison term for the offense. 1421

(d) Except as otherwise provided in this division, if the 1422
amount of the drug involved equals or exceeds twenty grams but 1423
is less than thirty grams, trafficking in a controlled substance 1424
analog is a felony of the third degree, and there is a 1425
presumption for a prison term for the offense. If the amount of 1426
the drug involved is within that range and if the offense was 1427

committed in the vicinity of a school, in the vicinity of a 1428
juvenile, or in the vicinity of a substance addiction services 1429
provider or a recovering addict, trafficking in a controlled 1430
substance analog is a felony of the second degree, and there is 1431
a presumption for a prison term for the offense. 1432

(e) Except as otherwise provided in this division, if the 1433
amount of the drug involved equals or exceeds thirty grams but 1434
is less than forty grams, trafficking in a controlled substance 1435
analog is a felony of the second degree, and the court shall 1436
impose as a mandatory prison term a second degree felony 1437
mandatory prison term. If the amount of the drug involved is 1438
within that range and if the offense was committed in the 1439
vicinity of a school, in the vicinity of a juvenile, or in the 1440
vicinity of a substance addiction services provider or a 1441
recovering addict, trafficking in a controlled substance analog 1442
is a felony of the first degree, and the court shall impose as a 1443
mandatory prison term a first degree felony mandatory prison 1444
term. 1445

(f) If the amount of the drug involved equals or exceeds 1446
forty grams but is less than fifty grams and regardless of 1447
whether the offense was committed in the vicinity of a school, 1448
in the vicinity of a juvenile, or in the vicinity of a substance 1449
addiction services provider or a recovering addict, trafficking 1450
in a controlled substance analog is a felony of the first 1451
degree, and the court shall impose as a mandatory prison term a 1452
first degree felony mandatory prison term. 1453

(g) If the amount of the drug involved equals or exceeds 1454
fifty grams and regardless of whether the offense was committed 1455
in the vicinity of a school, in the vicinity of a juvenile, or 1456
in the vicinity of a substance addiction services provider or a 1457

recovering addict, trafficking in a controlled substance analog 1458
is a felony of the first degree, the offender is a major drug 1459
offender, and the court shall impose as a mandatory prison term 1460
a maximum first degree felony mandatory prison term. 1461

(9) If the drug involved in the violation is a fentanyl- 1462
related compound or a compound, mixture, preparation, or 1463
substance containing a fentanyl-related compound ~~and division~~ 1464
~~(C) (10) (a) of this section does not apply to the drug involved,~~ 1465
whoever violates division (A) of this section is guilty of 1466
trafficking in a fentanyl-related compound. The penalty for the 1467
offense shall be determined as follows: 1468

(a) Except as otherwise provided in division (C) (9) (b), 1469
(c), (d), (e), (f), or (g), ~~or (h)~~ of this section, trafficking 1470
in a fentanyl-related compound is a felony of the fifth-fourth 1471
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 1472
~~applies in determining whether to impose a prison term on the~~ 1473
~~offender.~~ 1474

(b) Except as otherwise provided in division (C) (9) (c), 1475
(d), (e), (f), or (g), ~~or (h)~~ of this section, if the offense 1476
was committed in the vicinity of a school, in the vicinity of a 1477
juvenile, or in the vicinity of a substance addiction services 1478
provider or a recovering addict, trafficking in a fentanyl- 1479
related compound is a felony of the fourth-third degree, and 1480
division (C) of section 2929.13 of the Revised Code applies in 1481
determining whether to impose a prison term on the offender. 1482

(c) ~~Except as otherwise provided in this division, if~~ 1483
the amount of the drug involved equals or exceeds ten unit doses 1484
but is less than fifty unit doses or equals or exceeds one gram 1485
but is less than five grams, trafficking in a fentanyl-related 1486
compound is a felony of the fourth degree, ~~and division (B) of~~ 1487

~~section 2929.13 of the Revised Code applies in determining~~ 1488
~~whether to impose a prison term for the offense.~~ 1489
If the amount 1490
of the drug involved is within that range and if the offense was 1491
committed in the vicinity of a school, in the vicinity of a 1492
juvenile, or in the vicinity of a substance addiction services 1493
provider or a recovering addict, trafficking in a fentanyl- 1494
related compound is a felony of the third degree, and there is a 1495
presumption for a prison term for the offense.

(d) ~~Except as otherwise provided in this division, if~~ 1496
If 1497
the amount of the drug involved equals or exceeds fifty unit 1498
doses but is less than one hundred unit doses or equals or 1499
exceeds five grams but is less than ten grams, trafficking in a 1500
fentanyl-related compound is a felony of the third degree, and 1501
there is a presumption for a prison term for the offense. If the 1502
amount of the drug involved is within that range and if the 1503
offense was committed in the vicinity of a school, in the 1504
vicinity of a juvenile, or in the vicinity of a substance 1505
addiction services provider or a recovering addict, trafficking 1506
in a fentanyl-related compound is a felony of the second degree, 1507
and there is a presumption for a prison term for the offense.

(e) ~~Except as otherwise provided in this division, if~~ 1508
If 1509
the amount of the drug involved equals or exceeds one hundred 1510
unit doses but is less than two hundred unit doses or equals or 1511
exceeds ten grams but is less than twenty grams, trafficking in 1512
a fentanyl-related compound is a felony of the second degree, 1513
and the court shall impose as a mandatory prison term one of the 1514
prison terms prescribed for a felony of the second degree that 1515
is not less than five years. If the amount of the drug involved 1516
is within that range and if the offense was committed in the 1517
vicinity of a school, in the vicinity of a juvenile, or in the 1518
vicinity of a substance addiction services provider or a

recovering addict, trafficking in a fentanyl-related compound is 1519
a felony of the first degree, and the court shall impose ~~as a~~ 1520
mandatory prison term ~~one of the prison terms prescribed for a~~ 1521
~~felony of the first degree~~ at least five years. 1522

(f) If the amount of the drug involved equals or exceeds 1523
two hundred unit doses but is less than five hundred unit doses 1524
or equals or exceeds twenty grams but is less than fifty grams 1525
and regardless of whether the offense was committed in the 1526
vicinity of a school, in the vicinity of a juvenile, or in the 1527
vicinity of a substance addiction services provider or a 1528
recovering addict, trafficking in a fentanyl-related compound is 1529
a felony of the first degree, and the court shall impose ~~as a~~ 1530
mandatory prison term ~~one of the prison terms prescribed for a~~ 1531
~~felony of the first degree~~ at least five years. 1532

~~(g) If the amount of the drug involved equals or exceeds~~ 1533
~~five hundred unit doses but is less than one thousand unit doses~~ 1534
~~or equals or exceeds fifty grams but is less than one hundred~~ 1535
~~grams and regardless of whether the offense was committed in the~~ 1536
~~vicinity of a school, in the vicinity of a juvenile, or in the~~ 1537
~~vicinity of a substance addiction services provider or a~~ 1538
~~recovering addict, trafficking in a fentanyl-related compound is~~ 1539
~~a felony of the first degree, and the court shall impose as a~~ 1540
~~mandatory prison term the maximum prison term prescribed for a~~ 1541
~~felony of the first degree.~~ 1542

~~(h)~~ If the amount of the drug involved equals or exceeds 1543
~~one thousand~~ five hundred unit doses or equals or exceeds ~~one~~ 1544
~~hundred~~ fifty grams and regardless of whether the offense was 1545
committed in the vicinity of a school, in the vicinity of a 1546
juvenile, or in the vicinity of a substance addiction services 1547
provider or a recovering addict, trafficking in a fentanyl- 1548

related compound is a felony of the first degree, the offender 1549
is a major drug offender, and the court shall impose as a 1550
mandatory prison term the maximum prison term prescribed for a 1551
felony of the first degree. 1552

~~(10) If the drug involved in the violation is a compound, 1553
mixture, preparation, or substance that is a combination of a 1554
fentanyl-related compound and marihuana, one of the following 1555
applies: 1556~~

~~(a) Except as otherwise provided in division (C) (10) (b) of 1557
this section, the offender is guilty of trafficking in marihuana 1558
and shall be punished under division (C) (3) of this section. The 1559
offender is not guilty of trafficking in a fentanyl-related 1560
compound and shall not be charged with, convicted of, or 1561
punished under division (C) (9) of this section for trafficking 1562
in a fentanyl-related compound. 1563~~

~~(b) If the offender knows or has reason to know that the 1564
compound, mixture, preparation, or substance that is the drug 1565
involved contains a fentanyl-related compound, the offender is 1566
guilty of trafficking in a fentanyl-related compound and shall 1567
be punished under division (C) (9) of this section. 1568~~

If the drug involved in the violation is methamphetamine 1569
or a compound, mixture, preparation, or substance containing 1570
methamphetamine, whoever violates division (A) of this section 1571
is guilty of trafficking in methamphetamine. The penalty for the 1572
offense shall be determined as follows: 1573

(a) Except as otherwise provided in division (C) (10) (b), 1574
(c), (d), (e), or (f) of this section, trafficking in 1575
methamphetamine is a felony of the fourth degree. 1576

(b) Except as otherwise provided in division (C) (10) (c), 1577

(d), (e), or (f) of this section, if the offense was committed 1578
in the vicinity of a school, in the vicinity of a juvenile, or 1579
in the vicinity of a substance addiction services provider or a 1580
recovering addict, trafficking in methamphetamine is a felony of 1581
the third degree, and division (C) of section 2929.13 of the 1582
Revised Code applies in determining whether to impose a prison 1583
term on the offender. 1584

(c) Except as otherwise provided in this division, if the 1585
amount of the drug involved equals or exceeds three grams but is 1586
less than fifteen grams of methamphetamine, trafficking in 1587
methamphetamine is a felony of the third degree and, except as 1588
otherwise provided in this division, there is a presumption for 1589
a prison term for the offense. If trafficking in methamphetamine 1590
is a felony of the third degree and if the offender two or more 1591
times previously has been convicted of or pleaded guilty to a 1592
felony drug abuse offense, the court shall impose as a mandatory 1593
prison term one of the prison terms prescribed for a felony of 1594
the third degree. If the amount of the drug involved is within 1595
that range and if the offense was committed in the vicinity of a 1596
school, in the vicinity of a juvenile, or in the vicinity of a 1597
substance addiction services provider or a recovering addict, 1598
trafficking in methamphetamine is a felony of the second degree, 1599
and the court shall impose as a mandatory prison term one of the 1600
prison terms prescribed for a felony of the second degree. 1601

(d) Except as otherwise provided in this division, if the 1602
amount of the drug involved equals or exceeds fifteen grams but 1603
is less than twenty grams of methamphetamine, trafficking in 1604
methamphetamine is a felony of the second degree and there is a 1605
presumption for a prison term for the offense. If trafficking in 1606
methamphetamine is a felony of the second degree under this 1607
division and if the offender two or more times previously has 1608

been convicted of or pleaded guilty to a felony drug abuse 1609
offense, the court shall impose as a mandatory prison term one 1610
of the prison terms prescribed for a felony of the second 1611
degree. If the amount of the drug involved is within that range 1612
and if the offense was committed in the vicinity of a school, in 1613
the vicinity of a juvenile, or in the vicinity of a substance 1614
addiction services provider or a recovering addict, trafficking 1615
in methamphetamine is a felony of the first degree, and the 1616
court shall impose as a mandatory prison term a first degree 1617
felony mandatory prison term. 1618

(e) If the amount of the drug involved equals or exceeds 1619
twenty grams but is less than one hundred grams of 1620
methamphetamine and regardless of whether the offense was 1621
committed in the vicinity of a school, in the vicinity of a 1622
juvenile, or in the vicinity of a substance addiction services 1623
provider or a recovering addict, trafficking in methamphetamine 1624
is a felony of the first degree, and the court shall impose as a 1625
mandatory prison term a first degree felony mandatory prison 1626
term. 1627

(f) If the amount of the drug involved equals or exceeds 1628
one hundred grams of methamphetamine and regardless of whether 1629
the offense was committed in the vicinity of a school, in the 1630
vicinity of a juvenile, or in the vicinity of a substance 1631
addiction services provider or a recovering addict, trafficking 1632
in methamphetamine is a felony of the first degree, the offender 1633
is a major drug offender, and the court shall impose as a 1634
mandatory prison term a maximum first degree felony mandatory 1635
prison term. 1636

(D) In addition to any prison term authorized or required 1637
by division (C) of this section and sections 2929.13 and 2929.14 1638

of the Revised Code, and in addition to any other sanction 1639
imposed for the offense under this section or sections 2929.11 1640
to 2929.18 of the Revised Code, the court that sentences an 1641
offender who is convicted of or pleads guilty to a violation of 1642
division (A) of this section may suspend the driver's or 1643
commercial driver's license or permit of the offender in 1644
accordance with division (G) of this section. However, if the 1645
offender pleaded guilty to or was convicted of a violation of 1646
section 4511.19 of the Revised Code or a substantially similar 1647
municipal ordinance or the law of another state or the United 1648
States arising out of the same set of circumstances as the 1649
violation, the court shall suspend the offender's driver's or 1650
commercial driver's license or permit in accordance with 1651
division (G) of this section. If applicable, the court also 1652
shall do the following: 1653

(1) If the violation of division (A) of this section is a 1654
felony of the first, second, or third degree, the court shall 1655
impose upon the offender the mandatory fine specified for the 1656
offense under division (B) (1) of section 2929.18 of the Revised 1657
Code unless, as specified in that division, the court determines 1658
that the offender is indigent. Except as otherwise provided in 1659
division (H) (1) of this section, a mandatory fine or any other 1660
fine imposed for a violation of this section is subject to 1661
division (F) of this section. If a person is charged with a 1662
violation of this section that is a felony of the first, second, 1663
or third degree, posts bail, and forfeits the bail, the clerk of 1664
the court shall pay the forfeited bail pursuant to divisions (D) 1665
(1) and (F) of this section, as if the forfeited bail was a fine 1666
imposed for a violation of this section. If any amount of the 1667
forfeited bail remains after that payment and if a fine is 1668
imposed under division (H) (1) of this section, the clerk of the 1669

court shall pay the remaining amount of the forfeited bail 1670
pursuant to divisions (H) (2) and (3) of this section, as if that 1671
remaining amount was a fine imposed under division (H) (1) of 1672
this section. 1673

(2) If the offender is a professionally licensed person, 1674
the court immediately shall comply with section 2925.38 of the 1675
Revised Code. 1676

(E) When a person is charged with the sale of or offer to 1677
sell a bulk amount or a multiple of a bulk amount of a 1678
controlled substance, the jury, or the court trying the accused, 1679
shall determine the amount of the controlled substance involved 1680
at the time of the offense and, if a guilty verdict is returned, 1681
shall return the findings as part of the verdict. In any such 1682
case, it is unnecessary to find and return the exact amount of 1683
the controlled substance involved, and it is sufficient if the 1684
finding and return is to the effect that the amount of the 1685
controlled substance involved is the requisite amount, or that 1686
the amount of the controlled substance involved is less than the 1687
requisite amount. 1688

(F) (1) Notwithstanding any contrary provision of section 1689
3719.21 of the Revised Code and except as provided in division 1690
(H) of this section, the clerk of the court shall pay any 1691
mandatory fine imposed pursuant to division (D) (1) of this 1692
section and any fine other than a mandatory fine that is imposed 1693
for a violation of this section pursuant to division (A) or (B) 1694
(5) of section 2929.18 of the Revised Code to the county, 1695
township, municipal corporation, park district, as created 1696
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1697
state law enforcement agencies in this state that primarily were 1698
responsible for or involved in making the arrest of, and in 1699

prosecuting, the offender. However, the clerk shall not pay a 1700
mandatory fine so imposed to a law enforcement agency unless the 1701
agency has adopted a written internal control policy under 1702
division (F) (2) of this section that addresses the use of the 1703
fine moneys that it receives. Each agency shall use the 1704
mandatory fines so paid to subsidize the agency's law 1705
enforcement efforts that pertain to drug offenses, in accordance 1706
with the written internal control policy adopted by the 1707
recipient agency under division (F) (2) of this section. 1708

(2) Prior to receiving any fine moneys under division (F) 1709
(1) of this section or division (B) of section 2925.42 of the 1710
Revised Code, a law enforcement agency shall adopt a written 1711
internal control policy that addresses the agency's use and 1712
disposition of all fine moneys so received and that provides for 1713
the keeping of detailed financial records of the receipts of 1714
those fine moneys, the general types of expenditures made out of 1715
those fine moneys, and the specific amount of each general type 1716
of expenditure. The policy shall not provide for or permit the 1717
identification of any specific expenditure that is made in an 1718
ongoing investigation. All financial records of the receipts of 1719
those fine moneys, the general types of expenditures made out of 1720
those fine moneys, and the specific amount of each general type 1721
of expenditure by an agency are public records open for 1722
inspection under section 149.43 of the Revised Code. 1723
Additionally, a written internal control policy adopted under 1724
this division is such a public record, and the agency that 1725
adopted it shall comply with it. 1726

(3) As used in division (F) of this section: 1727

(a) "Law enforcement agencies" includes, but is not 1728
limited to, the state board of pharmacy and the office of a 1729

prosecutor. 1730

(b) "Prosecutor" has the same meaning as in section 1731
2935.01 of the Revised Code. 1732

(G) (1) If the sentencing court suspends the offender's 1733
driver's or commercial driver's license or permit under division 1734
(D) of this section or any other provision of this chapter, the 1735
court shall suspend the license, by order, for not more than 1736
five years. If an offender's driver's or commercial driver's 1737
license or permit is suspended pursuant to this division, the 1738
offender, at any time after the expiration of two years from the 1739
day on which the offender's sentence was imposed or from the day 1740
on which the offender finally was released from a prison term 1741
under the sentence, whichever is later, may file a motion with 1742
the sentencing court requesting termination of the suspension; 1743
upon the filing of such a motion and the court's finding of good 1744
cause for the termination, the court may terminate the 1745
suspension. 1746

(2) Any offender who received a mandatory suspension of 1747
the offender's driver's or commercial driver's license or permit 1748
under this section prior to September 13, 2016, may file a 1749
motion with the sentencing court requesting the termination of 1750
the suspension. However, an offender who pleaded guilty to or 1751
was convicted of a violation of section 4511.19 of the Revised 1752
Code or a substantially similar municipal ordinance or law of 1753
another state or the United States that arose out of the same 1754
set of circumstances as the violation for which the offender's 1755
license or permit was suspended under this section shall not 1756
file such a motion. 1757

Upon the filing of a motion under division (G) (2) of this 1758
section, the sentencing court, in its discretion, may terminate 1759

the suspension. 1760

(H) (1) In addition to any prison term authorized or 1761
required by division (C) of this section and sections 2929.13 1762
and 2929.14 of the Revised Code, in addition to any other 1763
penalty or sanction imposed for the offense under this section 1764
or sections 2929.11 to 2929.18 of the Revised Code, and in 1765
addition to the forfeiture of property in connection with the 1766
offense as prescribed in Chapter 2981. of the Revised Code, the 1767
court that sentences an offender who is convicted of or pleads 1768
guilty to a violation of division (A) of this section may impose 1769
upon the offender an additional fine specified for the offense 1770
in division (B) (4) of section 2929.18 of the Revised Code. A 1771
fine imposed under division (H) (1) of this section is not 1772
subject to division (F) of this section and shall be used solely 1773
for the support of one or more eligible community addiction 1774
services providers in accordance with divisions (H) (2) and (3) 1775
of this section. 1776

(2) The court that imposes a fine under division (H) (1) of 1777
this section shall specify in the judgment that imposes the fine 1778
one or more eligible community addiction services providers for 1779
the support of which the fine money is to be used. No community 1780
addiction services provider shall receive or use money paid or 1781
collected in satisfaction of a fine imposed under division (H) 1782
(1) of this section unless the services provider is specified in 1783
the judgment that imposes the fine. No community addiction 1784
services provider shall be specified in the judgment unless the 1785
services provider is an eligible community addiction services 1786
provider and, except as otherwise provided in division (H) (2) of 1787
this section, unless the services provider is located in the 1788
county in which the court that imposes the fine is located or in 1789
a county that is immediately contiguous to the county in which 1790

that court is located. If no eligible community addiction 1791
services provider is located in any of those counties, the 1792
judgment may specify an eligible community addiction services 1793
provider that is located anywhere within this state. 1794

(3) Notwithstanding any contrary provision of section 1795
3719.21 of the Revised Code, the clerk of the court shall pay 1796
any fine imposed under division (H) (1) of this section to the 1797
eligible community addiction services provider specified 1798
pursuant to division (H) (2) of this section in the judgment. The 1799
eligible community addiction services provider that receives the 1800
fine moneys shall use the moneys only for the alcohol and drug 1801
addiction services identified in the application for 1802
certification of services under section 5119.36 of the Revised 1803
Code or in the application for a license under section 5119.37 1804
of the Revised Code filed with the department of mental health 1805
and addiction services by the community addiction services 1806
provider specified in the judgment. 1807

(4) Each community addiction services provider that 1808
receives in a calendar year any fine moneys under division (H) 1809
(3) of this section shall file an annual report covering that 1810
calendar year with the court of common pleas and the board of 1811
county commissioners of the county in which the services 1812
provider is located, with the court of common pleas and the 1813
board of county commissioners of each county from which the 1814
services provider received the moneys if that county is 1815
different from the county in which the services provider is 1816
located, and with the attorney general. The community addiction 1817
services provider shall file the report no later than the first 1818
day of March in the calendar year following the calendar year in 1819
which the services provider received the fine moneys. The report 1820
shall include statistics on the number of persons served by the 1821

community addiction services provider, identify the types of 1822
alcohol and drug addiction services provided to those persons, 1823
and include a specific accounting of the purposes for which the 1824
fine moneys received were used. No information contained in the 1825
report shall identify, or enable a person to determine the 1826
identity of, any person served by the community addiction 1827
services provider. Each report received by a court of common 1828
pleas, a board of county commissioners, or the attorney general 1829
is a public record open for inspection under section 149.43 of 1830
the Revised Code. 1831

(5) As used in divisions (H) (1) to (5) of this section: 1832

(a) "Community addiction services provider" and "alcohol 1833
and drug addiction services" have the same meanings as in 1834
section 5119.01 of the Revised Code. 1835

(b) "Eligible community addiction services provider" means 1836
a community addiction services provider, including a community 1837
addiction services provider that operates an opioid treatment 1838
program licensed under section 5119.37 of the Revised Code. 1839

(I) As used in this section, "drug" includes any substance 1840
that is represented to be a drug. 1841

(J) It is an affirmative defense to a charge of 1842
trafficking in a controlled substance analog under division (C) 1843
(8) of this section that the person charged with violating that 1844
offense sold or offered to sell, or prepared for shipment, 1845
shipped, transported, delivered, prepared for distribution, or 1846
distributed one of the following items that are excluded from 1847
the meaning of "controlled substance analog" under section 1848
3719.01 of the Revised Code: 1849

(1) A controlled substance; 1850

(2) Any substance for which there is an approved new drug application; 1851
1852

(3) With respect to a particular person, any substance if 1853
an exemption is in effect for investigational use for that 1854
person pursuant to federal law to the extent that conduct with 1855
respect to that substance is pursuant to that exemption. 1856

Sec. 2925.11. (A) No person shall knowingly obtain, 1857
possess, or use a controlled substance or a controlled substance 1858
analog. 1859

(B) (1) This section does not apply to any of the 1860
following: 1861

(a) Manufacturers, licensed health professionals 1862
authorized to prescribe drugs, pharmacists, owners of 1863
pharmacies, and other persons whose conduct was in accordance 1864
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4741., 1865
and 4772. of the Revised Code; 1866

(b) If the offense involves an anabolic steroid, any 1867
person who is conducting or participating in a research project 1868
involving the use of an anabolic steroid if the project has been 1869
approved by the United States food and drug administration; 1870

(c) Any person who sells, offers for sale, prescribes, 1871
dispenses, or administers for livestock or other nonhuman 1872
species an anabolic steroid that is expressly intended for 1873
administration through implants to livestock or other nonhuman 1874
species and approved for that purpose under the "Federal Food, 1875
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1876
as amended, and is sold, offered for sale, prescribed, 1877
dispensed, or administered for that purpose in accordance with 1878
that act; 1879

(d) Any person who obtained the controlled substance 1880
pursuant to a prescription issued by a licensed health 1881
professional authorized to prescribe drugs if the prescription 1882
was issued for a legitimate medical purpose and not altered, 1883
forged, or obtained through deception or commission of a theft 1884
offense. 1885

As used in division (B) (1) (d) of this section, "deception" 1886
and "theft offense" have the same meanings as in section 2913.01 1887
of the Revised Code. 1888

(2) (a) As used in division (B) (2) of this section: 1889

(i) "Community addiction services provider" has the same 1890
meaning as in section 5119.01 of the Revised Code. 1891

(ii) "Community control sanction" has the same meaning as 1892
in section 2929.01 of the Revised Code. 1893

(iii) "Health care facility" has the same meaning as in 1894
section 2919.16 of the Revised Code. 1895

(iv) "Minor drug possession offense" means a violation of 1896
this section that is a misdemeanor or a felony of the fifth 1897
degree. 1898

(v) "Post-release control sanction" has the same meaning 1899
as in section 2967.28 of the Revised Code. 1900

(vi) "Peace officer" has the same meaning as in section 1901
2935.01 of the Revised Code. 1902

(vii) "Public agency" has the same meaning as in section 1903
2930.01 of the Revised Code. 1904

(viii) "Qualified individual" means a person who is acting 1905
in good faith who seeks or obtains medical assistance for 1906

another person who is experiencing a drug overdose, a person who 1907
experiences a drug overdose and who seeks medical assistance for 1908
that overdose, or a person who is the subject of another person 1909
seeking or obtaining medical assistance for that overdose as 1910
described in division (B) (2) (b) of this section. 1911

(ix) "Seek or obtain medical assistance" includes, but is 1912
not limited to making a 9-1-1 call, contacting in person or by 1913
telephone call an on-duty peace officer, or transporting or 1914
presenting a person to a health care facility. 1915

(b) Subject to division (B) (2) (e) of this section, a 1916
qualified individual shall not be arrested, charged, prosecuted, 1917
convicted, or penalized pursuant to this chapter for a minor 1918
drug possession offense or a violation of section 2925.12, 1919
division (C) (1) of section 2925.14, or section 2925.141 of the 1920
Revised Code if all of the following apply: 1921

(i) The evidence of the obtaining, possession, or use of 1922
the controlled substance or controlled substance analog, drug 1923
abuse instruments, or drug paraphernalia that would be the basis 1924
of the offense was obtained as a result of the qualified 1925
individual seeking the medical assistance or experiencing an 1926
overdose and needing medical assistance. 1927

(ii) Subject to division (B) (2) (f) of this section, within 1928
thirty days after seeking or obtaining the medical assistance, 1929
the qualified individual seeks and obtains a screening and 1930
receives a referral for treatment from a community addiction 1931
services provider or a properly credentialed addiction treatment 1932
professional. 1933

(iii) Subject to division (B) (2) (f) of this section, the 1934
qualified individual who obtains a screening and receives a 1935

referral for treatment under division (B) (2) (b) (ii) of this 1936
section, upon the request of any prosecuting attorney, submits 1937
documentation to the prosecuting attorney that verifies that the 1938
qualified individual satisfied the requirements of that 1939
division. The documentation shall be limited to the date and 1940
time of the screening obtained and referral received. 1941

(c) If a person who is serving a community control 1942
sanction or is under a sanction on post-release control acts 1943
pursuant to division (B) (2) (b) of this section, then division 1944
(B) of section 2929.141, division (B) (2) of section 2929.15, 1945
division (D) (3) of section 2929.25, or division (F) (3) of 1946
section 2967.28 of the Revised Code applies to the person with 1947
respect to any violation of the sanction or post-release control 1948
sanction based on a minor drug possession offense, as defined in 1949
section 2925.11 of the Revised Code, or a violation of section 1950
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1951
of the Revised Code. 1952

(d) Nothing in division (B) (2) (b) of this section shall be 1953
construed to do any of the following: 1954

(i) Limit the admissibility of any evidence in connection 1955
with the investigation or prosecution of a crime with regards to 1956
a defendant who does not qualify for the protections of division 1957
(B) (2) (b) of this section or with regards to any crime other 1958
than a minor drug possession offense or a violation of section 1959
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1960
of the Revised Code committed by a person who qualifies for 1961
protection pursuant to division (B) (2) (b) of this section; 1962

(ii) Limit any seizure of evidence or contraband otherwise 1963
permitted by law; 1964

(iii) Limit or abridge the authority of a peace officer to 1965
detain or take into custody a person in the course of an 1966
investigation or to effectuate an arrest for any offense except 1967
as provided in that division; 1968

(iv) Limit, modify, or remove any immunity from liability 1969
available pursuant to law in effect prior to September 13, 2016, 1970
to any public agency or to an employee of any public agency. 1971

(e) Division (B) (2) (b) of this section does not apply to 1972
any person who twice previously has been granted an immunity 1973
under division (B) (2) (b) of this section. No person shall be 1974
granted an immunity under division (B) (2) (b) of this section 1975
more than two times. 1976

(f) Nothing in this section shall compel any qualified 1977
individual to disclose protected health information in a way 1978
that conflicts with the requirements of the "Health Insurance 1979
Portability and Accountability Act of 1996," 104 Pub. L. No. 1980
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1981
regulations promulgated by the United States department of 1982
health and human services to implement the act or the 1983
requirements of 42 C.F.R. Part 2. 1984

(C) Whoever violates division (A) of this section is 1985
guilty of one of the following: 1986

(1) If the drug involved in the violation is a compound, 1987
mixture, preparation, or substance included in schedule I or II, 1988
with the exception of marihuana, cocaine, L.S.D., heroin, any 1989
fentanyl-related compound, hashish, and any controlled substance 1990
analog, whoever violates division (A) of this section is guilty 1991
of aggravated possession of drugs. The penalty for the offense 1992
shall be determined as follows: 1993

(a) Except as otherwise provided in division (C) (1) (b), 1994
(c), (d), or (e) of this section, aggravated possession of drugs 1995
is a felony of the fifth degree, and division (B) of section 1996
2929.13 of the Revised Code applies in determining whether to 1997
impose a prison term on the offender. 1998

(b) If the amount of the drug involved equals or exceeds 1999
the bulk amount but is less than five times the bulk amount, 2000
aggravated possession of drugs is a felony of the third degree, 2001
and there is a presumption for a prison term for the offense. 2002

(c) If the amount of the drug involved equals or exceeds 2003
five times the bulk amount but is less than fifty times the bulk 2004
amount, aggravated possession of drugs is a felony of the second 2005
degree, and the court shall impose as a mandatory prison term a 2006
second degree felony mandatory prison term. 2007

(d) If the amount of the drug involved equals or exceeds 2008
fifty times the bulk amount but is less than one hundred times 2009
the bulk amount, aggravated possession of drugs is a felony of 2010
the first degree, and the court shall impose as a mandatory 2011
prison term a first degree felony mandatory prison term. 2012

(e) If the amount of the drug involved equals or exceeds 2013
one hundred times the bulk amount, aggravated possession of 2014
drugs is a felony of the first degree, the offender is a major 2015
drug offender, and the court shall impose as a mandatory prison 2016
term a maximum first degree felony mandatory prison term. 2017

(2) If the drug involved in the violation is a compound, 2018
mixture, preparation, or substance included in schedule III, IV, 2019
or V, whoever violates division (A) of this section is guilty of 2020
possession of drugs. The penalty for the offense shall be 2021
determined as follows: 2022

(a) Except as otherwise provided in division (C) (2) (b), 2023
(c), or (d) of this section, possession of drugs is a 2024
misdemeanor of the first degree or, if the offender previously 2025
has been convicted of a drug abuse offense, a felony of the 2026
fifth degree. 2027

(b) If the amount of the drug involved equals or exceeds 2028
the bulk amount but is less than five times the bulk amount, 2029
possession of drugs is a felony of the fourth degree, and 2030
division (C) of section 2929.13 of the Revised Code applies in 2031
determining whether to impose a prison term on the offender. 2032

(c) If the amount of the drug involved equals or exceeds 2033
five times the bulk amount but is less than fifty times the bulk 2034
amount, possession of drugs is a felony of the third degree, and 2035
there is a presumption for a prison term for the offense. 2036

(d) If the amount of the drug involved equals or exceeds 2037
fifty times the bulk amount, possession of drugs is a felony of 2038
the second degree, and the court shall impose upon the offender 2039
as a mandatory prison term a second degree felony mandatory 2040
prison term. 2041

(3) If the drug involved in the violation is marihuana or 2042
a compound, mixture, preparation, or substance containing 2043
marihuana other than hashish, whoever violates division (A) of 2044
this section is guilty of possession of marihuana. The penalty 2045
for the offense shall be determined as follows: 2046

(a) Except as otherwise provided in division (C) (3) (b), 2047
(c), (d), (e), (f), or (g) of this section, possession of 2048
marihuana is a minor misdemeanor. 2049

(b) If the amount of the drug involved equals or exceeds 2050
one hundred grams but is less than two hundred grams, possession 2051

of marihuana is a misdemeanor of the fourth degree. 2052

(c) If the amount of the drug involved equals or exceeds 2053
two hundred grams but is less than one thousand grams, 2054
possession of marihuana is a felony of the fifth degree, and 2055
division (B) of section 2929.13 of the Revised Code applies in 2056
determining whether to impose a prison term on the offender. 2057

(d) If the amount of the drug involved equals or exceeds 2058
one thousand grams but is less than five thousand grams, 2059
possession of marihuana is a felony of the third degree, and 2060
division (C) of section 2929.13 of the Revised Code applies in 2061
determining whether to impose a prison term on the offender. 2062

(e) If the amount of the drug involved equals or exceeds 2063
five thousand grams but is less than twenty thousand grams, 2064
possession of marihuana is a felony of the third degree, and 2065
there is a presumption that a prison term shall be imposed for 2066
the offense. 2067

(f) If the amount of the drug involved equals or exceeds 2068
twenty thousand grams but is less than forty thousand grams, 2069
possession of marihuana is a felony of the second degree, and 2070
the court shall impose as a mandatory prison term a second 2071
degree felony mandatory prison term of five, six, seven, or 2072
eight years. 2073

(g) If the amount of the drug involved equals or exceeds 2074
forty thousand grams, possession of marihuana is a felony of the 2075
second degree, and the court shall impose as a mandatory prison 2076
term a maximum second degree felony mandatory prison term. 2077

(4) If the drug involved in the violation is cocaine or a 2078
compound, mixture, preparation, or substance containing cocaine, 2079
whoever violates division (A) of this section is guilty of 2080

possession of cocaine. The penalty for the offense shall be 2081
determined as follows: 2082

(a) Except as otherwise provided in division (C) (4) (b), 2083
(c), (d), (e), or (f) of this section, possession of cocaine is 2084
a felony of the fifth degree, and division (B) of section 2085
2929.13 of the Revised Code applies in determining whether to 2086
impose a prison term on the offender. 2087

(b) If the amount of the drug involved equals or exceeds 2088
five grams but is less than ten grams of cocaine, possession of 2089
cocaine is a felony of the fourth degree, and division (B) of 2090
section 2929.13 of the Revised Code applies in determining 2091
whether to impose a prison term on the offender. 2092

(c) If the amount of the drug involved equals or exceeds 2093
ten grams but is less than twenty grams of cocaine, possession 2094
of cocaine is a felony of the third degree, and, except as 2095
otherwise provided in this division, there is a presumption for 2096
a prison term for the offense. If possession of cocaine is a 2097
felony of the third degree under this division and if the 2098
offender two or more times previously has been convicted of or 2099
pleaded guilty to a felony drug abuse offense, the court shall 2100
impose as a mandatory prison term one of the prison terms 2101
prescribed for a felony of the third degree. 2102

(d) If the amount of the drug involved equals or exceeds 2103
twenty grams but is less than twenty-seven grams of cocaine, 2104
possession of cocaine is a felony of the second degree, and the 2105
court shall impose as a mandatory prison term a second degree 2106
felony mandatory prison term. 2107

(e) If the amount of the drug involved equals or exceeds 2108
twenty-seven grams but is less than one hundred grams of 2109

cocaine, possession of cocaine is a felony of the first degree, 2110
and the court shall impose as a mandatory prison term a first 2111
degree felony mandatory prison term. 2112

(f) If the amount of the drug involved equals or exceeds 2113
one hundred grams of cocaine, possession of cocaine is a felony 2114
of the first degree, the offender is a major drug offender, and 2115
the court shall impose as a mandatory prison term a maximum 2116
first degree felony mandatory prison term. 2117

(5) If the drug involved in the violation is L.S.D., 2118
whoever violates division (A) of this section is guilty of 2119
possession of L.S.D. The penalty for the offense shall be 2120
determined as follows: 2121

(a) Except as otherwise provided in division (C) (5) (b), 2122
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2123
felony of the fifth degree, and division (B) of section 2929.13 2124
of the Revised Code applies in determining whether to impose a 2125
prison term on the offender. 2126

(b) If the amount of L.S.D. involved equals or exceeds ten 2127
unit doses but is less than fifty unit doses of L.S.D. in a 2128
solid form or equals or exceeds one gram but is less than five 2129
grams of L.S.D. in a liquid concentrate, liquid extract, or 2130
liquid distillate form, possession of L.S.D. is a felony of the 2131
fourth degree, and division (C) of section 2929.13 of the 2132
Revised Code applies in determining whether to impose a prison 2133
term on the offender. 2134

(c) If the amount of L.S.D. involved equals or exceeds 2135
fifty unit doses, but is less than two hundred fifty unit doses 2136
of L.S.D. in a solid form or equals or exceeds five grams but is 2137
less than twenty-five grams of L.S.D. in a liquid concentrate, 2138

liquid extract, or liquid distillate form, possession of L.S.D. 2139
is a felony of the third degree, and there is a presumption for 2140
a prison term for the offense. 2141

(d) If the amount of L.S.D. involved equals or exceeds two 2142
hundred fifty unit doses but is less than one thousand unit 2143
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2144
grams but is less than one hundred grams of L.S.D. in a liquid 2145
concentrate, liquid extract, or liquid distillate form, 2146
possession of L.S.D. is a felony of the second degree, and the 2147
court shall impose as a mandatory prison term a second degree 2148
felony mandatory prison term. 2149

(e) If the amount of L.S.D. involved equals or exceeds one 2150
thousand unit doses but is less than five thousand unit doses of 2151
L.S.D. in a solid form or equals or exceeds one hundred grams 2152
but is less than five hundred grams of L.S.D. in a liquid 2153
concentrate, liquid extract, or liquid distillate form, 2154
possession of L.S.D. is a felony of the first degree, and the 2155
court shall impose as a mandatory prison term a first degree 2156
felony mandatory prison term. 2157

(f) If the amount of L.S.D. involved equals or exceeds 2158
five thousand unit doses of L.S.D. in a solid form or equals or 2159
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2160
liquid extract, or liquid distillate form, possession of L.S.D. 2161
is a felony of the first degree, the offender is a major drug 2162
offender, and the court shall impose as a mandatory prison term 2163
a maximum first degree felony mandatory prison term. 2164

(6) If the drug involved in the violation is heroin or a 2165
compound, mixture, preparation, or substance containing heroin, 2166
whoever violates division (A) of this section is guilty of 2167
possession of heroin. The penalty for the offense shall be 2168

determined as follows:

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

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

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

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

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

(f) If the amount of the drug involved equals or exceeds 2198
one thousand unit doses or equals or exceeds one hundred grams, 2199
possession of heroin is a felony of the first degree, the 2200
offender is a major drug offender, and the court shall impose as 2201
a mandatory prison term a maximum first degree felony mandatory 2202
prison term. 2203

(7) If the drug involved in the violation is hashish or a 2204
compound, mixture, preparation, or substance containing hashish, 2205
whoever violates division (A) of this section is guilty of 2206
possession of hashish. The penalty for the offense shall be 2207
determined as follows: 2208

(a) Except as otherwise provided in division (C) (7) (b), 2209
(c), (d), (e), (f), or (g) of this section, possession of 2210
hashish is a minor misdemeanor. 2211

(b) If the amount of the drug involved equals or exceeds 2212
five grams but is less than ten grams of hashish in a solid form 2213
or equals or exceeds one gram but is less than two grams of 2214
hashish in a liquid concentrate, liquid extract, or liquid 2215
distillate form, possession of hashish is a misdemeanor of the 2216
fourth degree. 2217

(c) If the amount of the drug involved equals or exceeds 2218
ten grams but is less than fifty grams of hashish in a solid 2219
form or equals or exceeds two grams but is less than ten grams 2220
of hashish in a liquid concentrate, liquid extract, or liquid 2221
distillate form, possession of hashish is a felony of the fifth 2222
degree, and division (B) of section 2929.13 of the Revised Code 2223
applies in determining whether to impose a prison term on the 2224
offender. 2225

(d) If the amount of the drug involved equals or exceeds 2226

fifty grams but is less than two hundred fifty grams of hashish 2227
in a solid form or equals or exceeds ten grams but is less than 2228
fifty grams of hashish in a liquid concentrate, liquid extract, 2229
or liquid distillate form, possession of hashish is a felony of 2230
the third degree, and division (C) of section 2929.13 of the 2231
Revised Code applies in determining whether to impose a prison 2232
term on the offender. 2233

(e) If the amount of the drug involved equals or exceeds 2234
two hundred fifty grams but is less than one thousand grams of 2235
hashish in a solid form or equals or exceeds fifty grams but is 2236
less than two hundred grams of hashish in a liquid concentrate, 2237
liquid extract, or liquid distillate form, possession of hashish 2238
is a felony of the third degree, and there is a presumption that 2239
a prison term shall be imposed for the offense. 2240

(f) If the amount of the drug involved equals or exceeds 2241
one thousand grams but is less than two thousand grams of 2242
hashish in a solid form or equals or exceeds two hundred grams 2243
but is less than four hundred grams of hashish in a liquid 2244
concentrate, liquid extract, or liquid distillate form, 2245
possession of hashish is a felony of the second degree, and the 2246
court shall impose as a mandatory prison term a second degree 2247
felony mandatory prison term of five, six, seven, or eight 2248
years. 2249

(g) If the amount of the drug involved equals or exceeds 2250
two thousand grams of hashish in a solid form or equals or 2251
exceeds four hundred grams of hashish in a liquid concentrate, 2252
liquid extract, or liquid distillate form, possession of hashish 2253
is a felony of the second degree, and the court shall impose as 2254
a mandatory prison term a maximum second degree felony mandatory 2255
prison term. 2256

(8) If the drug involved is a controlled substance analog 2257
or compound, mixture, preparation, or substance that contains a 2258
controlled substance analog, whoever violates division (A) of 2259
this section is guilty of possession of a controlled substance 2260
analog. The penalty for the offense shall be determined as 2261
follows: 2262

(a) Except as otherwise provided in division (C) (8) (b), 2263
(c), (d), (e), or (f) of this section, possession of a 2264
controlled substance analog is a felony of the fifth degree, and 2265
division (B) of section 2929.13 of the Revised Code applies in 2266
determining whether to impose a prison term on the offender. 2267

(b) If the amount of the drug involved equals or exceeds 2268
ten grams but is less than twenty grams, possession of a 2269
controlled substance analog is a felony of the fourth degree, 2270
and there is a presumption for a prison term for the offense. 2271

(c) If the amount of the drug involved equals or exceeds 2272
twenty grams but is less than thirty grams, possession of a 2273
controlled substance analog is a felony of the third degree, and 2274
there is a presumption for a prison term for the offense. 2275

(d) If the amount of the drug involved equals or exceeds 2276
thirty grams but is less than forty grams, possession of a 2277
controlled substance analog is a felony of the second degree, 2278
and the court shall impose as a mandatory prison term a second 2279
degree felony mandatory prison term. 2280

(e) If the amount of the drug involved equals or exceeds 2281
forty grams but is less than fifty grams, possession of a 2282
controlled substance analog is a felony of the first degree, and 2283
the court shall impose as a mandatory prison term a first degree 2284
felony mandatory prison term. 2285

(f) If the amount of the drug involved equals or exceeds 2286
fifty grams, possession of a controlled substance analog is a 2287
felony of the first degree, the offender is a major drug 2288
offender, and the court shall impose as a mandatory prison term 2289
a maximum first degree felony mandatory prison term. 2290

~~(9) If the drug involved in the violation is a compound, 2291
mixture, preparation, or substance that is a combination of a 2292
fentanyl-related compound and marihuana, one of the following 2293
applies:— 2294~~

~~(a) Except as otherwise provided in division (C) (9) (b) of 2295
this section, the offender is guilty of possession of marihuana 2296
and shall be punished as provided in division (C) (3) of this 2297
section. Except as otherwise provided in division (C) (9) (b) of 2298
this section, the offender is not guilty of possession of a 2299
fentanyl-related compound under division (C) (11) of this section 2300
and shall not be charged with, convicted of, or punished under 2301
division (C) (11) of this section for possession of a fentanyl- 2302
related compound. 2303~~

~~(b) If the offender knows or has reason to know that the 2304
compound, mixture, preparation, or substance that is the drug 2305
involved contains a fentanyl-related compound, the offender is 2306
guilty of possession of a fentanyl-related compound and shall be 2307
punished under division (C) (11) of this section. 2308~~

~~(10) If the drug involved in the violation is a compound, 2309
mixture, preparation, or substance that is a combination of a 2310
fentanyl-related compound and any schedule III, schedule IV, or 2311
schedule V controlled substance that is not a fentanyl-related 2312
compound, one of the following applies:— 2313~~

~~(a) Except as otherwise provided in division (C) (10) (b) of 2314~~

~~this section, the offender is guilty of possession of drugs and~~ 2315
~~shall be punished as provided in division (C) (2) of this~~ 2316
~~section. Except as otherwise provided in division (C) (10) (b) of~~ 2317
~~this section, the offender is not guilty of possession of a~~ 2318
~~fentanyl-related compound under division (C) (11) of this section~~ 2319
~~and shall not be charged with, convicted of, or punished under~~ 2320
~~division (C) (11) of this section for possession of a fentanyl-~~ 2321
~~related compound.~~ 2322

~~(b) If the offender knows or has reason to know that the~~ 2323
~~compound, mixture, preparation, or substance that is the drug~~ 2324
~~involved contains a fentanyl-related compound, the offender is~~ 2325
~~guilty of possession of a fentanyl-related compound and shall be~~ 2326
~~punished under division (C) (11) of this section.~~ 2327

~~(11) If the drug involved in the violation is a fentanyl-~~ 2328
~~related compound and neither division (C) (9) (a) nor division (C)~~ 2329
~~(10) (a) of this section applies to the drug involved, or is a~~ 2330
~~compound, mixture, preparation, or substance that contains a~~ 2331
~~fentanyl-related compound or is a combination of a fentanyl-~~ 2332
~~related compound and any other controlled substance and neither~~ 2333
~~division (C) (9) (a) nor division (C) (10) (a) of this section~~ 2334
~~applies to the drug involved, whoever violates division (A) of~~ 2335
~~this section is guilty of possession of a fentanyl-related~~ 2336
~~compound. The penalty for the offense shall be determined as~~ 2337
~~follows:~~ 2338

(a) Except as otherwise provided in division ~~(C) (11) (b)~~ (C) 2339
(9) (b), (c), (d), (e), (f), or (g) of this section, possession 2340
of a fentanyl-related compound is a felony of the fifth degree, 2341
and division (B) of section 2929.13 of the Revised Code applies 2342
in determining whether to impose a prison term on the offender. 2343

(b) If the amount of the drug involved equals or exceeds 2344

ten unit doses but is less than fifty unit doses or equals or 2345
exceeds one gram but is less than five grams, possession of a 2346
fentanyl-related compound is a felony of the fourth degree, and 2347
division (C) of section 2929.13 of the Revised Code applies in 2348
determining whether to impose a prison term on the offender. 2349

(c) If the amount of the drug involved equals or exceeds 2350
fifty unit doses but is less than one hundred unit doses or 2351
equals or exceeds five grams but is less than ten grams, 2352
possession of a fentanyl-related compound is a felony of the 2353
third degree, and there is a presumption for a prison term for 2354
the offense. 2355

(d) If the amount of the drug involved equals or exceeds 2356
one hundred unit doses but is less than two hundred unit doses 2357
or equals or exceeds ten grams but is less than twenty grams, 2358
possession of a fentanyl-related compound is a felony of the 2359
second degree, and the court shall impose as a mandatory prison 2360
term one of the prison terms prescribed for a felony of the 2361
second degree. 2362

(e) If the amount of the drug involved equals or exceeds 2363
two hundred unit doses but is less than five hundred unit doses 2364
or equals or exceeds twenty grams but is less than fifty grams, 2365
possession of a fentanyl-related compound is a felony of the 2366
first degree, and the court shall impose as a mandatory prison 2367
term one of the prison terms prescribed for a felony of the 2368
first degree. 2369

(f) If the amount of the drug involved equals or exceeds 2370
five hundred unit doses but is less than one thousand unit doses 2371
or equals or exceeds fifty grams but is less than one hundred 2372
grams, possession of a fentanyl-related compound is a felony of 2373
the first degree, and the court shall impose as a mandatory 2374

prison term the maximum prison term prescribed for a felony of 2375
the first degree. 2376

(g) If the amount of the drug involved equals or exceeds 2377
one thousand unit doses or equals or exceeds one hundred grams, 2378
possession of a fentanyl-related compound is a felony of the 2379
first degree, the offender is a major drug offender, and the 2380
court shall impose as a mandatory prison term the maximum prison 2381
term prescribed for a felony of the first degree. 2382

(D) Arrest or conviction for a minor misdemeanor violation 2383
of this section does not constitute a criminal record and need 2384
not be reported by the person so arrested or convicted in 2385
response to any inquiries about the person's criminal record, 2386
including any inquiries contained in any application for 2387
employment, license, or other right or privilege, or made in 2388
connection with the person's appearance as a witness. 2389

(E) In addition to any prison term or jail term authorized 2390
or required by division (C) of this section and sections 2391
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2392
Code and in addition to any other sanction that is imposed for 2393
the offense under this section, sections 2929.11 to 2929.18, or 2394
sections 2929.21 to 2929.28 of the Revised Code, if applicable, 2395
the court also shall do the following: 2396

(1) (a) If the violation is a felony of the first, second, 2397
or third degree, the court shall impose upon the offender the 2398
mandatory fine specified for the offense under division (B) (1) 2399
of section 2929.18 of the Revised Code unless, as specified in 2400
that division, the court determines that the offender is 2401
indigent. 2402

(b) Notwithstanding any contrary provision of section 2403

3719.21 of the Revised Code, the clerk of the court shall pay a
mandatory fine or other fine imposed for a violation of this
section pursuant to division (A) of section 2929.18 of the
Revised Code in accordance with and subject to the requirements
of division (F) of section 2925.03 of the Revised Code. The
agency that receives the fine shall use the fine as specified in
division (F) of section 2925.03 of the Revised Code.

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

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

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

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

(6) of this section sustains the burden of going forward with 2434
evidence of and establishes by a preponderance of the evidence 2435
the affirmative defense described in this division, the accused 2436
may be prosecuted for and may plead guilty to or be convicted of 2437
a misdemeanor violation of division (C) (2) of this section or a 2438
fifth degree felony violation of division (C) (4), (5), or (6) of 2439
this section respectively. 2440

(G) When a person is charged with possessing a bulk amount 2441
or multiple of a bulk amount, division (E) of section 2925.03 of 2442
the Revised Code applies regarding the determination of the 2443
amount of the controlled substance involved at the time of the 2444
offense. 2445

(H) It is an affirmative defense to a charge of possession 2446
of a controlled substance analog under division (C) (8) of this 2447
section that the person charged with violating that offense 2448
obtained, possessed, or used one of the following items that are 2449
excluded from the meaning of "controlled substance analog" under 2450
section 3719.01 of the Revised Code: 2451

(1) A controlled substance; 2452

(2) Any substance for which there is an approved new drug 2453
application; 2454

(3) With respect to a particular person, any substance if 2455
an exemption is in effect for investigational use for that 2456
person pursuant to federal law to the extent that conduct with 2457
respect to that substance is pursuant to that exemption. 2458

(I) Any offender who received a mandatory suspension of 2459
the offender's driver's or commercial driver's license or permit 2460
under this section prior to September 13, 2016, may file a 2461
motion with the sentencing court requesting the termination of 2462

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

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

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

(1) (a) For a felony of the first degree committed on or
after March 22, 2019, the prison term shall be an indefinite
prison term with a stated minimum term selected by the court of
three, four, five, six, seven, eight, nine, ten, or eleven years
and a maximum term that is determined pursuant to section
2929.144 of the Revised Code, except that if the section that
criminalizes the conduct constituting the felony specifies a
different minimum term or penalty for the offense, the specific
language of that section shall control in determining the
minimum term or otherwise sentencing the offender but the

minimum term or sentence imposed under that specific language 2493
shall be considered for purposes of the Revised Code as if it 2494
had been imposed under this division. 2495

(b) For a felony of the first degree committed prior to 2496
March 22, 2019, the prison term shall be a definite prison term 2497
of three, four, five, six, seven, eight, nine, ten, or eleven 2498
years. 2499

(2) (a) For a felony of the second degree committed on or 2500
after March 22, 2019, the prison term shall be an indefinite 2501
prison term with a stated minimum term selected by the court of 2502
two, three, four, five, six, seven, or eight years and a maximum 2503
term that is determined pursuant to section 2929.144 of the 2504
Revised Code, except that if the section that criminalizes the 2505
conduct constituting the felony specifies a different minimum 2506
term or penalty for the offense, the specific language of that 2507
section shall control in determining the minimum term or 2508
otherwise sentencing the offender but the minimum term or 2509
sentence imposed under that specific language shall be 2510
considered for purposes of the Revised Code as if it had been 2511
imposed under this division. 2512

(b) For a felony of the second degree committed prior to 2513
March 22, 2019, the prison term shall be a definite term of two, 2514
three, four, five, six, seven, or eight years. 2515

(3) (a) For a felony of the third degree that is a 2516
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2517
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2518
Code, that is a violation of division (C) (9) (d) of section 2519
2925.03 of the Revised Code, that is a violation of division (A) 2520
of section 4511.19 of the Revised Code if the offender 2521
previously has been convicted of or pleaded guilty to a 2522

violation of division (A) of that section that was a felony, 2523
that is a violation of section 2911.02 or 2911.12 of the Revised 2524
Code if the offender previously has been convicted of or pleaded 2525
guilty in two or more separate proceedings to two or more 2526
violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of 2527
the Revised Code, or that is a violation of division (B) of 2528
section 2921.331 of the Revised Code if division (C) (5) of that 2529
section applies, the prison term shall be a definite term of 2530
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 2531
forty-eight, fifty-four, or sixty months. 2532

(b) For a felony of the third degree that is not an 2533
offense for which division (A) (3) (a) of this section applies, 2534
the prison term shall be a definite term of nine, twelve, 2535
eighteen, twenty-four, thirty, or thirty-six months. 2536

(4) For a felony of the fourth degree, the prison term 2537
shall be a definite term of six, seven, eight, nine, ten, 2538
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2539
or eighteen months. 2540

(5) For a felony of the fifth degree, the prison term 2541
shall be a definite term of six, seven, eight, nine, ten, 2542
eleven, or twelve months. 2543

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2544
section, if an offender who is convicted of or pleads guilty to 2545
a felony also is convicted of or pleads guilty to a 2546
specification of the type described in section 2941.141, 2547
2941.144, or 2941.145 of the Revised Code, the court shall 2548
impose on the offender one of the following prison terms: 2549

(i) A prison term of six years if the specification is of 2550
the type described in division (A) of section 2941.144 of the 2551

Revised Code that charges the offender with having a firearm 2552
that is an automatic firearm or that was equipped with a firearm 2553
muffler or suppressor on or about the offender's person or under 2554
the offender's control while committing the offense; 2555

(ii) A prison term of three years if the specification is 2556
of the type described in division (A) of section 2941.145 of the 2557
Revised Code that charges the offender with having a firearm on 2558
or about the offender's person or under the offender's control 2559
while committing the offense and displaying the firearm, 2560
brandishing the firearm, indicating that the offender possessed 2561
the firearm, or using it to facilitate the offense; 2562

(iii) A prison term of one year if the specification is of 2563
the type described in division (A) of section 2941.141 of the 2564
Revised Code that charges the offender with having a firearm on 2565
or about the offender's person or under the offender's control 2566
while committing the offense; 2567

(iv) A prison term of nine years if the specification is 2568
of the type described in division (D) of section 2941.144 of the 2569
Revised Code that charges the offender with having a firearm 2570
that is an automatic firearm or that was equipped with a firearm 2571
muffler or suppressor on or about the offender's person or under 2572
the offender's control while committing the offense and 2573
specifies that the offender previously has been convicted of or 2574
pleaded guilty to a specification of the type described in 2575
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2576
the Revised Code; 2577

(v) A prison term of fifty-four months if the 2578
specification is of the type described in division (D) of 2579
section 2941.145 of the Revised Code that charges the offender 2580
with having a firearm on or about the offender's person or under 2581

the offender's control while committing the offense and 2582
displaying the firearm, brandishing the firearm, indicating that 2583
the offender possessed the firearm, or using the firearm to 2584
facilitate the offense and that the offender previously has been 2585
convicted of or pleaded guilty to a specification of the type 2586
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2587
2941.1412 of the Revised Code; 2588

(vi) A prison term of eighteen months if the specification 2589
is of the type described in division (D) of section 2941.141 of 2590
the Revised Code that charges the offender with having a firearm 2591
on or about the offender's person or under the offender's 2592
control while committing the offense and that the offender 2593
previously has been convicted of or pleaded guilty to a 2594
specification of the type described in section 2941.141, 2595
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2596

(b) If a court imposes a prison term on an offender under 2597
division (B)(1)(a) of this section, the prison term shall not be 2598
reduced pursuant to section 2929.20, division (A)(2) or (3) of 2599
section 2967.193 or 2967.194, or any other provision of Chapter 2600
2967. or Chapter 5120. of the Revised Code. Except as provided 2601
in division (B)(1)(g) of this section, a court shall not impose 2602
more than one prison term on an offender under division (B)(1) 2603
(a) of this section for felonies committed as part of the same 2604
act or transaction. 2605

(c)(i) Except as provided in division (B)(1)(e) of this 2606
section, if an offender who is convicted of or pleads guilty to 2607
a violation of section 2923.161 of the Revised Code or to a 2608
felony that includes, as an essential element, purposely or 2609
knowingly causing or attempting to cause the death of or 2610
physical harm to another, also is convicted of or pleads guilty 2611

to a specification of the type described in division (A) of 2612
section 2941.146 of the Revised Code that charges the offender 2613
with committing the offense by discharging a firearm from a 2614
motor vehicle other than a manufactured home, the court, after 2615
imposing a prison term on the offender for the violation of 2616
section 2923.161 of the Revised Code or for the other felony 2617
offense under division (A), (B) (2), or (B) (3) of this section, 2618
shall impose an additional prison term of five years upon the 2619
offender that shall not be reduced pursuant to section 2929.20, 2620
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2621
other provision of Chapter 2967. or Chapter 5120. of the Revised 2622
Code. 2623

(ii) Except as provided in division (B) (1) (e) of this 2624
section, if an offender who is convicted of or pleads guilty to 2625
a violation of section 2923.161 of the Revised Code or to a 2626
felony that includes, as an essential element, purposely or 2627
knowingly causing or attempting to cause the death of or 2628
physical harm to another, also is convicted of or pleads guilty 2629
to a specification of the type described in division (C) of 2630
section 2941.146 of the Revised Code that charges the offender 2631
with committing the offense by discharging a firearm from a 2632
motor vehicle other than a manufactured home and that the 2633
offender previously has been convicted of or pleaded guilty to a 2634
specification of the type described in section 2941.141, 2635
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2636
the court, after imposing a prison term on the offender for the 2637
violation of section 2923.161 of the Revised Code or for the 2638
other felony offense under division (A), (B) (2), or (3) of this 2639
section, shall impose an additional prison term of ninety months 2640
upon the offender that shall not be reduced pursuant to section 2641
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2642

or any other provision of Chapter 2967. or Chapter 5120. of the 2643
Revised Code. 2644

(iii) A court shall not impose more than one additional 2645
prison term on an offender under division (B) (1) (c) of this 2646
section for felonies committed as part of the same act or 2647
transaction. If a court imposes an additional prison term on an 2648
offender under division (B) (1) (c) of this section relative to an 2649
offense, the court also shall impose a prison term under 2650
division (B) (1) (a) of this section relative to the same offense, 2651
provided the criteria specified in that division for imposing an 2652
additional prison term are satisfied relative to the offender 2653
and the offense. 2654

(d) If an offender who is convicted of or pleads guilty to 2655
an offense of violence that is a felony also is convicted of or 2656
pleads guilty to a specification of the type described in 2657
section 2941.1411 of the Revised Code that charges the offender 2658
with wearing or carrying body armor while committing the felony 2659
offense of violence, the court shall impose on the offender an 2660
additional prison term of two years. The prison term so imposed 2661
shall not be reduced pursuant to section 2929.20, division (A) 2662
(2) or (3) of section 2967.193 or 2967.194, or any other 2663
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2664
A court shall not impose more than one prison term on an 2665
offender under division (B) (1) (d) of this section for felonies 2666
committed as part of the same act or transaction. If a court 2667
imposes an additional prison term under division (B) (1) (a) or 2668
(c) of this section, the court is not precluded from imposing an 2669
additional prison term under division (B) (1) (d) of this section. 2670

(e) The court shall not impose any of the prison terms 2671
described in division (B) (1) (a) of this section or any of the 2672

additional prison terms described in division (B) (1) (c) of this 2673
section upon an offender for a violation of section 2923.12 or 2674
2923.123 of the Revised Code. The court shall not impose any of 2675
the prison terms described in division (B) (1) (a) or (b) of this 2676
section upon an offender for a violation of section 2923.122 2677
that involves a deadly weapon that is a firearm other than a 2678
dangerous ordnance, section 2923.16, or section 2923.121 of the 2679
Revised Code. The court shall not impose any of the prison terms 2680
described in division (B) (1) (a) of this section or any of the 2681
additional prison terms described in division (B) (1) (c) of this 2682
section upon an offender for a violation of section 2923.13 of 2683
the Revised Code unless all of the following apply: 2684

(i) The offender previously has been convicted of 2685
aggravated murder, murder, or any felony of the first or second 2686
degree. 2687

(ii) Less than five years have passed since the offender 2688
was released from prison or post-release control, whichever is 2689
later, for the prior offense. 2690

(f) (i) If an offender is convicted of or pleads guilty to 2691
a felony that includes, as an essential element, causing or 2692
attempting to cause the death of or physical harm to another and 2693
also is convicted of or pleads guilty to a specification of the 2694
type described in division (A) of section 2941.1412 of the 2695
Revised Code that charges the offender with committing the 2696
offense by discharging a firearm at a peace officer as defined 2697
in section 2935.01 of the Revised Code or a corrections officer, 2698
as defined in section 2941.1412 of the Revised Code, the court, 2699
after imposing a prison term on the offender for the felony 2700
offense under division (A), (B) (2), or (B) (3) of this section, 2701
shall impose an additional prison term of seven years upon the 2702

offender that shall not be reduced pursuant to section 2929.20, 2703
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2704
other provision of Chapter 2967. or Chapter 5120. of the Revised 2705
Code. 2706

(ii) If an offender is convicted of or pleads guilty to a 2707
felony that includes, as an essential element, causing or 2708
attempting to cause the death of or physical harm to another and 2709
also is convicted of or pleads guilty to a specification of the 2710
type described in division (B) of section 2941.1412 of the 2711
Revised Code that charges the offender with committing the 2712
offense by discharging a firearm at a peace officer, as defined 2713
in section 2935.01 of the Revised Code, or a corrections 2714
officer, as defined in section 2941.1412 of the Revised Code, 2715
and that the offender previously has been convicted of or 2716
pleaded guilty to a specification of the type described in 2717
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2718
the Revised Code, the court, after imposing a prison term on the 2719
offender for the felony offense under division (A), (B) (2), or 2720
(3) of this section, shall impose an additional prison term of 2721
one hundred twenty-six months upon the offender that shall not 2722
be reduced pursuant to section 2929.20, division (A) (2) or (3) 2723
of section 2967.193 or 2967.194, or any other provision of 2724
Chapter 2967. or 5120. of the Revised Code. 2725

(iii) If an offender is convicted of or pleads guilty to 2726
two or more felonies that include, as an essential element, 2727
causing or attempting to cause the death or physical harm to 2728
another and also is convicted of or pleads guilty to a 2729
specification of the type described under division (B) (1) (f) of 2730
this section in connection with two or more of the felonies of 2731
which the offender is convicted or to which the offender pleads 2732
guilty, the sentencing court shall impose on the offender the 2733

prison term specified under division (B) (1) (f) of this section 2734
for each of two of the specifications of which the offender is 2735
convicted or to which the offender pleads guilty and, in its 2736
discretion, also may impose on the offender the prison term 2737
specified under that division for any or all of the remaining 2738
specifications. If a court imposes an additional prison term on 2739
an offender under division (B) (1) (f) of this section relative to 2740
an offense, the court shall not impose a prison term under 2741
division (B) (1) (a) or (c) of this section relative to the same 2742
offense. 2743

(g) If an offender is convicted of or pleads guilty to two 2744
or more felonies, if one or more of those felonies are 2745
aggravated murder, murder, attempted aggravated murder, 2746
attempted murder, aggravated robbery, felonious assault, or 2747
rape, and if the offender is convicted of or pleads guilty to a 2748
specification of the type described under division (B) (1) (a) of 2749
this section in connection with two or more of the felonies, the 2750
sentencing court shall impose on the offender the prison term 2751
specified under division (B) (1) (a) of this section for each of 2752
the two most serious specifications of which the offender is 2753
convicted or to which the offender pleads guilty and, in its 2754
discretion, also may impose on the offender the prison term 2755
specified under that division for any or all of the remaining 2756
specifications. 2757

(2) (a) If division (B) (2) (b) of this section does not 2758
apply, the court may impose on an offender, in addition to the 2759
longest prison term authorized or required for the offense or, 2760
for offenses for which division (A) (1) (a) or (2) (a) of this 2761
section applies, in addition to the longest minimum prison term 2762
authorized or required for the offense, an additional definite 2763
prison term of one, two, three, four, five, six, seven, eight, 2764

nine, or ten years if all of the following criteria are met: 2765

(i) The offender is convicted of or pleads guilty to a 2766
specification of the type described in section 2941.149 of the 2767
Revised Code that the offender is a repeat violent offender. 2768

(ii) The offense of which the offender currently is 2769
convicted or to which the offender currently pleads guilty is 2770
aggravated murder and the court does not impose a sentence of 2771
death or life imprisonment without parole, murder, terrorism and 2772
the court does not impose a sentence of life imprisonment 2773
without parole, any felony of the first degree that is an 2774
offense of violence and the court does not impose a sentence of 2775
life imprisonment without parole, or any felony of the second 2776
degree that is an offense of violence and the trier of fact 2777
finds that the offense involved an attempt to cause or a threat 2778
to cause serious physical harm to a person or resulted in 2779
serious physical harm to a person. 2780

(iii) The court imposes the longest prison term for the 2781
offense or the longest minimum prison term for the offense, 2782
whichever is applicable, that is not life imprisonment without 2783
parole. 2784

(iv) The court finds that the prison terms imposed 2785
pursuant to division (B)(2)(a)(iii) of this section and, if 2786
applicable, division (B)(1) or (3) of this section are 2787
inadequate to punish the offender and protect the public from 2788
future crime, because the applicable factors under section 2789
2929.12 of the Revised Code indicating a greater likelihood of 2790
recidivism outweigh the applicable factors under that section 2791
indicating a lesser likelihood of recidivism. 2792

(v) The court finds that the prison terms imposed pursuant 2793

to division (B) (2) (a) (iii) of this section and, if applicable, 2794
division (B) (1) or (3) of this section are demeaning to the 2795
seriousness of the offense, because one or more of the factors 2796
under section 2929.12 of the Revised Code indicating that the 2797
offender's conduct is more serious than conduct normally 2798
constituting the offense are present, and they outweigh the 2799
applicable factors under that section indicating that the 2800
offender's conduct is less serious than conduct normally 2801
constituting the offense. 2802

(b) The court shall impose on an offender the longest 2803
prison term authorized or required for the offense or, for 2804
offenses for which division (A) (1) (a) or (2) (a) of this section 2805
applies, the longest minimum prison term authorized or required 2806
for the offense, and shall impose on the offender an additional 2807
definite prison term of one, two, three, four, five, six, seven, 2808
eight, nine, or ten years if all of the following criteria are 2809
met: 2810

(i) The offender is convicted of or pleads guilty to a 2811
specification of the type described in section 2941.149 of the 2812
Revised Code that the offender is a repeat violent offender. 2813

(ii) The offender within the preceding twenty years has 2814
been convicted of or pleaded guilty to three or more offenses 2815
described in division (CC) (1) of section 2929.01 of the Revised 2816
Code, including all offenses described in that division of which 2817
the offender is convicted or to which the offender pleads guilty 2818
in the current prosecution and all offenses described in that 2819
division of which the offender previously has been convicted or 2820
to which the offender previously pleaded guilty, whether 2821
prosecuted together or separately. 2822

(iii) The offense or offenses of which the offender 2823

currently is convicted or to which the offender currently pleads 2824
guilty is aggravated murder and the court does not impose a 2825
sentence of death or life imprisonment without parole, murder, 2826
terrorism and the court does not impose a sentence of life 2827
imprisonment without parole, any felony of the first degree that 2828
is an offense of violence and the court does not impose a 2829
sentence of life imprisonment without parole, or any felony of 2830
the second degree that is an offense of violence and the trier 2831
of fact finds that the offense involved an attempt to cause or a 2832
threat to cause serious physical harm to a person or resulted in 2833
serious physical harm to a person. 2834

(c) For purposes of division (B)(2)(b) of this section, 2835
two or more offenses committed at the same time or as part of 2836
the same act or event shall be considered one offense, and that 2837
one offense shall be the offense with the greatest penalty. 2838

(d) A sentence imposed under division (B)(2)(a) or (b) of 2839
this section shall not be reduced pursuant to section 2929.20, 2840
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 2841
other provision of Chapter 2967. or Chapter 5120. of the Revised 2842
Code. The offender shall serve an additional prison term imposed 2843
under division (B)(2)(a) or (b) of this section consecutively to 2844
and prior to the prison term imposed for the underlying offense. 2845

(e) When imposing a sentence pursuant to division (B)(2) 2846
(a) or (b) of this section, the court shall state its findings 2847
explaining the imposed sentence. 2848

(3) Except when an offender commits a violation of section 2849
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2850
for the violation is life imprisonment or commits a violation of 2851
section 2903.02 of the Revised Code, if the offender commits a 2852
violation of section 2925.03 or 2925.11 of the Revised Code and 2853

that section classifies the offender as a major drug offender, 2854
if the offender commits a violation of section 2925.05 of the 2855
Revised Code and division (E)(1) of that section classifies the 2856
offender as a major drug offender, if the offender commits a 2857
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2858
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2859
division (C) or (D) of section 3719.172, division (E) of section 2860
4729.51, or division (J) of section 4729.54 of the Revised Code 2861
that includes the sale, offer to sell, or possession of a 2862
schedule I or II controlled substance, with the exception of 2863
marihuana, and the court imposing sentence upon the offender 2864
finds that the offender is guilty of a specification of the type 2865
described in division (A) of section 2941.1410 of the Revised 2866
Code charging that the offender is a major drug offender, if the 2867
court imposing sentence upon an offender for a felony finds that 2868
the offender is guilty of corrupt activity with the most serious 2869
offense in the pattern of corrupt activity being a felony of the 2870
first degree, or if the offender is guilty of an attempted 2871
violation of section 2907.02 of the Revised Code and, had the 2872
offender completed the violation of section 2907.02 of the 2873
Revised Code that was attempted, the offender would have been 2874
subject to a sentence of life imprisonment or life imprisonment 2875
without parole for the violation of section 2907.02 of the 2876
Revised Code, the court shall impose upon the offender for the 2877
felony violation a mandatory prison term determined as described 2878
in this division that cannot be reduced pursuant to section 2879
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 2880
or any other provision of Chapter 2967. or 5120. of the Revised 2881
Code. The mandatory prison term shall be the maximum definite 2882
prison term prescribed in division (A)(1)(b) of this section for 2883
a felony of the first degree, except that for offenses for which 2884
division (A)(1)(a) of this section applies, the mandatory prison 2885

term shall be the longest minimum prison term prescribed in that 2886
division for the offense. 2887

(4) If the offender is being sentenced for a third or 2888
fourth degree felony OVI offense under division (G) (2) of 2889
section 2929.13 of the Revised Code, the sentencing court shall 2890
impose upon the offender a mandatory prison term in accordance 2891
with that division. In addition to the mandatory prison term, if 2892
the offender is being sentenced for a fourth degree felony OVI 2893
offense, the court, notwithstanding division (A) (4) of this 2894
section, may sentence the offender to a definite prison term of 2895
not less than six months and not more than thirty months, and if 2896
the offender is being sentenced for a third degree felony OVI 2897
offense, the sentencing court may sentence the offender to an 2898
additional prison term of any duration specified in division (A) 2899
(3) of this section. In either case, the additional prison term 2900
imposed shall be reduced by the sixty or one hundred twenty days 2901
imposed upon the offender as the mandatory prison term. The 2902
total of the additional prison term imposed under division (B) 2903
(4) of this section plus the sixty or one hundred twenty days 2904
imposed as the mandatory prison term shall equal a definite term 2905
in the range of six months to thirty months for a fourth degree 2906
felony OVI offense and shall equal one of the authorized prison 2907
terms specified in division (A) (3) of this section for a third 2908
degree felony OVI offense. If the court imposes an additional 2909
prison term under division (B) (4) of this section, the offender 2910
shall serve the additional prison term after the offender has 2911
served the mandatory prison term required for the offense. In 2912
addition to the mandatory prison term or mandatory and 2913
additional prison term imposed as described in division (B) (4) 2914
of this section, the court also may sentence the offender to a 2915
community control sanction under section 2929.16 or 2929.17 of 2916

the Revised Code, but the offender shall serve all of the prison 2917
terms so imposed prior to serving the community control 2918
sanction. 2919

If the offender is being sentenced for a fourth degree 2920
felony OVI offense under division (G) (1) of section 2929.13 of 2921
the Revised Code and the court imposes a mandatory term of local 2922
incarceration, the court may impose a prison term as described 2923
in division (A) (1) of that section. 2924

(5) If an offender is convicted of or pleads guilty to a 2925
violation of division (A) (1) or (2) of section 2903.06 of the 2926
Revised Code and also is convicted of or pleads guilty to a 2927
specification of the type described in section 2941.1414 of the 2928
Revised Code that charges that the victim of the offense is a 2929
peace officer, as defined in section 2935.01 of the Revised 2930
Code, an investigator of the bureau of criminal identification 2931
and investigation, as defined in section 2903.11 of the Revised 2932
Code, or a firefighter or emergency medical worker, both as 2933
defined in section 2941.1414 of the Revised Code, the court 2934
shall impose on the offender a prison term of five years. If a 2935
court imposes a prison term on an offender under division (B) (5) 2936
of this section, the prison term shall not be reduced pursuant 2937
to section 2929.20, division (A) (2) or (3) of section 2967.193 2938
or 2967.194, or any other provision of Chapter 2967. or Chapter 2939
5120. of the Revised Code. A court shall not impose more than 2940
one prison term on an offender under division (B) (5) of this 2941
section for felonies committed as part of the same act. 2942

(6) If an offender is convicted of or pleads guilty to a 2943
violation of division (A) (1) or (2) of section 2903.06 of the 2944
Revised Code and also is convicted of or pleads guilty to a 2945
specification of the type described in section 2941.1415 of the 2946

Revised Code that charges that the offender previously has been 2947
convicted of or pleaded guilty to three or more violations of 2948
division (A) of section 4511.19 of the Revised Code or an 2949
equivalent offense, as defined in section 2941.1415 of the 2950
Revised Code, or three or more violations of any combination of 2951
those offenses, the court shall impose on the offender a prison 2952
term of three years. If a court imposes a prison term on an 2953
offender under division (B) (6) of this section, the prison term 2954
shall not be reduced pursuant to section 2929.20, division (A) 2955
(2) or (3) of section 2967.193 or 2967.194, or any other 2956
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2957
A court shall not impose more than one prison term on an 2958
offender under division (B) (6) of this section for felonies 2959
committed as part of the same act. 2960

(7) (a) If an offender is convicted of or pleads guilty to 2961
a felony violation of section 2905.01, 2905.02, 2907.21, 2962
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 2963
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 2964
section 2919.22 of the Revised Code and also is convicted of or 2965
pleads guilty to a specification of the type described in 2966
section 2941.1422 of the Revised Code that charges that the 2967
offender knowingly committed the offense in furtherance of human 2968
trafficking, the court shall impose on the offender a mandatory 2969
prison term that is one of the following: 2970

(i) If the offense is a felony of the first degree, a 2971
definite prison term of not less than five years and not greater 2972
than eleven years, except that if the offense is a felony of the 2973
first degree committed on or after March 22, 2019, the court 2974
shall impose as the minimum prison term a mandatory term of not 2975
less than five years and not greater than eleven years; 2976

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

(iii) If the offense is a felony of the fourth or fifth degree, a definite prison term that is the maximum prison term allowed for the offense by division (A) of section 2929.14 of the Revised Code.

(b) The prison term imposed under division (B) (7) (a) 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. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the Revised Code that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, notwithstanding the range prescribed in division (A) of this section as the definite prison term or minimum prison term for felonies of the same degree as the violation, the court shall impose on the offender a mandatory prison term that is either a definite prison term of six months or one of the prison

terms prescribed in division (A) of this section for felonies of 3007
the same degree as the violation, except that if the violation 3008
is a felony of the first or second degree committed on or after 3009
~~arch~~ March 22, 2019, the court shall impose as the minimum 3010
prison term under division (A) (1) (a) or (2) (a) of this section a 3011
mandatory term that is one of the terms prescribed in that 3012
division, whichever is applicable, for the offense. 3013

(9) (a) If an offender is convicted of or pleads guilty to 3014
a violation of division (A) (1) or (2) of section 2903.11 of the 3015
Revised Code and also is convicted of or pleads guilty to a 3016
specification of the type described in section 2941.1425 of the 3017
Revised Code, the court shall impose on the offender a mandatory 3018
prison term of six years if either of the following applies: 3019

(i) The violation is a violation of division (A) (1) of 3020
section 2903.11 of the Revised Code and the specification 3021
charges that the offender used an accelerant in committing the 3022
violation and the serious physical harm to another or to 3023
another's unborn caused by the violation resulted in a 3024
permanent, serious disfigurement or permanent, substantial 3025
incapacity; 3026

(ii) The violation is a violation of division (A) (2) of 3027
section 2903.11 of the Revised Code and the specification 3028
charges that the offender used an accelerant in committing the 3029
violation, that the violation caused physical harm to another or 3030
to another's unborn, and that the physical harm resulted in a 3031
permanent, serious disfigurement or permanent, substantial 3032
incapacity. 3033

(b) If a court imposes a prison term on an offender under 3034
division (B) (9) (a) of this section, the prison term shall not be 3035
reduced pursuant to section 2929.20, division (A) (2) or (3) of 3036

section 2967.193 or 2967.194, or any other provision of Chapter 3037
2967. or Chapter 5120. of the Revised Code. A court shall not 3038
impose more than one prison term on an offender under division 3039
(B) (9) of this section for felonies committed as part of the 3040
same act. 3041

(c) The provisions of divisions (B) (9) and (C) (6) of this 3042
section and of division (D) (2) of section 2903.11, division (F) 3043
(20) of section 2929.13, and section 2941.1425 of the Revised 3044
Code shall be known as "Judy's Law." 3045

(10) If an offender is convicted of or pleads guilty to a 3046
violation of division (A) of section 2903.11 of the Revised Code 3047
and also is convicted of or pleads guilty to a specification of 3048
the type described in section 2941.1426 of the Revised Code that 3049
charges that the victim of the offense suffered permanent 3050
disabling harm as a result of the offense and that the victim 3051
was under ten years of age at the time of the offense, 3052
regardless of whether the offender knew the age of the victim, 3053
the court shall impose upon the offender an additional definite 3054
prison term of six years. A prison term imposed on an offender 3055
under division (B) (10) of this section shall not be reduced 3056
pursuant to section 2929.20, division (A) (2) or (3) of section 3057
2967.193 or 2967.194, or any other provision of Chapter 2967. or 3058
Chapter 5120. of the Revised Code. If a court imposes an 3059
additional prison term on an offender under this division 3060
relative to a violation of division (A) of section 2903.11 of 3061
the Revised Code, the court shall not impose any other 3062
additional prison term on the offender relative to the same 3063
offense. 3064

~~(11)~~ (11) (a) If an offender is convicted of or pleads 3065
guilty to a felony violation of section 2925.03 or 2925.05 of 3066

the Revised Code or a felony violation of section 2925.11 of the
Revised Code for which division ~~(C) (11)~~ (C) (9) 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,
five, six, seven, or eight years. ~~If~~

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

(c) If a court imposes a prison term on an offender under
division (B) (11) 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 5120. of the Revised Code. A court shall not impose
more than one prison term on an offender under division (B) (11)
of this section for felonies committed as part of the same act.

(C) (1) (a) Subject to division (C) (1) (b) of this section,
if a mandatory prison term is imposed upon an offender pursuant
to division (B) (1) (a) of this section for having a firearm on or
about the offender's person or under the offender's control

while committing a felony, if a mandatory prison term is imposed 3097
upon an offender pursuant to division (B)(1)(c) of this section 3098
for committing a felony specified in that division by 3099
discharging a firearm from a motor vehicle, or if both types of 3100
mandatory prison terms are imposed, the offender shall serve any 3101
mandatory prison term imposed under either division 3102
consecutively to any other mandatory prison term imposed under 3103
either division or under division (B)(1)(d) of this section, 3104
consecutively to and prior to any prison term imposed for the 3105
underlying felony pursuant to division (A), (B)(2), or (B)(3) of 3106
this section or any other section of the Revised Code, and 3107
consecutively to any other prison term or mandatory prison term 3108
previously or subsequently imposed upon the offender. 3109

(b) If a mandatory prison term is imposed upon an offender 3110
pursuant to division (B)(1)(d) of this section for wearing or 3111
carrying body armor while committing an offense of violence that 3112
is a felony, the offender shall serve the mandatory term so 3113
imposed consecutively to any other mandatory prison term imposed 3114
under that division or under division (B)(1)(a) or (c) of this 3115
section, consecutively to and prior to any prison term imposed 3116
for the underlying felony under division (A), (B)(2), or (B)(3) 3117
of this section or any other section of the Revised Code, and 3118
consecutively to any other prison term or mandatory prison term 3119
previously or subsequently imposed upon the offender. 3120

(c) If a mandatory prison term is imposed upon an offender 3121
pursuant to division (B)(1)(f) of this section, the offender 3122
shall serve the mandatory prison term so imposed consecutively 3123
to and prior to any prison term imposed for the underlying 3124
felony under division (A), (B)(2), or (B)(3) of this section or 3125
any other section of the Revised Code, and consecutively to any 3126
other prison term or mandatory prison term previously or 3127

subsequently imposed upon the offender. 3128

(d) If a mandatory prison term is imposed upon an offender 3129
pursuant to division (B)(7) or (8) of this section, the offender 3130
shall serve the mandatory prison term so imposed consecutively 3131
to any other mandatory prison term imposed under that division 3132
or under any other provision of law and consecutively to any 3133
other prison term or mandatory prison term previously or 3134
subsequently imposed upon the offender. 3135

(e) If a mandatory prison term is imposed upon an offender 3136
pursuant to division (B)(11) of this section, the offender shall 3137
serve the mandatory prison term consecutively to any other 3138
mandatory prison term imposed under that division, consecutively 3139
to and prior to any prison term imposed for the underlying 3140
felony, and consecutively to any other prison term or mandatory 3141
prison term previously or subsequently imposed upon the 3142
offender. 3143

(2) If an offender who is an inmate in a jail, prison, or 3144
other residential detention facility violates section 2917.02, 3145
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 3146
(2) of section 2921.34 of the Revised Code, if an offender who 3147
is under detention at a detention facility commits a felony 3148
violation of section 2923.131 of the Revised Code, or if an 3149
offender who is an inmate in a jail, prison, or other 3150
residential detention facility or is under detention at a 3151
detention facility commits another felony while the offender is 3152
an escapee in violation of division (A)(1) or (2) of section 3153
2921.34 of the Revised Code, any prison term imposed upon the 3154
offender for one of those violations shall be served by the 3155
offender consecutively to the prison term or term of 3156
imprisonment the offender was serving when the offender 3157

committed that offense and to any other prison term previously 3158
or subsequently imposed upon the offender. 3159

(3) If a prison term is imposed for a violation of 3160
division (B) of section 2911.01 of the Revised Code, a violation 3161
of division (A) of section 2913.02 of the Revised Code in which 3162
the stolen property is a firearm or dangerous ordnance, or a 3163
felony violation of division (B) of section 2921.331 of the 3164
Revised Code, the offender shall serve that prison term 3165
consecutively to any other prison term or mandatory prison term 3166
previously or subsequently imposed upon the offender. 3167

(4) If multiple prison terms are imposed on an offender 3168
for convictions of multiple offenses, the court may require the 3169
offender to serve the prison terms consecutively if the court 3170
finds that the consecutive service is necessary to protect the 3171
public from future crime or to punish the offender and that 3172
consecutive sentences are not disproportionate to the 3173
seriousness of the offender's conduct and to the danger the 3174
offender poses to the public, and if the court also finds any of 3175
the following: 3176

(a) The offender committed one or more of the multiple 3177
offenses while the offender was awaiting trial or sentencing, 3178
was under a sanction imposed pursuant to section 2929.16, 3179
2929.17, or 2929.18 of the Revised Code, or was under post- 3180
release control for a prior offense. 3181

(b) At least two of the multiple offenses were committed 3182
as part of one or more courses of conduct, and the harm caused 3183
by two or more of the multiple offenses so committed was so 3184
great or unusual that no single prison term for any of the 3185
offenses committed as part of any of the courses of conduct 3186
adequately reflects the seriousness of the offender's conduct. 3187

(c) The offender's history of criminal conduct 3188
demonstrates that consecutive sentences are necessary to protect 3189
the public from future crime by the offender. 3190

(5) If a mandatory prison term is imposed upon an offender 3191
pursuant to division (B) (5) or (6) of this section, the offender 3192
shall serve the mandatory prison term consecutively to and prior 3193
to any prison term imposed for the underlying violation of 3194
division (A) (1) or (2) of section 2903.06 of the Revised Code 3195
pursuant to division (A) of this section or section 2929.142 of 3196
the Revised Code. If a mandatory prison term is imposed upon an 3197
offender pursuant to division (B) (5) of this section, and if a 3198
mandatory prison term also is imposed upon the offender pursuant 3199
to division (B) (6) of this section in relation to the same 3200
violation, the offender shall serve the mandatory prison term 3201
imposed pursuant to division (B) (5) of this section 3202
consecutively to and prior to the mandatory prison term imposed 3203
pursuant to division (B) (6) of this section and consecutively to 3204
and prior to any prison term imposed for the underlying 3205
violation of division (A) (1) or (2) of section 2903.06 of the 3206
Revised Code pursuant to division (A) of this section or section 3207
2929.142 of the Revised Code. 3208

(6) If a mandatory prison term is imposed on an offender 3209
pursuant to division (B) (9) of this section, the offender shall 3210
serve the mandatory prison term consecutively to and prior to 3211
any prison term imposed for the underlying violation of division 3212
(A) (1) or (2) of section 2903.11 of the Revised Code and 3213
consecutively to and prior to any other prison term or mandatory 3214
prison term previously or subsequently imposed on the offender. 3215

(7) If a mandatory prison term is imposed on an offender 3216
pursuant to division (B) (10) of this section, the offender shall 3217

serve that mandatory prison term consecutively to and prior to 3218
any prison term imposed for the underlying felonious assault. 3219
Except as otherwise provided in division (C) of this section, 3220
any other prison term or mandatory prison term previously or 3221
subsequently imposed upon the offender may be served 3222
concurrently with, or consecutively to, the prison term imposed 3223
pursuant to division (B)(10) of this section. 3224

(8) Any prison term imposed for a violation of section 3225
2903.04 of the Revised Code that is based on a violation of 3226
section 2925.03 or 2925.11 of the Revised Code or on a violation 3227
of section 2925.05 of the Revised Code that is not funding of 3228
marihuana trafficking shall run consecutively to any prison term 3229
imposed for the violation of section 2925.03 or 2925.11 of the 3230
Revised Code or for the violation of section 2925.05 of the 3231
Revised Code that is not funding of marihuana trafficking. 3232

(9) When consecutive prison terms are imposed pursuant to 3233
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3234
division (H)(1) or (2) of this section, subject to division (C) 3235
(10) of this section, the term to be served is the aggregate of 3236
all of the terms so imposed. 3237

(10) When a court sentences an offender to a non-life 3238
felony indefinite prison term, any definite prison term or 3239
mandatory definite prison term previously or subsequently 3240
imposed on the offender in addition to that indefinite sentence 3241
that is required to be served consecutively to that indefinite 3242
sentence shall be served prior to the indefinite sentence. 3243

(11) If a court is sentencing an offender for a felony of 3244
the first or second degree, if division (A)(1)(a) or (2)(a) of 3245
this section applies with respect to the sentencing for the 3246
offense, and if the court is required under the Revised Code 3247

section that sets forth the offense or any other Revised Code 3248
provision to impose a mandatory prison term for the offense, the 3249
court shall impose the required mandatory prison term as the 3250
minimum term imposed under division (A)(1)(a) or (2)(a) of this 3251
section, whichever is applicable. 3252

(D)(1) If a court imposes a prison term, other than a term 3253
of life imprisonment, for a felony of the first degree, for a 3254
felony of the second degree, for a felony sex offense, or for a 3255
felony of the third degree that is an offense of violence and 3256
that is not a felony sex offense, it shall include in the 3257
sentence a requirement that the offender be subject to a period 3258
of post-release control after the offender's release from 3259
imprisonment, in accordance with section 2967.28 of the Revised 3260
Code. If a court imposes a sentence including a prison term of a 3261
type described in this division on or after July 11, 2006, the 3262
failure of a court to include a post-release control requirement 3263
in the sentence pursuant to this division does not negate, 3264
limit, or otherwise affect the mandatory period of post-release 3265
control that is required for the offender under division (B) of 3266
section 2967.28 of the Revised Code. Section 2929.191 of the 3267
Revised Code applies if, prior to July 11, 2006, a court imposed 3268
a sentence including a prison term of a type described in this 3269
division and failed to include in the sentence pursuant to this 3270
division a statement regarding post-release control. 3271

(2) If a court imposes a prison term for a felony of the 3272
third, fourth, or fifth degree that is not subject to division 3273
(D)(1) of this section, it shall include in the sentence a 3274
requirement that the offender be subject to a period of post- 3275
release control after the offender's release from imprisonment, 3276
in accordance with that division, if the parole board determines 3277
that a period of post-release control is necessary. Section 3278

2929.191 of the Revised Code applies if, prior to July 11, 2006, 3279
a court imposed a sentence including a prison term of a type 3280
described in this division and failed to include in the sentence 3281
pursuant to this division a statement regarding post-release 3282
control. 3283

(E) The court shall impose sentence upon the offender in 3284
accordance with section 2971.03 of the Revised Code, and Chapter 3285
2971. of the Revised Code applies regarding the prison term or 3286
term of life imprisonment without parole imposed upon the 3287
offender and the service of that term of imprisonment if any of 3288
the following apply: 3289

(1) A person is convicted of or pleads guilty to a violent 3290
sex offense or a designated homicide, assault, or kidnapping 3291
offense, and, in relation to that offense, the offender is 3292
adjudicated a sexually violent predator. 3293

(2) A person is convicted of or pleads guilty to a 3294
violation of division (A) (1) (b) of section 2907.02 of the 3295
Revised Code committed on or after January 2, 2007, and either 3296
the court does not impose a sentence of life without parole when 3297
authorized pursuant to division (B) of section 2907.02 of the 3298
Revised Code, or division (B) of section 2907.02 of the Revised 3299
Code provides that the court shall not sentence the offender 3300
pursuant to section 2971.03 of the Revised Code. 3301

(3) A person is convicted of or pleads guilty to attempted 3302
rape committed on or after January 2, 2007, and a specification 3303
of the type described in section 2941.1418, 2941.1419, or 3304
2941.1420 of the Revised Code. 3305

(4) A person is convicted of or pleads guilty to a 3306
violation of section 2905.01 of the Revised Code committed on or 3307

after January 1, 2008, and that section requires the court to 3308
sentence the offender pursuant to section 2971.03 of the Revised 3309
Code. 3310

(5) A person is convicted of or pleads guilty to 3311
aggravated murder committed on or after January 1, 2008, and 3312
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3313
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3314
(a) (iv) of section 2929.03, or division (A) or (B) of section 3315
2929.06 of the Revised Code requires the court to sentence the 3316
offender pursuant to division (B) (3) of section 2971.03 of the 3317
Revised Code. 3318

(6) A person is convicted of or pleads guilty to murder 3319
committed on or after January 1, 2008, and division (B) (2) of 3320
section 2929.02 of the Revised Code requires the court to 3321
sentence the offender pursuant to section 2971.03 of the Revised 3322
Code. 3323

(F) If a person who has been convicted of or pleaded 3324
guilty to a felony is sentenced to a prison term or term of 3325
imprisonment under this section, sections 2929.02 to 2929.06 of 3326
the Revised Code, section 2929.142 of the Revised Code, section 3327
2971.03 of the Revised Code, or any other provision of law, 3328
section 5120.163 of the Revised Code applies regarding the 3329
person while the person is confined in a state correctional 3330
institution. 3331

(G) If an offender who is convicted of or pleads guilty to 3332
a felony that is an offense of violence also is convicted of or 3333
pleads guilty to a specification of the type described in 3334
section 2941.142 of the Revised Code that charges the offender 3335
with having committed the felony while participating in a 3336
criminal gang, the court shall impose upon the offender an 3337

additional prison term of one, two, or three years. 3338

(H) (1) If an offender who is convicted of or pleads guilty 3339
to aggravated murder, murder, or a felony of the first, second, 3340
or third degree that is an offense of violence also is convicted 3341
of or pleads guilty to a specification of the type described in 3342
section 2941.143 of the Revised Code that charges the offender 3343
with having committed the offense in a school safety zone or 3344
towards a person in a school safety zone, the court shall impose 3345
upon the offender an additional prison term of two years. The 3346
offender shall serve the additional two years consecutively to 3347
and prior to the prison term imposed for the underlying offense. 3348

(2) (a) If an offender is convicted of or pleads guilty to 3349
a felony violation of section 2907.22, 2907.24, 2907.241, or 3350
2907.25 of the Revised Code and to a specification of the type 3351
described in section 2941.1421 of the Revised Code and if the 3352
court imposes a prison term on the offender for the felony 3353
violation, the court may impose upon the offender an additional 3354
prison term as follows: 3355

(i) Subject to division (H) (2) (a) (ii) of this section, an 3356
additional prison term of one, two, three, four, five, or six 3357
months; 3358

(ii) If the offender previously has been convicted of or 3359
pleaded guilty to one or more felony or misdemeanor violations 3360
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 3361
the Revised Code and also was convicted of or pleaded guilty to 3362
a specification of the type described in section 2941.1421 of 3363
the Revised Code regarding one or more of those violations, an 3364
additional prison term of one, two, three, four, five, six, 3365
seven, eight, nine, ten, eleven, or twelve months. 3366

(b) In lieu of imposing an additional prison term under 3367
division (H) (2) (a) of this section, the court may directly 3368
impose on the offender a sanction that requires the offender to 3369
wear a real-time processing, continual tracking electronic 3370
monitoring device during the period of time specified by the 3371
court. The period of time specified by the court shall equal the 3372
duration of an additional prison term that the court could have 3373
imposed upon the offender under division (H) (2) (a) of this 3374
section. A sanction imposed under this division shall commence 3375
on the date specified by the court, provided that the sanction 3376
shall not commence until after the offender has served the 3377
prison term imposed for the felony violation of section 2907.22, 3378
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3379
residential sanction imposed for the violation under section 3380
2929.16 of the Revised Code. A sanction imposed under this 3381
division shall be considered to be a community control sanction 3382
for purposes of section 2929.15 of the Revised Code, and all 3383
provisions of the Revised Code that pertain to community control 3384
sanctions shall apply to a sanction imposed under this division, 3385
except to the extent that they would by their nature be clearly 3386
inapplicable. The offender shall pay all costs associated with a 3387
sanction imposed under this division, including the cost of the 3388
use of the monitoring device. 3389

(I) At the time of sentencing, the court may recommend the 3390
offender for placement in a program of shock incarceration under 3391
section 5120.031 of the Revised Code or for placement in an 3392
intensive program prison under section 5120.032 of the Revised 3393
Code, disapprove placement of the offender in a program of shock 3394
incarceration or an intensive program prison of that nature, or 3395
make no recommendation on placement of the offender. In no case 3396
shall the department of rehabilitation and correction place the 3397

offender in a program or prison of that nature unless the 3398
department determines as specified in section 5120.031 or 3399
5120.032 of the Revised Code, whichever is applicable, that the 3400
offender is eligible for the placement. 3401

If the court disapproves placement of the offender in a 3402
program or prison of that nature, the department of 3403
rehabilitation and correction shall not place the offender in 3404
any program of shock incarceration or intensive program prison. 3405

If the court recommends placement of the offender in a 3406
program of shock incarceration or in an intensive program 3407
prison, and if the offender is subsequently placed in the 3408
recommended program or prison, the department shall notify the 3409
court of the placement and shall include with the notice a brief 3410
description of the placement. 3411

If the court recommends placement of the offender in a 3412
program of shock incarceration or in an intensive program prison 3413
and the department does not subsequently place the offender in 3414
the recommended program or prison, the department shall send a 3415
notice to the court indicating why the offender was not placed 3416
in the recommended program or prison. 3417

If the court does not make a recommendation under this 3418
division with respect to an offender and if the department 3419
determines as specified in section 5120.031 or 5120.032 of the 3420
Revised Code, whichever is applicable, that the offender is 3421
eligible for placement in a program or prison of that nature, 3422
the department shall screen the offender and determine if there 3423
is an available program of shock incarceration or an intensive 3424
program prison for which the offender is suited. If there is an 3425
available program of shock incarceration or an intensive program 3426
prison for which the offender is suited, the department shall 3427

notify the court of the proposed placement of the offender as 3428
specified in section 5120.031 or 5120.032 of the Revised Code 3429
and shall include with the notice a brief description of the 3430
placement. The court shall have ten days from receipt of the 3431
notice to disapprove the placement. 3432

(J) If a person is convicted of or pleads guilty to 3433
aggravated vehicular homicide in violation of division (A) (1) of 3434
section 2903.06 of the Revised Code and division (B) (2) (c) of 3435
that section applies, the person shall be sentenced pursuant to 3436
section 2929.142 of the Revised Code. 3437

(K) (1) The court shall impose an additional mandatory 3438
prison term of two, three, four, five, six, seven, eight, nine, 3439
ten, or eleven years on an offender who is convicted of or 3440
pleads guilty to a violent felony offense if the offender also 3441
is convicted of or pleads guilty to a specification of the type 3442
described in section 2941.1424 of the Revised Code that charges 3443
that the offender is a violent career criminal and had a firearm 3444
on or about the offender's person or under the offender's 3445
control while committing the presently charged violent felony 3446
offense and displayed or brandished the firearm, indicated that 3447
the offender possessed a firearm, or used the firearm to 3448
facilitate the offense. The offender shall serve the prison term 3449
imposed under this division consecutively to and prior to the 3450
prison term imposed for the underlying offense. The prison term 3451
shall not be reduced pursuant to section 2929.20, division (A) 3452
(2) or (3) of section 2967.193 or 2967.194, or any other 3453
provision of Chapter 2967. or 5120. of the Revised Code. A court 3454
may not impose more than one sentence under division (B) (2) (a) 3455
of this section and this division for acts committed as part of 3456
the same act or transaction. 3457

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

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

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

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

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

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

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's

name when appropriate) further find and specify that (set forth 3487
that the victim's death was consistent with opioid overdose and 3488
fentanyl or a fentanyl-related compound was present in the 3489
victim's body in lethal amounts)." 3490

Sec. 3313.60. Notwithstanding division (D) of section 3491
3311.52 of the Revised Code, divisions (A) to (E) of this 3492
section do not apply to any cooperative education school 3493
district established pursuant to divisions (A) to (C) of section 3494
3311.52 of the Revised Code. 3495

(A) The board of education of each city, exempted village, 3496
and local school district and the board of each cooperative 3497
education school district established, pursuant to section 3498
3311.521 of the Revised Code, shall prescribe a curriculum for 3499
all schools under its control. Except as provided in division 3500
(E) of this section, in any such curriculum there shall be 3501
included the study of the following subjects: 3502

(1) The language arts, including reading, writing, 3503
spelling, oral and written English, and literature; 3504

(2) Geography, the history of the United States and of 3505
Ohio, and national, state, and local government in the United 3506
States, including a balanced presentation of the relevant 3507
contributions to society of men and women of African, Mexican, 3508
Puerto Rican, and American Indian descent as well as other 3509
ethnic and racial groups in Ohio and the United States; 3510

(3) Mathematics; 3511

(4) Natural science, including instruction in the 3512
conservation of natural resources; 3513

(5) Health education, which shall include instruction in: 3514

(a) The nutritive value of foods, including natural and 3515
organically produced foods, the relation of nutrition to health, 3516
and the use and effects of food additives; 3517

(b) ~~The Fentanyl abuse prevention in accordance with~~ 3518
section 3313.6031 of the Revised Code, and the harmful effects 3519
of and legal restrictions against the use of drugs of abuse, 3520
alcoholic beverages, and tobacco, including electronic smoking 3521
devices; 3522

(c) Sexually transmitted infection education, except that 3523
upon written request of the student's parent or guardian, a 3524
student shall be excused from taking instruction in sexually 3525
transmitted infection education; 3526

(d) In grades kindergarten through six, annual 3527
developmentally appropriate instruction in child sexual abuse 3528
prevention, including information on available counseling and 3529
resources for children who are sexually abused. Such instruction 3530
and information provided shall not be connected in any way to 3531
any individual, entity, or organization that provides, promotes, 3532
counsels, or makes referrals for abortion or abortion-related 3533
services. Upon written request of the student's parent or 3534
guardian, a student shall be excused from taking instruction in 3535
child sexual abuse prevention. 3536

(e) In grades kindergarten through six, instruction in 3537
personal safety and assault prevention, except that upon written 3538
request of the student's parent or guardian, a student shall be 3539
excused from taking instruction in personal safety and assault 3540
prevention; 3541

(f) In grades seven through twelve, developmentally 3542
appropriate instruction in dating violence prevention education 3543

and sexual violence prevention education, which shall include 3544
instruction in recognizing dating violence warning signs and 3545
characteristics of healthy relationships, except that upon 3546
written request of the student's parent or guardian a student 3547
shall be excused from taking instruction in sexual violence 3548
prevention. 3549

In order to assist school districts in developing a dating 3550
violence prevention education and sexual violence prevention 3551
education curriculum, the department of education and workforce 3552
shall provide on its web site links to free curricula addressing 3553
dating violence prevention and sexual violence prevention 3554
education. Such instruction and information shall not be 3555
connected in any way to any individual, entity, or organization 3556
that provides, promotes, counsels, or makes referrals for 3557
abortion or abortion-related services. 3558

Each school district shall notify the parents and legal 3559
guardians of students who receive instruction related to child 3560
sexual abuse prevention and sexual violence prevention, as 3561
described under divisions (A)(5)(d) and (f) of this section, of 3562
all of the following: 3563

(i) That instruction in child sexual abuse prevention and 3564
sexual violence prevention is a required part of the district's 3565
curriculum; 3566

(ii) That upon request, parents and legal guardians may 3567
examine such instructional materials in accordance with this 3568
section; 3569

(iii) That upon written request of the student's parent or 3570
guardian, a student shall be excused from taking instruction in 3571
child sexual abuse prevention and sexual violence prevention. 3572

If the parent or legal guardian of a student less than 3573
eighteen years of age submits to the principal of the student's 3574
school a written request to examine the dating violence 3575
prevention and sexual violence prevention instruction materials 3576
used at that school, the principal, within forty-eight hours 3577
after the request is made, shall allow the parent or guardian to 3578
examine those materials at that school. 3579

(g) Prescription opioid abuse prevention, with an emphasis 3580
on the prescription drug epidemic and the connection between 3581
prescription opioid abuse and addiction to other drugs, such as 3582
heroin; 3583

(h) The process of making an anatomical gift under Chapter 3584
2108. of the Revised Code, with an emphasis on the life-saving 3585
and life-enhancing effects of organ and tissue donation; 3586

(i) Beginning with the first day of the next school year 3587
that begins at least two years after March 24, 2021, in grades 3588
six through twelve, at least one hour or one standard class 3589
period per school year of evidence-based suicide awareness and 3590
prevention and at least one hour or one standard class period 3591
per school year of safety training and violence prevention, 3592
except that upon written request of the student's parent or 3593
guardian, a student shall be excused from taking instruction in 3594
suicide awareness and prevention or safety training and violence 3595
prevention; 3596

(j) Beginning with the first day of the next school year 3597
that begins at least two years after March 24, 2021, in grades 3598
six through twelve, at least one hour or one standard class 3599
period per school year of evidence-based social inclusion 3600
instruction, except that upon written request of the student's 3601
parent or guardian, a student shall be excused from taking 3602

instruction in social inclusion. 3603

For the instruction required under divisions (A) (5) (i) and 3604
(j) of this section, the board shall use a training program 3605
approved by the department of education and workforce under 3606
section 3301.221 of the Revised Code. 3607

Schools may use student assemblies, digital learning, and 3608
homework to satisfy the instruction requirements under divisions 3609
(A) (5) (i) and (j) of this section. 3610

(6) Physical education; 3611

(7) The fine arts, including music; 3612

(8) First aid, including a training program in 3613
cardiopulmonary resuscitation, which shall comply with section 3614
3313.6021 of the Revised Code when offered in any of grades nine 3615
through twelve, safety, and fire prevention. However, upon 3616
written request of the student's parent or guardian, a student 3617
shall be excused from taking instruction in cardiopulmonary 3618
resuscitation. 3619

(B) Except as provided in division (E) of this section, 3620
every school or school district shall include in the 3621
requirements for promotion from the eighth grade to the ninth 3622
grade one year's course of study of American history. A board 3623
may waive this requirement for academically accelerated students 3624
who, in accordance with procedures adopted by the board, are 3625
able to demonstrate mastery of essential concepts and skills of 3626
the eighth grade American history course of study. 3627

(C) As specified in divisions (B) (6) and (C) (6) of section 3628
3313.603 of the Revised Code, except as provided in division (E) 3629
of this section, every high school shall include in the 3630
requirements for graduation from any curriculum one-half unit 3631

each of American history and government. 3632

(D) Except as provided in division (E) of this section, 3633
basic instruction or demonstrated mastery in geography, United 3634
States history, the government of the United States, the 3635
government of the state of Ohio, local government in Ohio, the 3636
Declaration of Independence, the United States Constitution, and 3637
the Constitution of the state of Ohio shall be required before 3638
pupils may participate in courses involving the study of social 3639
problems, economics, foreign affairs, United Nations, world 3640
government, socialism, and communism. 3641

(E) For each cooperative education school district 3642
established pursuant to section 3311.521 of the Revised Code and 3643
each city, exempted village, and local school district that has 3644
territory within such a cooperative district, the curriculum 3645
adopted pursuant to divisions (A) to (D) of this section shall 3646
only include the study of the subjects that apply to the grades 3647
operated by each such school district. The curricula for such 3648
schools, when combined, shall provide to each student of these 3649
districts all of the subjects required under divisions (A) to 3650
(D) of this section. 3651

(F) The board of education of any cooperative education 3652
school district established pursuant to divisions (A) to (C) of 3653
section 3311.52 of the Revised Code shall prescribe a curriculum 3654
for the subject areas and grade levels offered in any school 3655
under its control. 3656

(G) Upon the request of any parent or legal guardian of a 3657
student, the board of education of any school district shall 3658
permit the parent or guardian to promptly examine, with respect 3659
to the parent's or guardian's own child: 3660

(1) Any survey or questionnaire, prior to its 3661
administration to the child; 3662

(2) Any textbook, workbook, software, video, or other 3663
instructional materials being used by the district in connection 3664
with the instruction of the child; 3665

(3) Any completed and graded test taken or survey or 3666
questionnaire filled out by the child; 3667

(4) Copies of the statewide academic standards and each 3668
model curriculum developed pursuant to section 3301.079 of the 3669
Revised Code, which copies shall be available at all times 3670
during school hours in each district school building. 3671

Sec. 3313.6031. (A) Beginning with the 2025-2026 school 3672
year and each school year thereafter, the board of education of 3673
each city, local, exempted village, and joint vocational school 3674
district shall provide age-appropriate, research-based 3675
instruction regarding the dangers of fentanyl to students in 3676
grades kindergarten to twelve. 3677

(B) The course material and instruction in fentanyl abuse 3678
prevention and drug poisoning awareness required under division 3679
(A) of this section shall include some or all of the following: 3680

(1) Information on fentanyl, including an explanation of 3681
the differences between synthetic and nonsynthetic opioids and 3682
illicit drugs, the variations of fentanyl, and the differences 3683
between the legal and illegal uses of fentanyl; 3684

(2) The side effects and risk factors of using fentanyl, 3685
along with information comparing the lethal amounts of fentanyl 3686
to other drugs. Information on risk factors may include: 3687

(a) The lethal dose of fentanyl; 3688

<u>(b) How often fentanyl is placed in drugs without a</u>	3689
<u>person's knowledge;</u>	3690
<u>(c) An explanation of what fentanyl does to a person's</u>	3691
<u>body and the severity of fentanyl's addictive properties;</u>	3692
<u>(d) How the consumption of fentanyl can lead to hypoxia,</u>	3693
<u>as well as an explanation of what hypoxia precisely does to a</u>	3694
<u>person's body.</u>	3695
<u>(3) The process of lacing fentanyl in other drugs and why</u>	3696
<u>drugs get laced with fentanyl;</u>	3697
<u>(4) Detection of fentanyl in drugs and how to save someone</u>	3698
<u>from an overdose of fentanyl, which shall include instruction on</u>	3699
<u>how to do all of the following:</u>	3700
<u>(a) Buy and use fentanyl test strips;</u>	3701
<u>(b) Buy and use naloxone, either through a nasal spray or</u>	3702
<u>injections;</u>	3703
<u>(c) Recognize when a person is overdosing on fentanyl.</u>	3704
<u>(5) Awareness of school and community resources and any</u>	3705
<u>processes involved in accessing those resources;</u>	3706
<u>(6) Information about substance use and abuse, including</u>	3707
<u>youth substance abuse;</u>	3708
<u>(7) Guest presentations from community service and</u>	3709
<u>religious organizations.</u>	3710
<u>(C) The instruction required under this section shall be</u>	3711
<u>taught by a licensed educator, school nurse, school counselor,</u>	3712
<u>or public safety officer.</u>	3713
<u>Sec. 3313.6032. Each board of education of each city,</u>	3714
<u>local, exempted village, and joint vocational school district</u>	3715

shall designate a week during the school year to be known as 3716
"fentanyl poisoning awareness week" to educate students about 3717
the dangers posed by the drug fentanyl and the risk of fentanyl 3718
poisoning, including overdose. 3719

Sec. 3314.03. A copy of every contract entered into under 3720
this section shall be filed with the director of education and 3721
workforce. The department of education and workforce shall make 3722
available on its web site a copy of every approved, executed 3723
contract filed with the director under this section. 3724

(A) Each contract entered into between a sponsor and the 3725
governing authority of a community school shall specify the 3726
following: 3727

(1) That the school shall be established as either of the 3728
following: 3729

(a) A nonprofit corporation established under Chapter 3730
1702. of the Revised Code, if established prior to April 8, 3731
2003; 3732

(b) A public benefit corporation established under Chapter 3733
1702. of the Revised Code, if established after April 8, 2003. 3734

(2) The education program of the school, including the 3735
school's mission, the characteristics of the students the school 3736
is expected to attract, the ages and grades of students, and the 3737
focus of the curriculum; 3738

(3) The academic goals to be achieved and the method of 3739
measurement that will be used to determine progress toward those 3740
goals, which shall include the statewide achievement 3741
assessments; 3742

(4) Performance standards, including but not limited to 3743

all applicable report card measures set forth in section 3302.03 3744
or 3314.017 of the Revised Code, by which the success of the 3745
school will be evaluated by the sponsor; 3746

(5) The admission standards of section 3314.06 of the 3747
Revised Code and, if applicable, section 3314.061 of the Revised 3748
Code; 3749

(6) (a) Dismissal procedures; 3750

(b) A requirement that the governing authority adopt an 3751
attendance policy that includes a procedure for automatically 3752
withdrawing a student from the school if the student without a 3753
legitimate excuse fails to participate in seventy-two 3754
consecutive hours of the learning opportunities offered to the 3755
student. 3756

(7) The ways by which the school will achieve racial and 3757
ethnic balance reflective of the community it serves; 3758

(8) Requirements for financial audits by the auditor of 3759
state. The contract shall require financial records of the 3760
school to be maintained in the same manner as are financial 3761
records of school districts, pursuant to rules of the auditor of 3762
state. Audits shall be conducted in accordance with section 3763
117.10 of the Revised Code. 3764

(9) An addendum to the contract outlining the facilities 3765
to be used that contains at least the following information: 3766

(a) A detailed description of each facility used for 3767
instructional purposes; 3768

(b) The annual costs associated with leasing each facility 3769
that are paid by or on behalf of the school; 3770

(c) The annual mortgage principal and interest payments 3771

that are paid by the school; 3772

(d) The name of the lender or landlord, identified as 3773
such, and the lender's or landlord's relationship to the 3774
operator, if any. 3775

(10) Qualifications of employees, including both of the 3776
following: 3777

(a) A requirement that the school's classroom teachers be 3778
licensed in accordance with sections 3319.22 to 3319.31 of the 3779
Revised Code, except that a community school may engage 3780
noncertificated persons to teach up to twelve hours or forty 3781
hours per week pursuant to section 3319.301 of the Revised Code; 3782

(b) A prohibition against the school employing an 3783
individual described in section 3314.104 of the Revised Code in 3784
any position. 3785

(11) That the school will comply with the following 3786
requirements: 3787

(a) The school will provide learning opportunities to a 3788
minimum of twenty-five students for a minimum of nine hundred 3789
twenty hours per school year. 3790

(b) The governing authority will purchase liability 3791
insurance, or otherwise provide for the potential liability of 3792
the school. 3793

(c) The school will be nonsectarian in its programs, 3794
admission policies, employment practices, and all other 3795
operations, and will not be operated by a sectarian school or 3796
religious institution. 3797

(d) The school will comply with sections 9.90, 9.91, 3798
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3799

3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3800
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3801
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3802
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3803
3313.6031, 3313.6032, 3313.643, 3313.648, 3313.6411, 3313.6413, 3804
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3805
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3806
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3807
3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3808
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3809
3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3810
3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3811
3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3812
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3813
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 3814
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3815
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if 3816
it were a school district and will comply with section 3301.0714 3817
of the Revised Code in the manner specified in section 3314.17 3818
of the Revised Code. 3819

(e) The school shall comply with Chapter 102. and section 3820
2921.42 of the Revised Code. 3821

(f) The school will comply with sections 3313.61, 3822
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 3823
Revised Code, except that for students who enter ninth grade for 3824
the first time before July 1, 2010, the requirement in sections 3825
3313.61 and 3313.611 of the Revised Code that a person must 3826
successfully complete the curriculum in any high school prior to 3827
receiving a high school diploma may be met by completing the 3828
curriculum adopted by the governing authority of the community 3829
school rather than the curriculum specified in Title XXXIII of 3830

the Revised Code or any rules of the department. Beginning with 3831
students who enter ninth grade for the first time on or after 3832
July 1, 2010, the requirement in sections 3313.61 and 3313.611 3833
of the Revised Code that a person must successfully complete the 3834
curriculum of a high school prior to receiving a high school 3835
diploma shall be met by completing the requirements prescribed 3836
in section 3313.6027 and division (C) of section 3313.603 of the 3837
Revised Code, unless the person qualifies under division (D) or 3838
(F) of that section. Each school shall comply with the plan for 3839
awarding high school credit based on demonstration of subject 3840
area competency, and beginning with the 2017-2018 school year, 3841
with the updated plan that permits students enrolled in seventh 3842
and eighth grade to meet curriculum requirements based on 3843
subject area competency adopted by the department under 3844
divisions (J) (1) and (2) of section 3313.603 of the Revised 3845
Code. Beginning with the 2018-2019 school year, the school shall 3846
comply with the framework for granting units of high school 3847
credit to students who demonstrate subject area competency 3848
through work-based learning experiences, internships, or 3849
cooperative education developed by the department under division 3850
(J) (3) of section 3313.603 of the Revised Code. 3851

(g) The school governing authority will submit within four 3852
months after the end of each school year a report of its 3853
activities and progress in meeting the goals and standards of 3854
divisions (A) (3) and (4) of this section and its financial 3855
status to the sponsor and the parents of all students enrolled 3856
in the school. 3857

(h) The school, unless it is an internet- or computer- 3858
based community school, will comply with section 3313.801 of the 3859
Revised Code as if it were a school district. 3860

(i) If the school is the recipient of moneys from a grant 3861
awarded under the federal race to the top program, Division (A), 3862
Title XIV, Sections 14005 and 14006 of the "American Recovery 3863
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 3864
the school will pay teachers based upon performance in 3865
accordance with section 3317.141 and will comply with section 3866
3319.111 of the Revised Code as if it were a school district. 3867

(j) If the school operates a preschool program that is 3868
licensed by the department under sections 3301.52 to 3301.59 of 3869
the Revised Code, the school shall comply with sections 3301.50 3870
to 3301.59 of the Revised Code and the minimum standards for 3871
preschool programs prescribed in rules adopted by the department 3872
of children and youth under section 3301.53 of the Revised Code. 3873

(k) The school will comply with sections 3313.6021 and 3874
3313.6023 of the Revised Code as if it were a school district 3875
unless it is either of the following: 3876

(i) An internet- or computer-based community school; 3877

(ii) A community school in which a majority of the 3878
enrolled students are children with disabilities as described in 3879
division (B) (2) of section 3314.35 of the Revised Code. 3880

(l) The school will comply with section 3321.191 of the 3881
Revised Code, unless it is an internet- or computer-based 3882
community school that is subject to section 3314.261 of the 3883
Revised Code. 3884

(12) Arrangements for providing health and other benefits 3885
to employees; 3886

(13) The length of the contract, which shall begin at the 3887
beginning of an academic year. No contract shall exceed five 3888
years unless such contract has been renewed pursuant to division 3889

(E) of this section. 3890

(14) The governing authority of the school, which shall be 3891
responsible for carrying out the provisions of the contract; 3892

(15) A financial plan detailing an estimated school budget 3893
for each year of the period of the contract and specifying the 3894
total estimated per pupil expenditure amount for each such year. 3895

(16) Requirements and procedures regarding the disposition 3896
of employees of the school in the event the contract is 3897
terminated or not renewed pursuant to section 3314.07 of the 3898
Revised Code; 3899

(17) Whether the school is to be created by converting all 3900
or part of an existing public school or educational service 3901
center building or is to be a new start-up school, and if it is 3902
a converted public school or service center building, 3903
specification of any duties or responsibilities of an employer 3904
that the board of education or service center governing board 3905
that operated the school or building before conversion is 3906
delegating to the governing authority of the community school 3907
with respect to all or any specified group of employees provided 3908
the delegation is not prohibited by a collective bargaining 3909
agreement applicable to such employees; 3910

(18) Provisions establishing procedures for resolving 3911
disputes or differences of opinion between the sponsor and the 3912
governing authority of the community school; 3913

(19) A provision requiring the governing authority to 3914
adopt a policy regarding the admission of students who reside 3915
outside the district in which the school is located. That policy 3916
shall comply with the admissions procedures specified in 3917
sections 3314.06 and 3314.061 of the Revised Code and, at the 3918

sole discretion of the authority, shall do one of the following: 3919

(a) Prohibit the enrollment of students who reside outside 3920
the district in which the school is located; 3921

(b) Permit the enrollment of students who reside in 3922
districts adjacent to the district in which the school is 3923
located; 3924

(c) Permit the enrollment of students who reside in any 3925
other district in the state. 3926

(20) A provision recognizing the authority of the 3927
department to take over the sponsorship of the school in 3928
accordance with the provisions of division (C) of section 3929
3314.015 of the Revised Code; 3930

(21) A provision recognizing the sponsor's authority to 3931
assume the operation of a school under the conditions specified 3932
in division (B) of section 3314.073 of the Revised Code; 3933

(22) A provision recognizing both of the following: 3934

(a) The authority of public health and safety officials to 3935
inspect the facilities of the school and to order the facilities 3936
closed if those officials find that the facilities are not in 3937
compliance with health and safety laws and regulations; 3938

(b) The authority of the department as the community 3939
school oversight body to suspend the operation of the school 3940
under section 3314.072 of the Revised Code if the department has 3941
evidence of conditions or violations of law at the school that 3942
pose an imminent danger to the health and safety of the school's 3943
students and employees and the sponsor refuses to take such 3944
action. 3945

(23) A description of the learning opportunities that will 3946

be offered to students including both classroom-based and non- 3947
classroom-based learning opportunities that is in compliance 3948
with criteria for student participation established by the 3949
department under division (H) (2) of section 3314.08 of the 3950
Revised Code; 3951

(24) The school will comply with sections 3302.04 and 3952
3302.041 of the Revised Code, except that any action required to 3953
be taken by a school district pursuant to those sections shall 3954
be taken by the sponsor of the school. 3955

(25) Beginning in the 2006-2007 school year, the school 3956
will open for operation not later than the thirtieth day of 3957
September each school year, unless the mission of the school as 3958
specified under division (A) (2) of this section is solely to 3959
serve dropouts. In its initial year of operation, if the school 3960
fails to open by the thirtieth day of September, or within one 3961
year after the adoption of the contract pursuant to division (D) 3962
of section 3314.02 of the Revised Code if the mission of the 3963
school is solely to serve dropouts, the contract shall be void. 3964

(26) Whether the school's governing authority is planning 3965
to seek designation for the school as a STEM school equivalent 3966
under section 3326.032 of the Revised Code; 3967

(27) That the school's attendance and participation 3968
policies will be available for public inspection; 3969

(28) That the school's attendance and participation 3970
records shall be made available to the department, auditor of 3971
state, and school's sponsor to the extent permitted under and in 3972
accordance with the "Family Educational Rights and Privacy Act 3973
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 3974
regulations promulgated under that act, and section 3319.321 of 3975

the Revised Code; 3976

(29) If a school operates using the blended learning 3977
model, as defined in section 3301.079 of the Revised Code, all 3978
of the following information: 3979

(a) An indication of what blended learning model or models 3980
will be used; 3981

(b) A description of how student instructional needs will 3982
be determined and documented; 3983

(c) The method to be used for determining competency, 3984
granting credit, and promoting students to a higher grade level; 3985

(d) The school's attendance requirements, including how 3986
the school will document participation in learning 3987
opportunities; 3988

(e) A statement describing how student progress will be 3989
monitored; 3990

(f) A statement describing how private student data will 3991
be protected; 3992

(g) A description of the professional development 3993
activities that will be offered to teachers. 3994

(30) A provision requiring that all moneys the school's 3995
operator loans to the school, including facilities loans or cash 3996
flow assistance, must be accounted for, documented, and bear 3997
interest at a fair market rate; 3998

(31) A provision requiring that, if the governing 3999
authority contracts with an attorney, accountant, or entity 4000
specializing in audits, the attorney, accountant, or entity 4001
shall be independent from the operator with which the school has 4002

contracted. 4003

(32) A provision requiring the governing authority to 4004
adopt an enrollment and attendance policy that requires a 4005
student's parent to notify the community school in which the 4006
student is enrolled when there is a change in the location of 4007
the parent's or student's primary residence. 4008

(33) A provision requiring the governing authority to 4009
adopt a student residence and address verification policy for 4010
students enrolling in or attending the school. 4011

(B) The community school shall also submit to the sponsor 4012
a comprehensive plan for the school. The plan shall specify the 4013
following: 4014

(1) The process by which the governing authority of the 4015
school will be selected in the future; 4016

(2) The management and administration of the school; 4017

(3) If the community school is a currently existing public 4018
school or educational service center building, alternative 4019
arrangements for current public school students who choose not 4020
to attend the converted school and for teachers who choose not 4021
to teach in the school or building after conversion; 4022

(4) The instructional program and educational philosophy 4023
of the school; 4024

(5) Internal financial controls. 4025

When submitting the plan under this division, the school 4026
shall also submit copies of all policies and procedures 4027
regarding internal financial controls adopted by the governing 4028
authority of the school. 4029

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(4) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07

of the Revised Code as determined necessary by the sponsor; 4059

(5) Have in place a plan of action to be undertaken in the 4060
event the community school experiences financial difficulties or 4061
closes prior to the end of a school year. 4062

(E) Upon the expiration of a contract entered into under 4063
this section, the sponsor of a community school may, with the 4064
approval of the governing authority of the school, renew that 4065
contract for a period of time determined by the sponsor, but not 4066
ending earlier than the end of any school year, if the sponsor 4067
finds that the school's compliance with applicable laws and 4068
terms of the contract and the school's progress in meeting the 4069
academic goals prescribed in the contract have been 4070
satisfactory. Any contract that is renewed under this division 4071
remains subject to the provisions of sections 3314.07, 3314.072, 4072
and 3314.073 of the Revised Code. 4073

(F) If a community school fails to open for operation 4074
within one year after the contract entered into under this 4075
section is adopted pursuant to division (D) of section 3314.02 4076
of the Revised Code or permanently closes prior to the 4077
expiration of the contract, the contract shall be void and the 4078
school shall not enter into a contract with any other sponsor. A 4079
school shall not be considered permanently closed because the 4080
operations of the school have been suspended pursuant to section 4081
3314.072 of the Revised Code. 4082

Sec. 3326.11. Each science, technology, engineering, and 4083
mathematics school established under this chapter and its 4084
governing body shall comply with sections 9.90, 9.91, 109.65, 4085
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 4086
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 4087
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 4088

3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 4089
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 4090
3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 4091
3313.6028, 3313.6029, 3313.6031, 3313.6032, 3313.61, 3313.611, 4092
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 4093
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 4094
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 4095
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 4096
3313.717, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 4097
3313.753, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 4098
3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 4099
3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 4100
3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 4101
3319.393, 3319.41, 3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 4102
3320.03, 3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 4103
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 4104
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 4105
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 4106
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 4107
as if it were a school district. 4108

Sec. 3328.24. A college-preparatory boarding school 4109
established under this chapter and its board of trustees shall 4110
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 4111
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 4112
3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 4113
3313.6026, 3313.6029, 3313.6031, 3313.6032, 3313.617, 3313.618, 4114
3313.6114, 3313.6411, 3313.6413, 3313.668, 3313.669, 3313.6610, 4115
3313.717, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.89, 4116
3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 4117
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 4118
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 4119

if the school were a school district and the school's board of 4120
trustees were a district board of education. 4121

Sec. 3345.372. (A) Each state institution of higher 4122
education, as defined in section 3345.011 of the Revised Code, 4123
shall develop and implement an age-appropriate and research- 4124
based education program to advise students regarding the dangers 4125
of fentanyl. 4126

(B) The education program on fentanyl abuse prevention and 4127
drug poisoning awareness required under division (A) of this 4128
section shall include all of the following: 4129

(1) Information on fentanyl, including an explanation of 4130
the differences between synthetic and nonsynthetic opioids and 4131
illicit drugs, the variations of fentanyl, and the differences 4132
between the legal and illegal uses of fentanyl; 4133

(2) The side effects and risk factors of using fentanyl, 4134
along with information comparing the lethal amounts of fentanyl 4135
to other drugs. Information on risk factors may include: 4136

(a) The lethal dose of fentanyl; 4137

(b) How often fentanyl is placed in drugs without a 4138
person's knowledge; 4139

(c) An explanation of what fentanyl does to a person's 4140
body and the severity of fentanyl's addictive properties; 4141

(d) How the consumption of fentanyl can lead to hypoxia, 4142
as well as an explanation of what hypoxia precisely does to a 4143
person's body. 4144

(3) The process of lacing fentanyl in other drugs and why 4145
drugs get laced with fentanyl; 4146

(4) Detection of fentanyl in drugs and how to save someone 4147
from an overdose of fentanyl, which shall include instruction on 4148
how to do all of the following: 4149

(a) Buy and use fentanyl test strips; 4150

(b) Buy and use naloxone, either through a nasal spray or 4151
injections; 4152

(c) Recognize when a person is overdosing on fentanyl. 4153

(5) Awareness of university and community resources and 4154
any processes involved in accessing those resources; 4155

(6) Information about substance use and abuse. 4156

Sec. 3705.08. (A) The director of health, by rule, shall 4157
prescribe the form of records and certificates required by this 4158
chapter. Records and certificates shall include the items and 4159
information prescribed by the director, including the items 4160
recommended by the national center for health statistics of the 4161
United States department of health and human services, subject 4162
to approval of and modification by the director. 4163

(B) All birth certificates shall include a statement 4164
setting forth the names of the child's parents. 4165

(C) All death certificates shall include, in the medical 4166
certification portion of the certificate, a space to indicate, 4167
if the deceased individual is female and the manner of death is 4168
determined to be a suspicious or violent death, whether any of 4169
the following conditions apply to the individual: 4170

(1) Not pregnant within the past year; 4171

(2) Pregnant at the time of death; 4172

(3) Not pregnant, but had been pregnant within forty-two 4173

days prior to the time of death; 4174

(4) Not pregnant, but had been pregnant within forty-three 4175
days to one year prior to the time of death; 4176

(5) Unknown whether pregnant within the past year. 4177

~~(D)(1)~~ (D) All death certificates shall include, in the 4178
medical certification portion of the certificate, a space to 4179
indicate whether the cause of death was due to fentanyl 4180
poisoning and shall include the term "fentanyl poisoning" on the 4181
certificate if both of the following apply: 4182

(1) A toxicology examination reveals fentanyl or a 4183
fentanyl-related compound, as defined in section 2925.01 of the 4184
Revised Code, was present in the body of the decedent in an 4185
amount or concentration that is considered to be lethal by 4186
generally accepted scientific standards; 4187

(2) The results of an autopsy performed on the decedent 4188
are consistent with an opioid overdose as the cause of death. 4189

(E) (1) The director shall prescribe electronic methods and 4190
forms for obtaining registration of births, deaths, and other 4191
vital statistics in each registration district, and for 4192
preserving the records of the office of vital statistics, and no 4193
forms or blanks shall be used other than those prescribed by the 4194
director. 4195

(2) All birth, fetal death, and death records and 4196
certificates shall be certified. Except as provided in division 4197
(G) of section 3705.09, section 3705.12, 3705.121, 3705.122, or 4198
3705.124, division (D) of section 3705.15, or section 3705.16 of 4199
the Revised Code, a birth certificate requiring signature may be 4200
electronically certified by the person in charge of the 4201
institution or that person's designee. A death certificate may 4202

be electronically certified by the individual who attests to the 4203
facts of death. 4204

(3) All vital records shall contain the date received for 4205
filing. 4206

(4) Information and signatures required in certificates, 4207
records, or reports authorized by this chapter may be filed and 4208
registered by photographic, electronic, or other means as 4209
prescribed by the director. 4210

Section 2. That existing sections 2923.31, 2925.01, 4211
2925.03, 2925.11, 2929.14, 3313.60, 3314.03, 3326.11, 3328.24, 4212
and 3705.08 of the Revised Code are hereby repealed. 4213

Section 3. The General Assembly, applying the principle 4214
stated in division (B) of section 1.52 of the Revised Code that 4215
amendments are to be harmonized if reasonably capable of 4216
simultaneous operation, finds that the following sections, 4217
presented in this act as composites of the sections as amended 4218
by the acts indicated, are the resulting versions of the 4219
sections in effect prior to the effective date of the sections 4220
as presented in this act: 4221

Section 2923.31 of the Revised Code, as amended by both 4222
H.B. 199 and H.B. 405 of the 132nd General Assembly. 4223

Section 2925.11 of the Revised Code, as amended by both 4224
H.B. 29 and S.B. 95 of the 135th General Assembly. 4225

Section 2929.14 of the Revised Code, as amended by both 4226
H.B. 56 and S.B. 106 of the 135th General Assembly. 4227

Section 3314.03 of the Revised Code, as amended by H.B. 4228
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 4229

Section 3326.11 of the Revised Code, as amended by H.B. 4230

47, H.B. 214, and S.B. 168, all of the 135th General Assembly. 4231

Section 3328.24 of the Revised Code, as amended by both 4232
H.B. 47 and H.B. 214 of the 135th General Assembly. 4233