

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 55

Senator Manning

A BILL

To amend sections 1547.11, 3701.143, and 4511.19 of
the Revised Code to change the laws pertaining
to operating a vehicle or watercraft while under
the influence of marihuana and the admissibility
of evidence for purposes of OVI statutes.

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

Section 1. That sections 1547.11, 3701.143, and 4511.19 of
the Revised Code be amended to read as follows:

Sec. 1547.11. (A) No person shall operate or be in
physical control of any vessel underway or shall manipulate any
water skis, aquaplane, or similar device on the waters in this
state if, at the time of the operation, control, or
manipulation, any of the following applies:

(1) The person is under the influence of alcohol, a drug
of abuse, or a combination of them.

(2) The person has a concentration of eight-hundredths of
one per cent or more by weight of alcohol per unit volume in the
person's whole blood.

(3) The person has a concentration of ninety-six-

thousandths of one per cent or more by weight per unit volume of 19
alcohol in the person's blood serum or plasma. 20

(4) The person has a concentration of eleven-hundredths of 21
one gram or more by weight of alcohol per one hundred 22
milliliters of the person's urine. 23

(5) The person has a concentration of eight-hundredths of 24
one gram or more by weight of alcohol per two hundred ten liters 25
of the person's breath. 26

(6) Except as provided in division ~~(H)~~(I) of this section, 27
the person has a concentration of any of the following 28
controlled substances or metabolites of a controlled substance 29
in the person's whole blood, blood serum or plasma, or urine 30
that equals or exceeds any of the following: 31

(a) The person has a concentration of amphetamine in the 32
person's urine of at least five hundred nanograms of amphetamine 33
per milliliter of the person's urine or has a concentration of 34
amphetamine in the person's whole blood or blood serum or plasma 35
of at least one hundred nanograms of amphetamine per milliliter 36
of the person's whole blood or blood serum or plasma. 37

(b) The person has a concentration of cocaine in the 38
person's urine of at least one hundred fifty nanograms of 39
cocaine per milliliter of the person's urine or has a 40
concentration of cocaine in the person's whole blood or blood 41
serum or plasma of at least fifty nanograms of cocaine per 42
milliliter of the person's whole blood or blood serum or plasma. 43

(c) The person has a concentration of cocaine metabolite 44
in the person's urine of at least one hundred fifty nanograms of 45
cocaine metabolite per milliliter of the person's urine or has a 46
concentration of cocaine metabolite in the person's whole blood 47

or blood serum or plasma of at least fifty nanograms of cocaine 48
metabolite per milliliter of the person's whole blood or blood 49
serum or plasma. 50

(d) The person has a concentration of heroin in the 51
person's urine of at least two thousand nanograms of heroin per 52
milliliter of the person's urine or has a concentration of 53
heroin in the person's whole blood or blood serum or plasma of 54
at least fifty nanograms of heroin per milliliter of the 55
person's whole blood or blood serum or plasma. 56

(e) The person has a concentration of heroin metabolite 57
(6-monoacetyl morphine) in the person's urine of at least ten 58
nanograms of heroin metabolite (6-monoacetyl morphine) per 59
milliliter of the person's urine or has a concentration of 60
heroin metabolite (6-monoacetyl morphine) in the person's whole 61
blood or blood serum or plasma of at least ten nanograms of 62
heroin metabolite (6-monoacetyl morphine) per milliliter of the 63
person's whole blood or blood serum or plasma. 64

(f) The person has a concentration of L.S.D. in the 65
person's urine of at least twenty-five nanograms of L.S.D. per 66
milliliter of the person's urine or has a concentration of 67
L.S.D. in the person's whole blood or blood serum or plasma of 68
at least ten nanograms of L.S.D. per milliliter of the person's 69
whole blood or blood serum or plasma. 70

(g) The person has a concentration of marihuana ~~in the~~ 71
~~person's urine of at least ten nanograms of marihuana per~~ 72
~~milliliter of the person's urine or has a concentration of~~ 73
~~marihuana (delta-9-tetrahydrocannabinol) in the person's whole~~ 74
~~blood or blood serum or plasma of at least two five nanograms of~~ 75
~~marihuana delta-9-tetrahydrocannabinol per milliliter of the~~ 76
person's whole blood ~~or blood serum or plasma.~~ 77

(h) The state board of pharmacy has adopted a rule 78
pursuant to section 4729.041 of the Revised Code that specifies 79
the amount of salvia divinorum and the amount of salvinorin A 80
that constitute concentrations of salvia divinorum and 81
salvinorin A in a person's urine, in a person's whole blood, or 82
in a person's blood serum or plasma at or above which the person 83
is impaired for purposes of operating or being in physical 84
control of any vessel underway or manipulating any water skis, 85
aquaplane, or similar device on the waters of this state, the 86
rule is in effect, and the person has a concentration of salvia 87
divinorum or salvinorin A of at least that amount so specified 88
by rule in the person's urine, in the person's whole blood, or 89
in the person's blood serum or plasma. 90

(i) ~~Either of the following applies:~~ 91

~~(i) The person is under the influence of alcohol, a drug 92
of abuse, or a combination of them, and, as measured by gas 93
chromatography mass spectrometry, the person has a concentration 94
of marihuana metabolite in the person's urine of at least 95
fifteen nanograms of marihuana metabolite per milliliter of the 96
person's urine or has a concentration of marihuana metabolite in 97
the person's whole blood or blood serum or plasma of at least 98
five nanograms of marihuana metabolite per milliliter of the 99
person's whole blood or blood serum or plasma. 100~~

~~(ii) As measured by gas chromatography mass spectrometry, 101
the person has a concentration of marihuana metabolite in the 102
person's urine of at least thirty five nanograms of marihuana 103
metabolite per milliliter of the person's urine or has a 104
concentration of marihuana metabolite in the person's whole 105
blood or blood serum or plasma of at least fifty nanograms of 106
marihuana metabolite per milliliter of the person's whole blood 107~~

~~or blood serum or plasma.~~ 108

~~(j)~~ The person has a concentration of methamphetamine in 109
the person's urine of at least five hundred nanograms of 110
methamphetamine per milliliter of the person's urine or has a 111
concentration of methamphetamine in the person's whole blood or 112
blood serum or plasma of at least one hundred nanograms of 113
methamphetamine per milliliter of the person's whole blood or 114
blood serum or plasma. 115

~~(k)~~ (j) The person has a concentration of phencyclidine in 116
the person's urine of at least twenty-five nanograms of 117
phencyclidine per milliliter of the person's urine or has a 118
concentration of phencyclidine in the person's whole blood or 119
blood serum or plasma of at least ten nanograms of phencyclidine 120
per milliliter of the person's whole blood or blood serum or 121
plasma. 122

(B) No person under twenty-one years of age shall operate 123
or be in physical control of any vessel underway or shall 124
manipulate any water skis, aquaplane, or similar device on the 125
waters in this state if, at the time of the operation, control, 126
or manipulation, any of the following applies: 127

(1) The person has a concentration of at least two- 128
hundredths of one per cent, but less than eight-hundredths of 129
one per cent by weight per unit volume of alcohol in the 130
person's whole blood. 131

(2) The person has a concentration of at least three- 132
hundredths of one per cent but less than ninety-six-thousandths 133
of one per cent by weight per unit volume of alcohol in the 134
person's blood serum or plasma. 135

(3) The person has a concentration of at least twenty- 136

eight one-thousandths of one gram, but less than eleven- 137
hundredths of one gram by weight of alcohol per one hundred 138
milliliters of the person's urine. 139

(4) The person has a concentration of at least two- 140
hundredths of one gram, but less than eight-hundredths of one 141
gram by weight of alcohol per two hundred ten liters of the 142
person's breath. 143

(C) In any proceeding arising out of one incident, a 144
person may be charged with a violation of division (A) (1) and a 145
violation of division (B) (1), (2), (3), or (4) of this section, 146
but the person shall not be convicted of more than one violation 147
of those divisions. 148

(D) (1) (a) In any criminal prosecution or juvenile court 149
proceeding for a violation of division (A) or (B) of this 150
section or for an equivalent offense that is watercraft-related, 151
the result of any test of any blood, oral fluid, or urine 152
withdrawn and analyzed at any health care provider, as defined 153
in section 2317.02 of the Revised Code, may be admitted with 154
expert testimony to be considered with any other relevant and 155
competent evidence in determining the guilt or innocence of the 156
defendant. 157

(b) In any criminal prosecution or juvenile court 158
proceeding for a violation of division (A) or (B) of this 159
section or for an equivalent offense that is watercraft-related, 160
the court may admit evidence on the presence and concentration 161
of alcohol, drugs of abuse, controlled substances, metabolites 162
of a controlled substance, or a combination of them in the 163
defendant's or child's whole blood, blood serum or plasma, 164
urine, oral fluid, or breath at the time of the alleged 165
violation as shown by chemical analysis of the substance 166

withdrawn, or specimen taken within three hours of the time of 167
the alleged violation. The three-hour time limit specified in 168
this division regarding the admission of evidence does not 169
extend or affect the two-hour time limit specified in division 170
(C) of section 1547.111 of the Revised Code as the maximum 171
period of time during which a person may consent to a chemical 172
test or tests as described in that section. The court may admit 173
evidence on the presence and concentration of alcohol, drugs of 174
abuse, or a combination of them as described in this division 175
when a person submits to a blood, breath, urine, oral fluid, or 176
other bodily substance test at the request of a law enforcement 177
officer under section 1547.111 of the Revised Code or a blood or 178
urine sample is obtained pursuant to a search warrant. Only a 179
physician, a registered nurse, an emergency medical technician- 180
intermediate, an emergency medical technician-paramedic, or a 181
qualified technician, chemist, or phlebotomist shall withdraw 182
blood for the purpose of determining the alcohol, drug, 183
controlled substance, metabolite of a controlled substance, or 184
combination content of the whole blood, blood serum, or blood 185
plasma. This limitation does not apply to the taking of breath, 186
oral fluid, or urine specimens. A person authorized to withdraw 187
blood under this division may refuse to withdraw blood under 188
this division if, in that person's opinion, the physical welfare 189
of the defendant or child would be endangered by withdrawing 190
blood. 191

The whole blood, blood serum or plasma, urine, oral fluid, 192
or breath withdrawn under division (D) (1) (b) of this section 193
shall be analyzed in accordance with methods approved by the 194
director of health by an individual possessing a valid permit 195
issued by the director pursuant to section 3701.143 of the 196
Revised Code. 197

(c) (i) Any evidence or testimony proposed to be admitted 198
under division (D) (1) (b) of this section is subject to the Rules 199
of Evidence, including Evid. R. 702 regarding expert testimony. 200

(ii) The admissibility of any evidence or testimony under 201
division (D) (1) (b) of this section regarding the presence and 202
concentration of alcohol, a drug of abuse, or a combination of 203
them in a person's whole blood, blood serum or plasma, urine, 204
breath, oral fluid, or other bodily substance does not affect, 205
impair, or limit the admissibility of either of the following 206
that is otherwise admissible under the Rules of Evidence: 207

(I) Any evidence or testimony regarding the analysis of a 208
person's whole blood, blood serum or plasma, urine, breath, oral 209
fluid, or other bodily substance under section 3701.143 of the 210
Revised Code; 211

(II) Any evidence or testimony regarding the method, 212
process, reliability, or equipment used in the process of 213
analyzing a person's whole blood, blood serum or plasma, urine, 214
breath, oral fluid, or other bodily substance under section 215
3701.143 of the Revised Code. 216

The trier of fact shall give any evidence or testimony 217
admitted by the court under division (D) (1) (c) of this section 218
whatever weight the trier of fact considers to be appropriate. 219

(2) In a criminal prosecution or juvenile court proceeding 220
for a violation of division (A) of this section or for an 221
equivalent offense that is watercraft-related, if there was at 222
the time the bodily substance was taken a concentration of less 223
than the applicable concentration of alcohol specified for a 224
violation of division (A) (2), (3), (4), or (5) of this section 225
or less than the applicable concentration of a listed controlled 226

substance or a listed metabolite of a controlled substance 227
specified for a violation of division (A) (6) of this section, 228
that fact may be considered with other competent evidence in 229
determining the guilt or innocence of the defendant or in making 230
an adjudication for the child. This division does not limit or 231
affect a criminal prosecution or juvenile court proceeding for a 232
violation of division (B) of this section or for a violation of 233
a prohibition that is substantially equivalent to that division. 234

(3) Upon the request of the person who was tested, the 235
results of the chemical test shall be made available to the 236
person or the person's attorney immediately upon completion of 237
the test analysis. 238

If the chemical test was administered pursuant to division 239
(D) (1) (b) of this section, the person tested may have a 240
physician, a registered nurse, or a qualified technician, 241
chemist, or phlebotomist of the person's own choosing administer 242
a chemical test or tests in addition to any administered at the 243
direction of a law enforcement officer, and shall be so advised. 244
The failure or inability to obtain an additional test by a 245
person shall not preclude the admission of evidence relating to 246
the test or tests taken at the direction of a law enforcement 247
officer. 248

(E) (1) In any criminal prosecution or juvenile court 249
proceeding for a violation of division (A) or (B) of this 250
section, of a municipal ordinance relating to operating or being 251
in physical control of any vessel underway or to manipulating 252
any water skis, aquaplane, or similar device on the waters of 253
this state while under the influence of alcohol, a drug of 254
abuse, or a combination of them, or of a municipal ordinance 255
relating to operating or being in physical control of any vessel 256

underway or to manipulating any water skis, aquaplane, or 257
similar device on the waters of this state with a prohibited 258
concentration of alcohol, a controlled substance, or a 259
metabolite of a controlled substance in the whole blood, blood 260
serum or plasma, breath, oral fluid, or urine, if a law 261
enforcement officer has administered a field sobriety test to 262
the operator or person found to be in physical control of the 263
vessel underway involved in the violation or the person 264
manipulating the water skis, aquaplane, or similar device 265
involved in the violation and if it is shown by clear and 266
convincing evidence that the officer administered the test in 267
substantial compliance with the testing standards for reliable, 268
credible, and generally accepted field sobriety tests for 269
vehicles that were in effect at the time the tests were 270
administered, including, but not limited to, any testing 271
standards then in effect that have been set by the national 272
highway traffic safety administration, that by their nature are 273
not clearly inapplicable regarding the operation or physical 274
control of vessels underway or the manipulation of water skis, 275
aquaplanes, or similar devices, all of the following apply: 276

(a) The officer may testify concerning the results of the 277
field sobriety test so administered. 278

(b) The prosecution may introduce the results of the field 279
sobriety test so administered as evidence in any proceedings in 280
the criminal prosecution or juvenile court proceeding. 281

(c) If testimony is presented or evidence is introduced 282
under division (E) (1) (a) or (b) of this section and if the 283
testimony or evidence is admissible under the Rules of Evidence, 284
the court shall admit the testimony or evidence, and the trier 285
of fact shall give it whatever weight the trier of fact 286

considers to be appropriate. 287

(2) Division (E) (1) of this section does not limit or 288
preclude a court, in its determination of whether the arrest of 289
a person was supported by probable cause or its determination of 290
any other matter in a criminal prosecution or juvenile court 291
proceeding of a type described in that division, from 292
considering evidence or testimony that is not otherwise 293
disallowed by division (E) (1) of this section. 294

(F) (1) A trier of fact may infer that a person is under 295
the influence of marihuana in violation of division (A) (1) of 296
this section if any of the following apply: 297

(a) The person has a concentration of at least twenty-five 298
nanograms of delta-9-tetrahydrocannabinol per milliliter of the 299
person's urine. 300

(b) The person has a concentration of at least two but 301
less than five nanograms of delta-9-tetrahydrocannabinol per 302
milliliter of the person's whole blood. 303

(2) (a) If the court admits any evidence or testimony 304
submitted by the prosecution under division (D) (1) (b) of this 305
section that demonstrates that a person had a concentration of 306
delta-9-tetrahydrocannabinol that is within one of the levels 307
specified in division (F) (1) of this section, the trier of fact 308
may, without expert testimony, infer that the person was under 309
the influence of marihuana in violation of division (A) (1) of 310
this section. 311

(b) The inference that a person was under the influence of 312
marihuana in violation of division (A) (1) of this section may be 313
supported or rebutted by either party with any evidence or 314
testimony that complies with the Rules of Evidence. 315

(3) In determining whether a person was under the 316
influence of marihuana, the trier of fact shall consider all 317
relevant and competent evidence, including the inference, and 318
give the evidence whatever weight the trier of fact considers to 319
be appropriate. 320

(G) (1) Subject to division ~~(F) (3)~~ (G) (3) of this section, 321
in any criminal prosecution or juvenile court proceeding for a 322
violation of division (A) or (B) of this section or for an 323
equivalent offense that is substantially equivalent to either of 324
those divisions, the court shall admit as prima-facie evidence a 325
laboratory report from any laboratory personnel issued a permit 326
by the department of health authorizing an analysis as described 327
in this division that contains an analysis of the whole blood, 328
blood serum or plasma, breath, urine, or other bodily substance 329
tested and that contains all of the information specified in 330
this division. The laboratory report shall contain all of the 331
following: 332

(a) The signature, under oath, of any person who performed 333
the analysis; 334

(b) Any findings as to the identity and quantity of 335
alcohol, a drug of abuse, a controlled substance, a metabolite 336
of a controlled substance, or a combination of them that was 337
found; 338

(c) A copy of a notarized statement by the laboratory 339
director or a designee of the director that contains the name of 340
each certified analyst or test performer involved with the 341
report, the analyst's or test performer's employment 342
relationship with the laboratory that issued the report, and a 343
notation that performing an analysis of the type involved is 344
part of the analyst's or test performer's regular duties; 345

(d) An outline of the analyst's or test performer's 346
education, training, and experience in performing the type of 347
analysis involved and a certification that the laboratory 348
satisfies appropriate quality control standards in general and, 349
in this particular analysis, under rules of the department of 350
health. 351

(2) Notwithstanding any other provision of law regarding 352
the admission of evidence, a report of the type described in 353
division ~~(F)(1)~~(G)(1) of this section is not admissible against 354
the defendant or child to whom it pertains in any proceeding, 355
other than a preliminary hearing or a grand jury proceeding, 356
unless the prosecutor has served a copy of the report on the 357
defendant's or child's attorney or, if the defendant or child 358
has no attorney, on the defendant or child. 359

(3) A report of the type described in division ~~(F)(1)~~(G) 360
(1) of this section shall not be prima-facie evidence of the 361
contents, identity, or amount of any substance if, within seven 362
days after the defendant or child to whom the report pertains or 363
the defendant's or child's attorney receives a copy of the 364
report, the defendant or child or the defendant's or child's 365
attorney demands the testimony of the person who signed the 366
report. The judge in the case may extend the seven-day time 367
limit in the interest of justice. 368

~~(G)~~(H) Except as otherwise provided in this division, any 369
physician, registered nurse, emergency medical technician- 370
intermediate, emergency medical technician-paramedic, or 371
qualified technician, chemist, or phlebotomist who withdraws 372
blood from a person pursuant to this section or section 1547.111 373
of the Revised Code, and a hospital, first-aid station, or 374
clinic at which blood is withdrawn from a person pursuant to 375

this section or section 1547.111 of the Revised Code, is immune 376
from criminal and civil liability based upon a claim of assault 377
and battery or any other claim that is not a claim of 378
malpractice, for any act performed in withdrawing blood from the 379
person. The immunity provided in this division also extends to 380
an emergency medical service organization that employs an 381
emergency medical technician-intermediate or an emergency 382
medical technician-paramedic who withdraws blood under this 383
section. The immunity provided in this division is not available 384
to a person who withdraws blood if the person engages in willful 385
or wanton misconduct. 386

~~(H)~~(I) Division (A) (6) of this section does not apply to a 387
person who operates or is in physical control of a vessel 388
underway or manipulates any water skis, aquaplane, or similar 389
device while the person has a concentration of a listed 390
controlled substance or a listed metabolite of a controlled 391
substance in the person's whole blood, blood serum or plasma, or 392
urine that equals or exceeds the amount specified in that 393
division, if both of the following apply: 394

(1) The person obtained the controlled substance pursuant 395
to a prescription issued by a licensed health professional 396
authorized to prescribe drugs. 397

(2) The person injected, ingested, or inhaled the 398
controlled substance in accordance with the health 399
professional's directions. 400

~~(I)~~(J) As used in this section and section 1547.111 of the 401
Revised Code: 402

(1) "Equivalent offense" has the same meaning as in 403
section 4511.181 of the Revised Code. 404

(2) "National highway traffic safety administration" has	405
the same meaning as in section 4511.19 of the Revised Code.	406
(3) "Operate" means that a vessel is being used on the	407
waters in this state when the vessel is not securely affixed to	408
a dock or to shore or to any permanent structure to which the	409
vessel has the right to affix or that a vessel is not anchored	410
in a designated anchorage area or boat camping area that is	411
established by the United States coast guard, this state, or a	412
political subdivision and in which the vessel has the right to	413
anchor.	414
(4) "Controlled substance" and "marihuana" have the same	415
meanings as in section 3719.01 of the Revised Code.	416
(5) "Cocaine" and "L.S.D." have the same meanings as in	417
section 2925.01 of the Revised Code.	418
(6) "Equivalent offense that is watercraft-related" means	419
an equivalent offense that is one of the following:	420
(a) A violation of division (A) of this section;	421
(b) A violation of a municipal ordinance prohibiting a	422
person from operating or being in physical control of any vessel	423
underway or from manipulating any water skis, aquaplane, or	424
similar device on the waters of this state while under the	425
influence of alcohol, a drug of abuse, or a combination of them	426
or prohibiting a person from operating or being in physical	427
control of any vessel underway or from manipulating any water	428
skis, aquaplane, or similar device on the waters of this state	429
with a prohibited concentration of alcohol, a controlled	430
substance, or a metabolite of a controlled substance in the	431
whole blood, blood serum or plasma, breath, or urine;	432
(c) A violation of an existing or former municipal	433

ordinance, law of another state, or law of the United States 434
that is substantially equivalent to division (A) of this 435
section; 436

(d) A violation of a former law of this state that was 437
substantially equivalent to division (A) of this section. 438

(7) "Emergency medical technician-intermediate" and 439
"emergency medical technician-paramedic" have the same meanings 440
as in section 4765.01 of the Revised Code. 441

Sec. 3701.143. (A) As used in this section, "drug of 442
abuse" has the same meaning as in section 4506.01 of the Revised 443
Code. 444

(B) For purposes of sections 1547.11, 4511.19, and 445
4511.194 of the Revised Code, the director of health shall 446
determine, or cause to be determined, techniques or methods for 447
chemically analyzing a person's whole blood, blood serum or 448
plasma, urine, breath, oral fluid, or other bodily substance in 449
order to ascertain the presence or amount of alcohol, a drug of 450
abuse, controlled substance, metabolite of a controlled 451
substance, or combination of them in the person's whole blood, 452
blood serum or plasma, urine, breath, oral fluid, or other 453
bodily substance. The director shall approve satisfactory 454
techniques or methods, ascertain the qualifications of 455
individuals to conduct such analyses, and issue permits to 456
qualified persons authorizing them to perform such analyses. 457
Such permits shall be subject to termination or revocation at 458
the discretion of the director. 459

(C) (1) The authority granted under this section, and any 460
rules adopted pursuant to that authority, does not affect, 461
impair, or limit the admissibility of any evidence regarding 462

either of the following that is otherwise admissible under the 463
Rules of Evidence: 464

(a) Any evidence or testimony regarding the analysis of a 465
person's whole blood, blood serum or plasma, urine, breath, oral 466
fluid, or other bodily substance under this section, division 467
(D) (1) (b) of section 1547.11, or division (D) (1) (b) of section 468
4511.19 of the Revised Code; 469

(b) Any evidence or testimony regarding the method, 470
process, reliability, or equipment used in the process of 471
analyzing a person's whole blood, blood serum or plasma, urine, 472
breath, oral fluid, or other bodily substance under this 473
section, division (D) (1) (b) of section 1547.11, or division (D) 474
(1) (b) of section 4511.19 of the Revised Code. 475

Any evidence or testimony proposed to be admitted under 476
this section, and any evidence or testimony admitted under this 477
section, is subject to division (D) (1) (c) of section 1547.11 or 478
division (D) (1) (c) of section 4511.19 of the Revised Code, as 479
applicable. 480

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 481
streetcar, or trackless trolley within this state, if, at the 482
time of the operation, any of the following apply: 483

(a) The person is under the influence of alcohol, a drug 484
of abuse, or a combination of them. 485

(b) The person has a concentration of eight-hundredths of 486
one per cent or more but less than seventeen-hundredths of one 487
per cent by weight per unit volume of alcohol in the person's 488
whole blood. 489

(c) The person has a concentration of ninety-six- 490
thousandths of one per cent or more but less than two hundred 491

four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma.	492 493
(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath.	494 495 496 497
(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine.	498 499 500 501
(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood.	502 503 504
(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma.	505 506 507
(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath.	508 509 510
(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine.	511 512 513
(j) Except as provided in division (K) of this section, the person has a concentration of any of the following controlled substances or metabolites of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds any of the following:	514 515 516 517 518
(i) The person has a concentration of amphetamine in the	519

person's urine of at least five hundred nanograms of amphetamine 520
per milliliter of the person's urine or has a concentration of 521
amphetamine in the person's whole blood or blood serum or plasma 522
of at least one hundred nanograms of amphetamine per milliliter 523
of the person's whole blood or blood serum or plasma. 524

(ii) The person has a concentration of cocaine in the 525
person's urine of at least one hundred fifty nanograms of 526
cocaine per milliliter of the person's urine or has a 527
concentration of cocaine in the person's whole blood or blood 528
serum or plasma of at least fifty nanograms of cocaine per 529
milliliter of the person's whole blood or blood serum or plasma. 530

(iii) The person has a concentration of cocaine metabolite 531
in the person's urine of at least one hundred fifty nanograms of 532
cocaine metabolite per milliliter of the person's urine or has a 533
concentration of cocaine metabolite in the person's whole blood 534
or blood serum or plasma of at least fifty nanograms of cocaine 535
metabolite per milliliter of the person's whole blood or blood 536
serum or plasma. 537

(iv) The person has a concentration of heroin in the 538
person's urine of at least two thousand nanograms of heroin per 539
milliliter of the person's urine or has a concentration of 540
heroin in the person's whole blood or blood serum or plasma of 541
at least fifty nanograms of heroin per milliliter of the 542
person's whole blood or blood serum or plasma. 543

(v) The person has a concentration of heroin metabolite 544
(6-monoacetyl morphine) in the person's urine of at least ten 545
nanograms of heroin metabolite (6-monoacetyl morphine) per 546
milliliter of the person's urine or has a concentration of 547
heroin metabolite (6-monoacetyl morphine) in the person's whole 548
blood or blood serum or plasma of at least ten nanograms of 549

heroin metabolite (6-monoacetyl morphine) per milliliter of the 550
person's whole blood or blood serum or plasma. 551

(vi) The person has a concentration of L.S.D. in the 552
person's urine of at least twenty-five nanograms of L.S.D. per 553
milliliter of the person's urine or a concentration of L.S.D. in 554
the person's whole blood or blood serum or plasma of at least 555
ten nanograms of L.S.D. per milliliter of the person's whole 556
blood or blood serum or plasma. 557

(vii) ~~The person has a concentration of marihuana in the~~ 558
~~person's urine of at least ten nanograms of marihuana per~~ 559
~~milliliter of the person's urine or has a concentration of~~ 560
~~marihuana (delta-9-tetrahydrocannabinol) in the person's whole~~ 561
~~blood or blood serum or plasma of at least two five nanograms of~~ 562
~~marihuana delta-9-tetrahydrocannabinol per milliliter of the~~ 563
~~person's whole blood or blood serum or plasma.~~ 564

(viii) ~~Either of the following applies:~~ 565

~~(I) The person is under the influence of alcohol, a drug~~ 566
~~of abuse, or a combination of them, and the person has a~~ 567
~~concentration of marihuana metabolite in the person's urine of~~ 568
~~at least fifteen nanograms of marihuana metabolite per~~ 569
~~milliliter of the person's urine or has a concentration of~~ 570
~~marihuana metabolite in the person's whole blood or blood serum~~ 571
~~or plasma of at least five nanograms of marihuana metabolite per~~ 572
~~milliliter of the person's whole blood or blood serum or plasma.~~ 573

~~(II) The person has a concentration of marihuana~~ 574
~~metabolite in the person's urine of at least thirty five~~ 575
~~nanograms of marihuana metabolite per milliliter of the person's~~ 576
~~urine or has a concentration of marihuana metabolite in the~~ 577
~~person's whole blood or blood serum or plasma of at least fifty~~ 578

~~nanograms of marihuana metabolite per milliliter of the person's~~ 579
~~whole blood or blood serum or plasma.~~ 580

~~(ix)~~The person has a concentration of methamphetamine in 581
the person's urine of at least five hundred nanograms of 582
methamphetamine per milliliter of the person's urine or has a 583
concentration of methamphetamine in the person's whole blood or 584
blood serum or plasma of at least one hundred nanograms of 585
methamphetamine per milliliter of the person's whole blood or 586
blood serum or plasma. 587

~~(x)~~(ix) The person has a concentration of phencyclidine in 588
the person's urine of at least twenty-five nanograms of 589
phencyclidine per milliliter of the person's urine or has a 590
concentration of phencyclidine in the person's whole blood or 591
blood serum or plasma of at least ten nanograms of phencyclidine 592
per milliliter of the person's whole blood or blood serum or 593
plasma. 594

~~(xi)~~(x) The state board of pharmacy has adopted a rule 595
pursuant to section 4729.041 of the Revised Code that specifies 596
the amount of salvia divinorum and the amount of salvinorin A 597
that constitute concentrations of salvia divinorum and 598
salvinorin A in a person's urine, in a person's whole blood, or 599
in a person's blood serum or plasma at or above which the person 600
is impaired for purposes of operating any vehicle, streetcar, or 601
trackless trolley within this state, the rule is in effect, and 602
the person has a concentration of salvia divinorum or salvinorin 603
A of at least that amount so specified by rule in the person's 604
urine, in the person's whole blood, or in the person's blood 605
serum or plasma. 606

(2) No person who, within twenty years of the conduct 607
described in division (A) (2) (a) of this section, previously has 608

been convicted of or pleaded guilty to a violation of this 609
division, a violation of division (A) (1) of this section, or any 610
other equivalent offense shall do both of the following: 611

(a) Operate any vehicle, streetcar, or trackless trolley 612
within this state while under the influence of alcohol, a drug 613
of abuse, or a combination of them; 614

(b) Subsequent to being arrested for operating the 615
vehicle, streetcar, or trackless trolley as described in 616
division (A) (2) (a) of this section, being asked by a law 617
enforcement officer to submit to a chemical test or tests under 618
section 4511.191 of the Revised Code, and being advised by the 619
officer in accordance with section 4511.192 of the Revised Code 620
of the consequences of the person's refusal or submission to the 621
test or tests, refuse to submit to the test or tests. 622

(B) No person under twenty-one years of age shall operate 623
any vehicle, streetcar, or trackless trolley within this state, 624
if, at the time of the operation, any of the following apply: 625

(1) The person has a concentration of at least two- 626
hundredths of one per cent but less than eight-hundredths of one 627
per cent by weight per unit volume of alcohol in the person's 628
whole blood. 629

(2) The person has a concentration of at least three- 630
hundredths of one per cent but less than ninety-six-thousandths 631
of one per cent by weight per unit volume of alcohol in the 632
person's blood serum or plasma. 633

(3) The person has a concentration of at least two- 634
hundredths of one gram but less than eight-hundredths of one 635
gram by weight of alcohol per two hundred ten liters of the 636
person's breath. 637

(4) The person has a concentration of at least twenty- 638
eight one-thousandths of one gram but less than eleven- 639
hundredths of one gram by weight of alcohol per one hundred 640
milliliters of the person's urine. 641

(C) In any proceeding arising out of one incident, a 642
person may be charged with a violation of division (A) (1) (a) or 643
(A) (2) and a violation of division (B) (1), (2), or (3) of this 644
section, but the person may not be convicted of more than one 645
violation of these divisions. 646

(D) (1) (a) In any criminal prosecution or juvenile court 647
proceeding for a violation of division (A) (1) (a) of this section 648
or for an equivalent offense that is vehicle-related, the result 649
of any test of any blood, oral fluid, or urine withdrawn and 650
analyzed at any health care provider, as defined in section 651
2317.02 of the Revised Code, may be admitted with expert 652
testimony to be considered with any other relevant and competent 653
evidence in determining the guilt or innocence of the defendant. 654

(b) In any criminal prosecution or juvenile court 655
proceeding for a violation of division (A) or (B) of this 656
section or for an equivalent offense that is vehicle-related, 657
the court may admit evidence on the presence and concentration 658
of alcohol, drugs of abuse, controlled substances, metabolites 659
of a controlled substance, or a combination of them in the 660
defendant's whole blood, blood serum or plasma, breath, urine, 661
oral fluid, or other bodily substance at the time of the alleged 662
violation as shown by chemical analysis of the substance 663
withdrawn within three hours of the time of the alleged 664
violation. The three-hour time limit specified in this division 665
regarding the admission of evidence does not extend or affect 666
the two-hour time limit specified in division (A) of section 667

4511.192 of the Revised Code as the maximum period of time 668
during which a person may consent to a chemical test or tests as 669
described in that section. The court may admit evidence on the 670
presence and concentration of alcohol, drugs of abuse, or a 671
combination of them as described in this division when a person 672
submits to a blood, breath, urine, oral fluid, or other bodily 673
substance test at the request of a law enforcement officer under 674
section 4511.191 of the Revised Code or a blood or urine sample 675
is obtained pursuant to a search warrant. Only a physician, a 676
registered nurse, an emergency medical technician-intermediate, 677
an emergency medical technician-paramedic, or a qualified 678
technician, chemist, or phlebotomist shall withdraw a blood 679
sample for the purpose of determining the alcohol, drug, 680
controlled substance, metabolite of a controlled substance, or 681
combination content of the whole blood, blood serum, or blood 682
plasma. This limitation does not apply to the taking of breath, 683
oral fluid, or urine specimens. A person authorized to withdraw 684
blood under this division may refuse to withdraw blood under 685
this division, if in that person's opinion, the physical welfare 686
of the person would be endangered by the withdrawing of blood. 687

The bodily substance withdrawn under division (D) (1) (b) of 688
this section shall be analyzed in accordance with methods 689
approved by the director of health by an individual possessing a 690
valid permit issued by the director pursuant to section 3701.143 691
of the Revised Code. 692

~~(e)~~(c) (i) Any evidence or testimony proposed to be 693
admitted under division (D) (1) (b) of this section is subject to 694
the Rules of Evidence, including Evid. R. 702 regarding expert 695
testimony. 696

(ii) The admissibility of any evidence or testimony under 697

division (D) (1) (b) of this section regarding the presence and 698
concentration of alcohol, a drug of abuse, or a combination of 699
them in a person's whole blood, blood serum or plasma, urine, 700
breath, oral fluid, or other bodily substance does not affect, 701
impair, or limit the admissibility of either of the following 702
that is otherwise admissible under the Rules of Evidence: 703

(I) Any evidence or testimony regarding the analysis of a 704
person's whole blood, blood serum or plasma, urine, breath, oral 705
fluid, or other bodily substance under section 3701.143 of the 706
Revised Code; 707

(II) Any evidence or testimony regarding the method, 708
process, reliability, or equipment used in the process of 709
analyzing a person's whole blood, blood serum or plasma, urine, 710
breath, oral fluid, or other bodily substance under section 711
3701.143 of the Revised Code. 712

The trier of fact shall give any evidence or testimony 713
admitted by the court under division (D) (1) (c) of this section 714
whatever weight the trier of fact considers to be appropriate. 715

(d) As used in division (D) (1) (b) of this section, 716
"emergency medical technician-intermediate" and "emergency 717
medical technician-paramedic" have the same meanings as in 718
section 4765.01 of the Revised Code. 719

(2) In a criminal prosecution or juvenile court proceeding 720
for a violation of division (A) of this section or for an 721
equivalent offense that is vehicle-related, if there was at the 722
time the bodily substance was withdrawn a concentration of less 723
than the applicable concentration of alcohol specified in 724
divisions (A) (1) (b), (c), (d), and (e) of this section or less 725
than the applicable concentration of a listed controlled 726

substance or a listed metabolite of a controlled substance 727
specified for a violation of division (A) (1) (j) of this section, 728
that fact may be considered with other competent evidence in 729
determining the guilt or innocence of the defendant. This 730
division does not limit or affect a criminal prosecution or 731
juvenile court proceeding for a violation of division (B) of 732
this section or for an equivalent offense that is substantially 733
equivalent to that division. 734

(3) Upon the request of the person who was tested, the 735
results of the chemical test shall be made available to the 736
person or the person's attorney, immediately upon the completion 737
of the chemical test analysis. 738

If the chemical test was obtained pursuant to division (D) 739
(1) (b) of this section, the person tested may have a physician, 740
a registered nurse, or a qualified technician, chemist, or 741
phlebotomist of the person's own choosing administer a chemical 742
test or tests, at the person's expense, in addition to any 743
administered at the request of a law enforcement officer. If the 744
person was under arrest as described in division (A) (5) of 745
section 4511.191 of the Revised Code, the arresting officer 746
shall advise the person at the time of the arrest that the 747
person may have an independent chemical test taken at the 748
person's own expense. If the person was under arrest other than 749
described in division (A) (5) of section 4511.191 of the Revised 750
Code, the form to be read to the person to be tested, as 751
required under section 4511.192 of the Revised Code, shall state 752
that the person may have an independent test performed at the 753
person's expense. The failure or inability to obtain an 754
additional chemical test by a person shall not preclude the 755
admission of evidence relating to the chemical test or tests 756
taken at the request of a law enforcement officer. 757

(4) (a) As used in divisions (D) (4) (b) and (c) of this 758
section, "national highway traffic safety administration" means 759
the national highway traffic safety administration established 760
as an administration of the United States department of 761
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 762

(b) In any criminal prosecution or juvenile court 763
proceeding for a violation of division (A) or (B) of this 764
section, of a municipal ordinance relating to operating a 765
vehicle while under the influence of alcohol, a drug of abuse, 766
or alcohol and a drug of abuse, or of a municipal ordinance 767
relating to operating a vehicle with a prohibited concentration 768
of alcohol, a controlled substance, or a metabolite of a 769
controlled substance in the whole blood, blood serum or plasma, 770
breath, oral fluid, or urine, if a law enforcement officer has 771
administered a field sobriety test to the operator of the 772
vehicle involved in the violation and if it is shown by clear 773
and convincing evidence that the officer administered the test 774
in substantial compliance with the testing standards for any 775
reliable, credible, and generally accepted field sobriety tests 776
that were in effect at the time the tests were administered, 777
including, but not limited to, any testing standards then in 778
effect that were set by the national highway traffic safety 779
administration, all of the following apply: 780

(i) The officer may testify concerning the results of the 781
field sobriety test so administered. 782

(ii) The prosecution may introduce the results of the 783
field sobriety test so administered as evidence in any 784
proceedings in the criminal prosecution or juvenile court 785
proceeding. 786

(iii) If testimony is presented or evidence is introduced 787

under division (D) (4) (b) (i) or (ii) of this section and if the 788
testimony or evidence is admissible under the Rules of Evidence, 789
the court shall admit the testimony or evidence and the trier of 790
fact shall give it whatever weight the trier of fact considers 791
to be appropriate. 792

(c) Division (D) (4) (b) of this section does not limit or 793
preclude a court, in its determination of whether the arrest of 794
a person was supported by probable cause or its determination of 795
any other matter in a criminal prosecution or juvenile court 796
proceeding of a type described in that division, from 797
considering evidence or testimony that is not otherwise 798
disallowed by division (D) (4) (b) of this section. 799

(5) (a) A trier of fact may infer that a person is under 800
the influence of marihuana in violation of division (A) (1) (a) of 801
this section if any of the following apply: 802

(i) The person has a concentration of at least twenty-five 803
nanograms of delta-9-tetrahydrocannabinol per milliliter of the 804
person's urine. 805

(ii) The person has a concentration of at least two but 806
less than five nanograms of delta-9-tetrahydrocannabinol per 807
milliliter of the person's whole blood. 808

(b) (i) If the court admits any evidence or testimony 809
submitted by the prosecution under division (D) (1) (b) of this 810
section that demonstrates that a person had a concentration of 811
delta-9-tetrahydrocannabinol that is within one of the levels 812
specified in division (D) (5) (a) of this section, the trier of 813
fact may, without expert testimony, infer that the person was 814
under the influence of marihuana in violation of division (A) (1) 815
(a) of this section. 816

(ii) The inference that a person was under the influence of marihuana in violation of division (A) (1) (a) of this section may be supported or rebutted by either party with any evidence or testimony that complies with the Rules of Evidence. 817
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(c) In determining whether a person was under the influence of marihuana, the trier of fact shall consider all relevant and competent evidence, including the inference, and give the evidence whatever weight the trier of fact considers to be appropriate. 821
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(E) (1) Subject to division (E) (3) of this section, in any criminal prosecution or juvenile court proceeding for a violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), (i), or (j) or (B) (1), (2), (3), or (4) of this section or for an equivalent offense that is substantially equivalent to any of those divisions, a laboratory report from any laboratory personnel issued a permit by the department of health authorizing an analysis as described in this division that contains an analysis of the whole blood, blood serum or plasma, breath, urine, or other bodily substance tested and that contains all of the information specified in this division shall be admitted as prima-facie evidence of the information and statements that the report contains. The laboratory report shall contain all of the following: 826
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(a) The signature, under oath, of any person who performed the analysis; 840
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(b) Any findings as to the identity and quantity of alcohol, a drug of abuse, a controlled substance, a metabolite of a controlled substance, or a combination of them that was found; 842
843
844
845

(c) A copy of a notarized statement by the laboratory 846
director or a designee of the director that contains the name of 847
each certified analyst or test performer involved with the 848
report, the analyst's or test performer's employment 849
relationship with the laboratory that issued the report, and a 850
notation that performing an analysis of the type involved is 851
part of the analyst's or test performer's regular duties; 852

(d) An outline of the analyst's or test performer's 853
education, training, and experience in performing the type of 854
analysis involved and a certification that the laboratory 855
satisfies appropriate quality control standards in general and, 856
in this particular analysis, under rules of the department of 857
health. 858

(2) Notwithstanding any other provision of law regarding 859
the admission of evidence, a report of the type described in 860
division (E) (1) of this section is not admissible against the 861
defendant to whom it pertains in any proceeding, other than a 862
preliminary hearing or a grand jury proceeding, unless the 863
prosecutor has served a copy of the report on the defendant's 864
attorney or, if the defendant has no attorney, on the defendant. 865

(3) A report of the type described in division (E) (1) of 866
this section shall not be prima-facie evidence of the contents, 867
identity, or amount of any substance if, within seven days after 868
the defendant to whom the report pertains or the defendant's 869
attorney receives a copy of the report, the defendant or the 870
defendant's attorney demands the testimony of the person who 871
signed the report. The judge in the case may extend the seven- 872
day time limit in the interest of justice. 873

(F) Except as otherwise provided in this division, any 874
physician, registered nurse, emergency medical technician- 875

intermediate, emergency medical technician-paramedic, or 876
qualified technician, chemist, or phlebotomist who withdraws 877
blood from a person pursuant to this section or section 4511.191 878
or 4511.192 of the Revised Code, and any hospital, first-aid 879
station, or clinic at which blood is withdrawn from a person 880
pursuant to this section or section 4511.191 or 4511.192 of the 881
Revised Code, is immune from criminal liability and civil 882
liability based upon a claim of assault and battery or any other 883
claim that is not a claim of malpractice, for any act performed 884
in withdrawing blood from the person. The immunity provided in 885
this division also extends to an emergency medical service 886
organization that employs an emergency medical technician- 887
intermediate or emergency medical technician-paramedic who 888
withdraws blood under this section. The immunity provided in 889
this division is not available to a person who withdraws blood 890
if the person engages in willful or wanton misconduct. 891

As used in this division, "emergency medical technician- 892
intermediate" and "emergency medical technician-paramedic" have 893
the same meanings as in section 4765.01 of the Revised Code. 894

(G) (1) Whoever violates any provision of divisions (A) (1) 895
(a) to (i) or (A) (2) of this section is guilty of operating a 896
vehicle under the influence of alcohol, a drug of abuse, or a 897
combination of them. Whoever violates division (A) (1) (j) of this 898
section is guilty of operating a vehicle while under the 899
influence of a listed controlled substance or a listed 900
metabolite of a controlled substance. The court shall sentence 901
the offender for either offense under Chapter 2929. of the 902
Revised Code, except as otherwise authorized or required by 903
divisions (G) (1) (a) to (e) of this section: 904

(a) Except as otherwise provided in division (G) (1) (b), 905

(c), (d), or (e) of this section, the offender is guilty of a 906
misdemeanor of the first degree, and the court shall sentence 907
the offender to all of the following: 908

(i) If the sentence is being imposed for a violation of 909
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 910
a mandatory jail term of three consecutive days. As used in this 911
division, three consecutive days means seventy-two consecutive 912
hours. The court may sentence an offender to both an 913
intervention program and a jail term. The court may impose a 914
jail term in addition to the three-day mandatory jail term or 915
intervention program. However, in no case shall the cumulative 916
jail term imposed for the offense exceed six months. 917

The court may suspend the execution of the three-day jail 918
term under this division if the court, in lieu of that suspended 919
term, places the offender under a community control sanction 920
pursuant to section 2929.25 of the Revised Code and requires the 921
offender to attend, for three consecutive days, a drivers' 922
intervention program certified under section 5119.38 of the 923
Revised Code. The court also may suspend the execution of any 924
part of the three-day jail term under this division if it places 925
the offender under a community control sanction pursuant to 926
section 2929.25 of the Revised Code for part of the three days, 927
requires the offender to attend for the suspended part of the 928
term a drivers' intervention program so certified, and sentences 929
the offender to a jail term equal to the remainder of the three 930
consecutive days that the offender does not spend attending the 931
program. The court may require the offender, as a condition of 932
community control and in addition to the required attendance at 933
a drivers' intervention program, to attend and satisfactorily 934
complete any treatment or education programs that comply with 935
the minimum standards adopted pursuant to Chapter 5119. of the 936

Revised Code by the director of mental health and addiction 937
services that the operators of the drivers' intervention program 938
determine that the offender should attend and to report 939
periodically to the court on the offender's progress in the 940
programs. The court also may impose on the offender any other 941
conditions of community control that it considers necessary. 942

If the court grants unlimited driving privileges to a 943
first-time offender under section 4510.022 of the Revised Code, 944
all penalties imposed upon the offender by the court under 945
division (G) (1) (a) (i) of this section for the offense apply, 946
except that the court shall suspend any mandatory or additional 947
jail term imposed by the court under division (G) (1) (a) (i) of 948
this section upon granting unlimited driving privileges in 949
accordance with section 4510.022 of the Revised Code. 950

(ii) If the sentence is being imposed for a violation of 951
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 952
section, except as otherwise provided in this division, a 953
mandatory jail term of at least three consecutive days and a 954
requirement that the offender attend, for three consecutive 955
days, a drivers' intervention program that is certified pursuant 956
to section 5119.38 of the Revised Code. As used in this 957
division, three consecutive days means seventy-two consecutive 958
hours. If the court determines that the offender is not 959
conducive to treatment in a drivers' intervention program, if 960
the offender refuses to attend a drivers' intervention program, 961
or if the jail at which the offender is to serve the jail term 962
imposed can provide a driver's intervention program, the court 963
shall sentence the offender to a mandatory jail term of at least 964
six consecutive days. 965

If the court grants unlimited driving privileges to a 966

first-time offender under section 4510.022 of the Revised Code, 967
all penalties imposed upon the offender by the court under 968
division (G) (1) (a) (ii) of this section for the offense apply, 969
except that the court shall suspend any mandatory or additional 970
jail term imposed by the court under division (G) (1) (a) (ii) of 971
this section upon granting unlimited driving privileges in 972
accordance with section 4510.022 of the Revised Code. 973

The court may require the offender, under a community 974
control sanction imposed under section 2929.25 of the Revised 975
Code, to attend and satisfactorily complete any treatment or 976
education programs that comply with the minimum standards 977
adopted pursuant to Chapter 5119. of the Revised Code by the 978
director of mental health and addiction services, in addition to 979
the required attendance at drivers' intervention program, that 980
the operators of the drivers' intervention program determine 981
that the offender should attend and to report periodically to 982
the court on the offender's progress in the programs. The court 983
also may impose any other conditions of community control on the 984
offender that it considers necessary. 985

(iii) In all cases, a fine of not less than five hundred 986
sixty-five and not more than one thousand seventy-five dollars; 987

(iv) In all cases, a suspension of the offender's driver's 988
or commercial driver's license or permit or nonresident 989
operating privilege for a definite period of one to three years. 990
The court may grant limited driving privileges relative to the 991
suspension under sections 4510.021 and 4510.13 of the Revised 992
Code. The court may grant unlimited driving privileges with an 993
ignition interlock device relative to the suspension and may 994
reduce the period of suspension as authorized under section 995
4510.022 of the Revised Code. 996

(b) Except as otherwise provided in division (G) (1) (e) of 997
this section, an offender who, within ten years of the offense, 998
previously has been convicted of or pleaded guilty to one 999
violation of division (A) of this section or one other 1000
equivalent offense is guilty of a misdemeanor of the first 1001
degree. The court shall sentence the offender to all of the 1002
following: 1003

(i) If the sentence is being imposed for a violation of 1004
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1005
a mandatory jail term of ten consecutive days. The court shall 1006
impose the ten-day mandatory jail term under this division 1007
unless, subject to division (G) (3) of this section, it instead 1008
imposes a sentence under that division consisting of both a jail 1009
term and a term of house arrest with electronic monitoring, with 1010
continuous alcohol monitoring, or with both electronic 1011
monitoring and continuous alcohol monitoring. The court may 1012
impose a jail term in addition to the ten-day mandatory jail 1013
term. The cumulative jail term imposed for the offense shall not 1014
exceed six months. 1015

In addition to the jail term or the term of house arrest 1016
with electronic monitoring or continuous alcohol monitoring or 1017
both types of monitoring and jail term, the court shall require 1018
the offender to be assessed by a community addiction services 1019
provider that is authorized by section 5119.21 of the Revised 1020
Code, subject to division (I) of this section, and shall order 1021
the offender to follow the treatment recommendations of the 1022
services provider. The purpose of the assessment is to determine 1023
the degree of the offender's alcohol usage and to determine 1024
whether or not treatment is warranted. Upon the request of the 1025
court, the services provider shall submit the results of the 1026
assessment to the court, including all treatment recommendations 1027

and clinical diagnoses related to alcohol use. 1028

(ii) If the sentence is being imposed for a violation of 1029
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1030
section, except as otherwise provided in this division, a 1031
mandatory jail term of twenty consecutive days. The court shall 1032
impose the twenty-day mandatory jail term under this division 1033
unless, subject to division (G)(3) of this section, it instead 1034
imposes a sentence under that division consisting of both a jail 1035
term and a term of house arrest with electronic monitoring, with 1036
continuous alcohol monitoring, or with both electronic 1037
monitoring and continuous alcohol monitoring. The court may 1038
impose a jail term in addition to the twenty-day mandatory jail 1039
term. The cumulative jail term imposed for the offense shall not 1040
exceed six months. 1041

In addition to the jail term or the term of house arrest 1042
with electronic monitoring or continuous alcohol monitoring or 1043
both types of monitoring and jail term, the court shall require 1044
the offender to be assessed by a community addiction service 1045
provider that is authorized by section 5119.21 of the Revised 1046
Code, subject to division (I) of this section, and shall order 1047
the offender to follow the treatment recommendations of the 1048
services provider. The purpose of the assessment is to determine 1049
the degree of the offender's alcohol usage and to determine 1050
whether or not treatment is warranted. Upon the request of the 1051
court, the services provider shall submit the results of the 1052
assessment to the court, including all treatment recommendations 1053
and clinical diagnoses related to alcohol use. 1054

(iii) In all cases, notwithstanding the fines set forth in 1055
Chapter 2929. of the Revised Code, a fine of not less than seven 1056
hundred fifteen and not more than one thousand six hundred 1057

twenty-five dollars; 1058

(iv) In all cases, a suspension of the offender's driver's 1059
license, commercial driver's license, temporary instruction 1060
permit, probationary license, or nonresident operating privilege 1061
for a definite period of one to seven years. The court may grant 1062
limited driving privileges relative to the suspension under 1063
sections 4510.021 and 4510.13 of the Revised Code. 1064

(v) In all cases, if the vehicle is registered in the 1065
offender's name, immobilization of the vehicle involved in the 1066
offense for ninety days in accordance with section 4503.233 of 1067
the Revised Code and impoundment of the license plates of that 1068
vehicle for ninety days. 1069

(c) Except as otherwise provided in division (G) (1) (e) of 1070
this section, an offender who, within ten years of the offense, 1071
previously has been convicted of or pleaded guilty to two 1072
violations of division (A) of this section or other equivalent 1073
offenses is guilty of a misdemeanor. The court shall sentence 1074
the offender to all of the following: 1075

(i) If the sentence is being imposed for a violation of 1076
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1077
a mandatory jail term of thirty consecutive days. The court 1078
shall impose the thirty-day mandatory jail term under this 1079
division unless, subject to division (G) (3) of this section, it 1080
instead imposes a sentence under that division consisting of 1081
both a jail term and a term of house arrest with electronic 1082
monitoring, with continuous alcohol monitoring, or with both 1083
electronic monitoring and continuous alcohol monitoring. The 1084
court may impose a jail term in addition to the thirty-day 1085
mandatory jail term. Notwithstanding the jail terms set forth in 1086
sections 2929.21 to 2929.28 of the Revised Code, the additional 1087

jail term shall not exceed one year, and the cumulative jail 1088
term imposed for the offense shall not exceed one year. 1089

(ii) If the sentence is being imposed for a violation of 1090
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1091
section, a mandatory jail term of sixty consecutive days. The 1092
court shall impose the sixty-day mandatory jail term under this 1093
division unless, subject to division (G)(3) of this section, it 1094
instead imposes a sentence under that division consisting of 1095
both a jail term and a term of house arrest with electronic 1096
monitoring, with continuous alcohol monitoring, or with both 1097
electronic monitoring and continuous alcohol monitoring. The 1098
court may impose a jail term in addition to the sixty-day 1099
mandatory jail term. Notwithstanding the jail terms set forth in 1100
sections 2929.21 to 2929.28 of the Revised Code, the additional 1101
jail term shall not exceed one year, and the cumulative jail 1102
term imposed for the offense shall not exceed one year. 1103

(iii) In all cases, notwithstanding the fines set forth in 1104
Chapter 2929. of the Revised Code, a fine of not less than one 1105
thousand forty and not more than two thousand seven hundred 1106
fifty dollars; 1107

(iv) In all cases, a suspension of the offender's driver's 1108
license, commercial driver's license, temporary instruction 1109
permit, probationary license, or nonresident operating privilege 1110
for a definite period of two to twelve years. The court may 1111
grant limited driving privileges relative to the suspension 1112
under sections 4510.021 and 4510.13 of the Revised Code. 1113

(v) In all cases, if the vehicle is registered in the 1114
offender's name, criminal forfeiture of the vehicle involved in 1115
the offense in accordance with section 4503.234 of the Revised 1116
Code. Division (G)(6) of this section applies regarding any 1117

vehicle that is subject to an order of criminal forfeiture under 1118
this division. 1119

(vi) In all cases, the court shall order the offender to 1120
participate with a community addiction services provider 1121
authorized by section 5119.21 of the Revised Code, subject to 1122
division (I) of this section, and shall order the offender to 1123
follow the treatment recommendations of the services provider. 1124
The operator of the services provider shall determine and assess 1125
the degree of the offender's alcohol dependency and shall make 1126
recommendations for treatment. Upon the request of the court, 1127
the services provider shall submit the results of the assessment 1128
to the court, including all treatment recommendations and 1129
clinical diagnoses related to alcohol use. 1130

(d) Except as otherwise provided in division (G) (1) (e) of 1131
this section, an offender who, within ten years of the offense, 1132
previously has been convicted of or pleaded guilty to three or 1133
four violations of division (A) of this section or other 1134
equivalent offenses, an offender who, within twenty years of the 1135
offense, previously has been convicted of or pleaded guilty to 1136
five or more violations of that nature, or an offender who 1137
previously has been convicted of or pleaded guilty to a 1138
specification of the type described in section 2941.1413 of the 1139
Revised Code, is guilty of a felony of the fourth degree. The 1140
court shall sentence the offender to all of the following: 1141

(i) If the sentence is being imposed for a violation of 1142
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1143
a mandatory prison term of one, two, three, four, or five years 1144
as required by and in accordance with division (G) (2) of section 1145
2929.13 of the Revised Code if the offender also is convicted of 1146
or also pleads guilty to a specification of the type described 1147

in section 2941.1413 of the Revised Code or, in the discretion 1148
of the court, either a mandatory term of local incarceration of 1149
sixty consecutive days in accordance with division (G) (1) of 1150
section 2929.13 of the Revised Code or a mandatory prison term 1151
of sixty consecutive days in accordance with division (G) (2) of 1152
that section if the offender is not convicted of and does not 1153
plead guilty to a specification of that type. If the court 1154
imposes a mandatory term of local incarceration, it may impose a 1155
jail term in addition to the sixty-day mandatory term, the 1156
cumulative total of the mandatory term and the jail term for the 1157
offense shall not exceed one year, and, except as provided in 1158
division (A) (1) of section 2929.13 of the Revised Code, no 1159
prison term is authorized for the offense. If the court imposes 1160
a mandatory prison term, notwithstanding division (A) (4) of 1161
section 2929.14 of the Revised Code, it also may sentence the 1162
offender to a definite prison term that shall be not less than 1163
six months and not more than thirty months and the prison terms 1164
shall be imposed as described in division (G) (2) of section 1165
2929.13 of the Revised Code. If the court imposes a mandatory 1166
prison term or mandatory prison term and additional prison term, 1167
in addition to the term or terms so imposed, the court also may 1168
sentence the offender to a community control sanction for the 1169
offense, but the offender shall serve all of the prison terms so 1170
imposed prior to serving the community control sanction. 1171

(ii) If the sentence is being imposed for a violation of 1172
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 1173
section, a mandatory prison term of one, two, three, four, or 1174
five years as required by and in accordance with division (G) (2) 1175
of section 2929.13 of the Revised Code if the offender also is 1176
convicted of or also pleads guilty to a specification of the 1177
type described in section 2941.1413 of the Revised Code or, in 1178

the discretion of the court, either a mandatory term of local 1179
incarceration of one hundred twenty consecutive days in 1180
accordance with division (G) (1) of section 2929.13 of the 1181
Revised Code or a mandatory prison term of one hundred twenty 1182
consecutive days in accordance with division (G) (2) of that 1183
section if the offender is not convicted of and does not plead 1184
guilty to a specification of that type. If the court imposes a 1185
mandatory term of local incarceration, it may impose a jail term 1186
in addition to the one hundred twenty-day mandatory term, the 1187
cumulative total of the mandatory term and the jail term for the 1188
offense shall not exceed one year, and, except as provided in 1189
division (A) (1) of section 2929.13 of the Revised Code, no 1190
prison term is authorized for the offense. If the court imposes 1191
a mandatory prison term, notwithstanding division (A) (4) of 1192
section 2929.14 of the Revised Code, it also may sentence the 1193
offender to a definite prison term that shall be not less than 1194
six months and not more than thirty months and the prison terms 1195
shall be imposed as described in division (G) (2) of section 1196
2929.13 of the Revised Code. If the court imposes a mandatory 1197
prison term or mandatory prison term and additional prison term, 1198
in addition to the term or terms so imposed, the court also may 1199
sentence the offender to a community control sanction for the 1200
offense, but the offender shall serve all of the prison terms so 1201
imposed prior to serving the community control sanction. 1202

(iii) In all cases, notwithstanding section 2929.18 of the 1203
Revised Code, a fine of not less than one thousand five hundred 1204
forty nor more than ten thousand five hundred dollars; 1205

(iv) In all cases, a class two license suspension of the 1206
offender's driver's license, commercial driver's license, 1207
temporary instruction permit, probationary license, or 1208
nonresident operating privilege from the range specified in 1209

division (A) (2) of section 4510.02 of the Revised Code. The 1210
court may grant limited driving privileges relative to the 1211
suspension under sections 4510.021 and 4510.13 of the Revised 1212
Code. 1213

(v) In all cases, if the vehicle is registered in the 1214
offender's name, criminal forfeiture of the vehicle involved in 1215
the offense in accordance with section 4503.234 of the Revised 1216
Code. Division (G) (6) of this section applies regarding any 1217
vehicle that is subject to an order of criminal forfeiture under 1218
this division. 1219

(vi) In all cases, the court shall order the offender to 1220
participate with a community addiction services provider 1221
authorized by section 5119.21 of the Revised Code, subject to 1222
division (I) of this section, and shall order the offender to 1223
follow the treatment recommendations of the services provider. 1224
The operator of the services provider shall determine and assess 1225
the degree of the offender's alcohol dependency and shall make 1226
recommendations for treatment. Upon the request of the court, 1227
the services provider shall submit the results of the assessment 1228
to the court, including all treatment recommendations and 1229
clinical diagnoses related to alcohol use. 1230

(vii) In all cases, if the court sentences the offender to 1231
a mandatory term of local incarceration, in addition to the 1232
mandatory term, the court, pursuant to section 2929.17 of the 1233
Revised Code, may impose a term of house arrest with electronic 1234
monitoring. The term shall not commence until after the offender 1235
has served the mandatory term of local incarceration. 1236

(e) An offender who previously has been convicted of or 1237
pleaded guilty to a violation of division (A) of this section 1238
that was a felony, regardless of when the violation and the 1239

conviction or guilty plea occurred, is guilty of a felony of the 1240
third degree. The court shall sentence the offender to all of 1241
the following: 1242

(i) If the offender is being sentenced for a violation of 1243
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1244
a mandatory prison term of one, two, three, four, or five years 1245
as required by and in accordance with division (G)(2) of section 1246
2929.13 of the Revised Code if the offender also is convicted of 1247
or also pleads guilty to a specification of the type described 1248
in section 2941.1413 of the Revised Code or a mandatory prison 1249
term of sixty consecutive days in accordance with division (G) 1250
(2) of section 2929.13 of the Revised Code if the offender is 1251
not convicted of and does not plead guilty to a specification of 1252
that type. The court may impose a prison term in addition to the 1253
mandatory prison term. The cumulative total of a sixty-day 1254
mandatory prison term and the additional prison term for the 1255
offense shall not exceed five years. In addition to the 1256
mandatory prison term or mandatory prison term and additional 1257
prison term the court imposes, the court also may sentence the 1258
offender to a community control sanction for the offense, but 1259
the offender shall serve all of the prison terms so imposed 1260
prior to serving the community control sanction. 1261

(ii) If the sentence is being imposed for a violation of 1262
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1263
section, a mandatory prison term of one, two, three, four, or 1264
five years as required by and in accordance with division (G)(2) 1265
of section 2929.13 of the Revised Code if the offender also is 1266
convicted of or also pleads guilty to a specification of the 1267
type described in section 2941.1413 of the Revised Code or a 1268
mandatory prison term of one hundred twenty consecutive days in 1269
accordance with division (G)(2) of section 2929.13 of the 1270

Revised Code if the offender is not convicted of and does not 1271
plead guilty to a specification of that type. The court may 1272
impose a prison term in addition to the mandatory prison term. 1273
The cumulative total of a one hundred twenty-day mandatory 1274
prison term and the additional prison term for the offense shall 1275
not exceed five years. In addition to the mandatory prison term 1276
or mandatory prison term and additional prison term the court 1277
imposes, the court also may sentence the offender to a community 1278
control sanction for the offense, but the offender shall serve 1279
all of the prison terms so imposed prior to serving the 1280
community control sanction. 1281

(iii) In all cases, notwithstanding section 2929.18 of the 1282
Revised Code, a fine of not less than one thousand five hundred 1283
forty nor more than ten thousand five hundred dollars; 1284

(iv) In all cases, a class two license suspension of the 1285
offender's driver's license, commercial driver's license, 1286
temporary instruction permit, probationary license, or 1287
nonresident operating privilege from the range specified in 1288
division (A)(2) of section 4510.02 of the Revised Code. The 1289
court may grant limited driving privileges relative to the 1290
suspension under sections 4510.021 and 4510.13 of the Revised 1291
Code. 1292

(v) In all cases, if the vehicle is registered in the 1293
offender's name, criminal forfeiture of the vehicle involved in 1294
the offense in accordance with section 4503.234 of the Revised 1295
Code. Division (G)(6) of this section applies regarding any 1296
vehicle that is subject to an order of criminal forfeiture under 1297
this division. 1298

(vi) In all cases, the court shall order the offender to 1299
participate with a community addiction services provider 1300

authorized by section 5119.21 of the Revised Code, subject to 1301
division (I) of this section, and shall order the offender to 1302
follow the treatment recommendations of the services provider. 1303
The operator of the services provider shall determine and assess 1304
the degree of the offender's alcohol dependency and shall make 1305
recommendations for treatment. Upon the request of the court, 1306
the services provider shall submit the results of the assessment 1307
to the court, including all treatment recommendations and 1308
clinical diagnoses related to alcohol use. 1309

(2) An offender who is convicted of or pleads guilty to a 1310
violation of division (A) of this section and who subsequently 1311
seeks reinstatement of the driver's or occupational driver's 1312
license or permit or nonresident operating privilege suspended 1313
under this section as a result of the conviction or guilty plea 1314
shall pay a reinstatement fee as provided in division (F) (2) of 1315
section 4511.191 of the Revised Code. 1316

(3) If an offender is sentenced to a jail term under 1317
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 1318
section and if, within sixty days of sentencing of the offender, 1319
the court issues a written finding on the record that, due to 1320
the unavailability of space at the jail where the offender is 1321
required to serve the term, the offender will not be able to 1322
begin serving that term within the sixty-day period following 1323
the date of sentencing, the court may impose an alternative 1324
sentence under this division that includes a term of house 1325
arrest with electronic monitoring, with continuous alcohol 1326
monitoring, or with both electronic monitoring and continuous 1327
alcohol monitoring. 1328

As an alternative to a mandatory jail term of ten 1329
consecutive days required by division (G) (1) (b) (i) of this 1330

section, the court, under this division, may sentence the 1331
offender to five consecutive days in jail and not less than 1332
eighteen consecutive days of house arrest with electronic 1333
monitoring, with continuous alcohol monitoring, or with both 1334
electronic monitoring and continuous alcohol monitoring. The 1335
cumulative total of the five consecutive days in jail and the 1336
period of house arrest with electronic monitoring, continuous 1337
alcohol monitoring, or both types of monitoring shall not exceed 1338
six months. The five consecutive days in jail do not have to be 1339
served prior to or consecutively to the period of house arrest. 1340

As an alternative to the mandatory jail term of twenty 1341
consecutive days required by division (G)(1)(b)(ii) of this 1342
section, the court, under this division, may sentence the 1343
offender to ten consecutive days in jail and not less than 1344
thirty-six consecutive days of house arrest with electronic 1345
monitoring, with continuous alcohol monitoring, or with both 1346
electronic monitoring and continuous alcohol monitoring. The 1347
cumulative total of the ten consecutive days in jail and the 1348
period of house arrest with electronic monitoring, continuous 1349
alcohol monitoring, or both types of monitoring shall not exceed 1350
six months. The ten consecutive days in jail do not have to be 1351
served prior to or consecutively to the period of house arrest. 1352

As an alternative to a mandatory jail term of thirty 1353
consecutive days required by division (G)(1)(c)(i) of this 1354
section, the court, under this division, may sentence the 1355
offender to fifteen consecutive days in jail and not less than 1356
fifty-five consecutive days of house arrest with electronic 1357
monitoring, with continuous alcohol monitoring, or with both 1358
electronic monitoring and continuous alcohol monitoring. The 1359
cumulative total of the fifteen consecutive days in jail and the 1360
period of house arrest with electronic monitoring, continuous 1361

alcohol monitoring, or both types of monitoring shall not exceed 1362
one year. The fifteen consecutive days in jail do not have to be 1363
served prior to or consecutively to the period of house arrest. 1364

As an alternative to the mandatory jail term of sixty 1365
consecutive days required by division (G) (1) (c) (ii) of this 1366
section, the court, under this division, may sentence the 1367
offender to thirty consecutive days in jail and not less than 1368
one hundred ten consecutive days of house arrest with electronic 1369
monitoring, with continuous alcohol monitoring, or with both 1370
electronic monitoring and continuous alcohol monitoring. The 1371
cumulative total of the thirty consecutive days in jail and the 1372
period of house arrest with electronic monitoring, continuous 1373
alcohol monitoring, or both types of monitoring shall not exceed 1374
one year. The thirty consecutive days in jail do not have to be 1375
served prior to or consecutively to the period of house arrest. 1376

(4) If an offender's driver's or occupational driver's 1377
license or permit or nonresident operating privilege is 1378
suspended under division (G) of this section and if section 1379
4510.13 of the Revised Code permits the court to grant limited 1380
driving privileges, the court may grant the limited driving 1381
privileges in accordance with that section. If division (A) (7) 1382
of that section requires that the court impose as a condition of 1383
the privileges that the offender must display on the vehicle 1384
that is driven subject to the privileges restricted license 1385
plates that are issued under section 4503.231 of the Revised 1386
Code, except as provided in division (B) of that section, the 1387
court shall impose that condition as one of the conditions of 1388
the limited driving privileges granted to the offender, except 1389
as provided in division (B) of section 4503.231 of the Revised 1390
Code. 1391

(5) Fines imposed under this section for a violation of 1392
division (A) of this section shall be distributed as follows: 1393

(a) Twenty-five dollars of the fine imposed under division 1394
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 1395
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 1396
fine imposed under division (G) (1) (c) (iii), and two hundred ten 1397
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 1398
(iii) of this section shall be paid to an enforcement and 1399
education fund established by the legislative authority of the 1400
law enforcement agency in this state that primarily was 1401
responsible for the arrest of the offender, as determined by the 1402
court that imposes the fine. The agency shall use this share to 1403
pay only those costs it incurs in enforcing this section or a 1404
municipal OVI ordinance and in informing the public of the laws 1405
governing the operation of a vehicle while under the influence 1406
of alcohol, the dangers of the operation of a vehicle under the 1407
influence of alcohol, and other information relating to the 1408
operation of a vehicle under the influence of alcohol and the 1409
consumption of alcoholic beverages. 1410

(b) Fifty dollars of the fine imposed under division (G) 1411
(1) (a) (iii) of this section shall be paid to the political 1412
subdivision that pays the cost of housing the offender during 1413
the offender's term of incarceration. If the offender is being 1414
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 1415
(e), or (j) of this section and was confined as a result of the 1416
offense prior to being sentenced for the offense but is not 1417
sentenced to a term of incarceration, the fifty dollars shall be 1418
paid to the political subdivision that paid the cost of housing 1419
the offender during that period of confinement. The political 1420
subdivision shall use the share under this division to pay or 1421
reimburse incarceration or treatment costs it incurs in housing 1422

or providing drug and alcohol treatment to persons who violate 1423
this section or a municipal OVI ordinance, costs of any 1424
immobilizing or disabling device used on the offender's vehicle, 1425
and costs of electronic house arrest equipment needed for 1426
persons who violate this section. 1427

(c) Twenty-five dollars of the fine imposed under division 1428
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 1429
division (G) (1) (b) (iii) of this section shall be deposited into 1430
the county or municipal indigent drivers' alcohol treatment fund 1431
under the control of that court, as created by the county or 1432
municipal corporation under division (H) of section 4511.191 of 1433
the Revised Code. 1434

(d) One hundred fifteen dollars of the fine imposed under 1435
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 1436
the fine imposed under division (G) (1) (c) (iii), and four hundred 1437
forty dollars of the fine imposed under division (G) (1) (d) (iii) 1438
or (e) (iii) of this section shall be paid to the political 1439
subdivision that pays the cost of housing the offender during 1440
the offender's term of incarceration. The political subdivision 1441
shall use this share to pay or reimburse incarceration or 1442
treatment costs it incurs in housing or providing drug and 1443
alcohol treatment to persons who violate this section or a 1444
municipal OVI ordinance, costs for any immobilizing or disabling 1445
device used on the offender's vehicle, and costs of electronic 1446
house arrest equipment needed for persons who violate this 1447
section. 1448

(e) One hundred twenty-five dollars of the fine imposed 1449
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 1450
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 1451
deposited into the special projects fund of the court in which 1452

the offender was convicted and that is established under 1453
division (E) (1) of section 2303.201, division (B) (1) of section 1454
1901.26, or division (B) (1) of section 1907.24 of the Revised 1455
Code, to be used exclusively to cover the cost of immobilizing 1456
or disabling devices, including certified ignition interlock 1457
devices, and remote alcohol monitoring devices for indigent 1458
offenders who are required by a judge to use either of these 1459
devices. If the court in which the offender was convicted does 1460
not have a special projects fund that is established under 1461
division (E) (1) of section 2303.201, division (B) (1) of section 1462
1901.26, or division (B) (1) of section 1907.24 of the Revised 1463
Code, the one hundred twenty-five dollars shall be deposited 1464
into the indigent drivers interlock and alcohol monitoring fund 1465
under division (I) of section 4511.191 of the Revised Code. 1466

(f) Seventy-five dollars of the fine imposed under 1467
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 1468
fine imposed under division (G) (1) (b) (iii), two hundred fifty 1469
dollars of the fine imposed under division (G) (1) (c) (iii), and 1470
five hundred dollars of the fine imposed under division (G) (1) 1471
(d) (iii) or (e) (iii) of this section shall be transmitted to the 1472
treasurer of state for deposit into the indigent defense support 1473
fund established under section 120.08 of the Revised Code. 1474

(g) One hundred fifteen dollars shall be credited to the 1475
statewide treatment and prevention fund created by section 1476
4301.30 of the Revised Code. Money credited to the fund under 1477
this section shall be used for purposes identified under section 1478
5119.22 of the Revised Code. 1479

(h) The balance of the fine imposed under division (G) (1) 1480
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 1481
section shall be disbursed as otherwise provided by law. 1482

(6) If title to a motor vehicle that is subject to an order of criminal forfeiture under division (G) (1) (c), (d), or (e) of this section is assigned or transferred and division (B) (2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national automobile dealers association. The proceeds of any fine so imposed shall be distributed in accordance with division (C) (2) of that section.

(7) In all cases in which an offender is sentenced under division (G) of this section, the offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, the court, in addition to any other penalties provided by law, may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under division (G) of this section.

(8) A court may order an offender to reimburse a law enforcement agency for any costs incurred by the agency with respect to a chemical test or tests administered to the offender if all of the following apply:

(a) The offender is convicted of or pleads guilty to a violation of division (A) of this section.

(b) The test or tests were of the offender's whole blood, blood serum or plasma, oral fluid, or urine.

(c) The test or tests indicated that the offender had one 1513
of the following at the time of the offense: 1514

(i) A prohibited concentration of a controlled substance 1515
or a metabolite of a controlled substance in the offender's 1516
whole blood, blood serum or plasma, or urine; 1517

(ii) A drug of abuse or a metabolite of a drug of abuse in 1518
the offender's oral fluid. 1519

(9) A court may warn any person who is convicted of or who 1520
pleads guilty to a violation of division (A) of this section or 1521
an equivalent offense that a subsequent violation of this 1522
section or an equivalent offense that results in the death of 1523
another or the unlawful termination of another's pregnancy may 1524
result in the person being guilty of aggravated vehicular 1525
homicide under section 2903.06 of the Revised Code. The court 1526
may warn the person of the applicable penalties for that 1527
violation under sections 2903.06 and 2929.142 of the Revised 1528
Code. 1529

(10) As used in division (G) of this section, "electronic 1530
monitoring," "mandatory prison term," and "mandatory term of 1531
local incarceration" have the same meanings as in section 1532
2929.01 of the Revised Code. 1533

(H) Whoever violates division (B) of this section is 1534
guilty of operating a vehicle after underage alcohol consumption 1535
and shall be punished as follows: 1536

(1) Except as otherwise provided in division (H) (2) of 1537
this section, the offender is guilty of a misdemeanor of the 1538
fourth degree. In addition to any other sanction imposed for the 1539
offense, the court shall impose a class six suspension of the 1540
offender's driver's license, commercial driver's license, 1541

temporary instruction permit, probationary license, or 1542
nonresident operating privilege from the range specified in 1543
division (A) (6) of section 4510.02 of the Revised Code. The 1544
court may grant limited driving privileges relative to the 1545
suspension under sections 4510.021 and 4510.13 of the Revised 1546
Code. The court may grant unlimited driving privileges with an 1547
ignition interlock device relative to the suspension and may 1548
reduce the period of suspension as authorized under section 1549
4510.022 of the Revised Code. If the court grants unlimited 1550
driving privileges under section 4510.022 of the Revised Code, 1551
the court shall suspend any jail term imposed under division (H) 1552
(1) of this section as required under that section. 1553

(2) If, within one year of the offense, the offender 1554
previously has been convicted of or pleaded guilty to one or 1555
more violations of division (A) of this section or other 1556
equivalent offenses, the offender is guilty of a misdemeanor of 1557
the third degree. In addition to any other sanction imposed for 1558
the offense, the court shall impose a class four suspension of 1559
the offender's driver's license, commercial driver's license, 1560
temporary instruction permit, probationary license, or 1561
nonresident operating privilege from the range specified in 1562
division (A) (4) of section 4510.02 of the Revised Code. The 1563
court may grant limited driving privileges relative to the 1564
suspension under sections 4510.021 and 4510.13 of the Revised 1565
Code. 1566

(3) The offender shall provide the court with proof of 1567
financial responsibility as defined in section 4509.01 of the 1568
Revised Code. If the offender fails to provide that proof of 1569
financial responsibility, then, in addition to any other 1570
penalties provided by law, the court may order restitution 1571
pursuant to section 2929.28 of the Revised Code in an amount not 1572

exceeding five thousand dollars for any economic loss arising 1573
from an accident or collision that was the direct and proximate 1574
result of the offender's operation of the vehicle before, 1575
during, or after committing the violation of division (B) of 1576
this section. 1577

(I) (1) No court shall sentence an offender to an alcohol 1578
treatment program under this section unless the treatment 1579
program complies with the minimum standards for alcohol 1580
treatment programs adopted under Chapter 5119. of the Revised 1581
Code by the director of mental health and addiction services. 1582

(2) An offender who stays in a drivers' intervention 1583
program or in an alcohol treatment program under an order issued 1584
under this section shall pay the cost of the stay in the 1585
program. However, if the court determines that an offender who 1586
stays in an alcohol treatment program under an order issued 1587
under this section is unable to pay the cost of the stay in the 1588
program, the court may order that the cost be paid from the 1589
court's indigent drivers' alcohol treatment fund. 1590

(J) If a person whose driver's or commercial driver's 1591
license or permit or nonresident operating privilege is 1592
suspended under this section files an appeal regarding any 1593
aspect of the person's trial or sentence, the appeal itself does 1594
not stay the operation of the suspension. 1595

(K) Division (A) (1) (j) of this section does not apply to a 1596
person who operates a vehicle, streetcar, or trackless trolley 1597
while the person has a concentration of a listed controlled 1598
substance or a listed metabolite of a controlled substance in 1599
the person's whole blood, blood serum or plasma, or urine that 1600
equals or exceeds the amount specified in that division, if both 1601
of the following apply: 1602

(1) The person obtained the controlled substance pursuant 1603
to a prescription issued by a licensed health professional 1604
authorized to prescribe drugs. 1605

(2) The person injected, ingested, or inhaled the 1606
controlled substance in accordance with the health 1607
professional's directions. 1608

(L) The prohibited concentrations of a controlled 1609
substance or a metabolite of a controlled substance listed in 1610
division (A) (1) (j) of this section also apply in a prosecution 1611
of a violation of division (D) of section 2923.16 of the Revised 1612
Code in the same manner as if the offender is being prosecuted 1613
for a prohibited concentration of alcohol. 1614

(M) All terms defined in section 4510.01 of the Revised 1615
Code apply to this section. If the meaning of a term defined in 1616
section 4510.01 of the Revised Code conflicts with the meaning 1617
of the same term as defined in section 4501.01 or 4511.01 of the 1618
Revised Code, the term as defined in section 4510.01 of the 1619
Revised Code applies to this section. 1620

(N) (1) The Ohio Traffic Rules in effect on January 1, 1621
2004, as adopted by the supreme court under authority of section 1622
2937.46 of the Revised Code, do not apply to felony violations 1623
of this section. Subject to division (N) (2) of this section, the 1624
Rules of Criminal Procedure apply to felony violations of this 1625
section. 1626

(2) If, on or after January 1, 2004, the supreme court 1627
modifies the Ohio Traffic Rules to provide procedures to govern 1628
felony violations of this section, the modified rules shall 1629
apply to felony violations of this section. 1630

Section 2. That existing sections 1547.11, 3701.143, and 1631

4511.19 of the Revised Code are hereby repealed. 1632

Section 3. The General Assembly, applying the principle 1633
stated in division (B) of section 1.52 of the Revised Code that 1634
amendments are to be harmonized and reconciled if reasonably 1635
capable of simultaneous operation, finds that the following 1636
sections, presented in this act as composites of the sections as 1637
amended by the acts indicated, are the resulting versions of the 1638
sections in effect prior to the effective date of the sections 1639
as presented in this act: 1640

Section 3701.143 of the Revised Code as amended by both 1641
H.B. 37 and S.B. 100 of the 135th General Assembly. 1642

Section 4511.19 of the Revised Code as amended by both 1643
H.B. 37 and S.B. 100 of the 135th General Assembly. 1644