

As Introduced

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H. B. No. 197

Representative Rezabek

Cosponsors: Representatives Johnson, T., Sprague, O'Brien, M., Manning, Boose,
Koehler, LaTourette, Smith, R.

A BILL

To enact section 2925.62 of the Revised Code to 1
prohibit the over-the-counter sale, without a 2
prescription, of dextromethorphan to a person 3
who is under 18 years of age. 4

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

Section 1. That section 2925.62 of the Revised Code be 5
enacted to read as follows: 6

Sec. 2925.62. (A) As used in this section: 7

(2) "Dextromethorphan" means dextromethorphan (the 8
dextrorotatory isomer of 3-methoxy-N-methylmorphinan, including 9
its salts, but not including its racemic or levorotatory forms). 10

(1) "Bona fide evidence of majority and identity" means a 11
document issued by a federal, state, county, or municipal 12
government, or a subdivision or agency of any of them, 13
including, but not limited to, a driver's or commercial driver's 14
license, Ohio identification card, military identification card, 15
or other form of identification that bears the name, date of 16
birth, description, and picture of the person identified. 17

(3) "Ohio identification card" means an identification card issued under sections 4507.50 to 4507.52 of the Revised Code. 18
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(4) "Retailer" means a place of business that offers consumer products for sale to the general public. 21
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(5) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 23
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(B) No retailer or terminal distributor of dangerous drugs or employee of a retailer or terminal distributor of dangerous drugs shall knowingly supply, deliver, give, or otherwise provide a drug, material, compound, mixture, preparation, or substance containing any quantity of dextromethorphan to a person under eighteen years of age in an over-the-counter sale without a prescription. 25
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(C) It shall be prima facie evidence of a violation of division (B) of this section that the person making the over-the-counter sale does not require and obtain bona fide evidence of majority and identity from the purchaser, unless from the purchaser's outward appearance the person making the sale would reasonably presume the purchaser to be twenty-five years of age or older. 32
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(D) Proof that a person demanded, was shown, and acted in reasonable reliance upon bona fide evidence of majority and identity is a defense to any criminal prosecution for a violation of division (B) of this section. 39
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(E) (1) Except as otherwise provided in division (E) (2) of this section, a retail clerk who fails to require and obtain proof of age from the purchaser shall not be guilty of a violation of division (B) of this section or subject to any 43
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penalties for the failure. 47

(2) Division (E) (1) of this section does not apply to a 48
retail clerk who is a willful participant in an ongoing 49
conspiracy to violate division (B) of this section. 50

(F) To the extent feasible, a person that sells or makes 51
available products containing dextromethorphan in an over-the- 52
counter sale without a prescription shall use a cash register 53
that is equipped with an age-verification feature to monitor 54
age-restricted items. The cash register shall be programmed to 55
direct the retail clerk making the sale to request bona fide 56
evidence of majority and identity, as described in division (D) 57
of this section, before a product containing dextromethorphan 58
may be purchased. 59

(G) Whoever violates division (B) of this section is 60
guilty of a minor misdemeanor. 61