

As Introduced

131st General Assembly

Regular Session

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S. B. No. 300

Senator Seitz

Cosponsors: Senators Patton, Manning, Tavares

A BILL

To amend sections 2925.02, 2925.03, 2925.11, 1
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 2
3715.872, 3719.06, 3719.12, 3719.121, 3719.81, 3
3795.01, 4723.01, 4729.01, 4729.51, 4731.054, 4
4732.01, 4732.17, 4732.20, and 5123.47 and to 5
enact sections 4732.40, 4732.41, 4732.42, 6
4732.43, 4732.44, 4732.45, 4732.46, and 4732.47 7
of the Revised Code to authorize certain 8
psychologists to prescribe psychotropic and 9
other drugs for the treatment of drug addiction 10
and mental illness. 11

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

Section 1. That sections 2925.02, 2925.03, 2925.11, 12
2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3719.06, 13
3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 4729.51, 14
4731.054, 4732.01, 4732.17, 4732.20, and 5123.47 be amended and 15
sections 4732.40, 4732.41, 4732.42, 4732.43, 4732.44, 4732.45, 16
4732.46, and 4732.47 of the Revised Code be enacted to read as 17
follows: 18

Sec. 2925.02. (A) No person shall knowingly do any of the 19
following: 20

(1) By force, threat, or deception, administer to another 21
or induce or cause another to use a controlled substance; 22

(2) By any means, administer or furnish to another or 23
induce or cause another to use a controlled substance with 24
purpose to cause serious physical harm to the other person, or 25
with purpose to cause the other person to become drug dependent; 26

(3) By any means, administer or furnish to another or 27
induce or cause another to use a controlled substance, and 28
thereby cause serious physical harm to the other person, or 29
cause the other person to become drug dependent; 30

(4) By any means, do any of the following: 31

(a) Furnish or administer a controlled substance to a 32
juvenile who is at least two years the offender's junior, when 33
the offender knows the age of the juvenile or is reckless in 34
that regard; 35

(b) Induce or cause a juvenile who is at least two years 36
the offender's junior to use a controlled substance, when the 37
offender knows the age of the juvenile or is reckless in that 38
regard; 39

(c) Induce or cause a juvenile who is at least two years 40
the offender's junior to commit a felony drug abuse offense, 41
when the offender knows the age of the juvenile or is reckless 42
in that regard; 43

(d) Use a juvenile, whether or not the offender knows the 44
age of the juvenile, to perform any surveillance activity that 45
is intended to prevent the detection of the offender or any 46

other person in the commission of a felony drug abuse offense or 47
to prevent the arrest of the offender or any other person for 48
the commission of a felony drug abuse offense. 49

(5) By any means, furnish or administer a controlled 50
substance to a pregnant woman or induce or cause a pregnant 51
woman to use a controlled substance, when the offender knows 52
that the woman is pregnant or is reckless in that regard. 53

(B) Division (A) (1), (3), (4), or (5) of this section does 54
not apply to manufacturers, wholesalers, licensed health 55
professionals authorized to prescribe drugs, pharmacists, owners 56
of pharmacies, and other persons whose conduct is in accordance 57
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 58
and 4741. of the Revised Code. 59

(C) Whoever violates this section is guilty of corrupting 60
another with drugs. The penalty for the offense shall be 61
determined as follows: 62

(1) If the offense is a violation of division (A) (1), (2), 63
(3), or (4) of this section and the drug involved is any 64
compound, mixture, preparation, or substance included in 65
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 66
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 67
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 68
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 69
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 70
offender shall be punished as follows: 71

(a) Except as otherwise provided in division (C) (1) (b) of 72
this section, corrupting another with drugs committed in those 73
circumstances is a felony of the second degree and, subject to 74
division (E) of this section, the court shall impose as a 75

mandatory prison term one of the prison terms prescribed for a 76
felony of the second degree. 77

(b) If the offense was committed in the vicinity of a 78
school, corrupting another with drugs committed in those 79
circumstances is a felony of the first degree, and, subject to 80
division (E) of this section, the court shall impose as a 81
mandatory prison term one of the prison terms prescribed for a 82
felony of the first degree. 83

(2) If the offense is a violation of division (A) (1), (2), 84
(3), or (4) of this section and the drug involved is any 85
compound, mixture, preparation, or substance included in 86
schedule III, IV, or V, the offender shall be punished as 87
follows: 88

(a) Except as otherwise provided in division (C) (2) (b) of 89
this section, corrupting another with drugs committed in those 90
circumstances is a felony of the second degree and there is a 91
presumption for a prison term for the offense. 92

(b) If the offense was committed in the vicinity of a 93
school, corrupting another with drugs committed in those 94
circumstances is a felony of the second degree and the court 95
shall impose as a mandatory prison term one of the prison terms 96
prescribed for a felony of the second degree. 97

(3) If the offense is a violation of division (A) (1), (2), 98
(3), or (4) of this section and the drug involved is marihuana, 99
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 100
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 101
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 102
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 103
offender shall be punished as follows: 104

(a) Except as otherwise provided in division (C) (3) (b) of 105
this section, corrupting another with drugs committed in those 106
circumstances is a felony of the fourth degree and division (C) 107
of section 2929.13 of the Revised Code applies in determining 108
whether to impose a prison term on the offender. 109

(b) If the offense was committed in the vicinity of a 110
school, corrupting another with drugs committed in those 111
circumstances is a felony of the third degree and division (C) 112
of section 2929.13 of the Revised Code applies in determining 113
whether to impose a prison term on the offender. 114

(4) If the offense is a violation of division (A) (5) of 115
this section and the drug involved is any compound, mixture, 116
preparation, or substance included in schedule I or II, with the 117
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 118
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 119
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 120
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 121
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 122
felony of the first degree and, subject to division (E) of this 123
section, the court shall impose as a mandatory prison term one 124
of the prison terms prescribed for a felony of the first degree. 125

(5) If the offense is a violation of division (A) (5) of 126
this section and the drug involved is any compound, mixture, 127
preparation, or substance included in schedule III, IV, or V, 128
corrupting another with drugs is a felony of the second degree 129
and the court shall impose as a mandatory prison term one of the 130
prison terms prescribed for a felony of the second degree. 131

(6) If the offense is a violation of division (A) (5) of 132
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 133
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 134

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section or the clerk of that court shall do all of the following that are applicable regarding the offender:

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant to division (D) (1) (a) of this section and any fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, division (F) of section 2925.03 of the Revised Code.

(c) If a person is charged with any violation of this

section that is a felony of the first, second, or third degree, 165
posts bail, and forfeits the bail, the forfeited bail shall be 166
paid by the clerk of the court pursuant to division (D)(1)(b) of 167
this section as if it were a fine imposed for a violation of 168
this section. 169

(2) The court shall suspend for not less than six months 170
nor more than five years the offender's driver's or commercial 171
driver's license or permit. If an offender's driver's or 172
commercial driver's license or permit is suspended pursuant to 173
this division, the offender, at any time after the expiration of 174
two years from the day on which the offender's sentence was 175
imposed or from the day on which the offender finally was 176
released from a prison term under the sentence, whichever is 177
later, may file a motion with the sentencing court requesting 178
termination of the suspension. Upon the filing of the motion and 179
the court's finding of good cause for the termination, the court 180
may terminate the suspension. 181

(3) If the offender is a professionally licensed person, 182
in addition to any other sanction imposed for a violation of 183
this section, the court immediately shall comply with section 184
2925.38 of the Revised Code. 185

(E) Notwithstanding the prison term otherwise authorized 186
or required for the offense under division (C) of this section 187
and sections 2929.13 and 2929.14 of the Revised Code, if the 188
violation of division (A) of this section involves the sale, 189
offer to sell, or possession of a schedule I or II controlled 190
substance, with the exception of marihuana, 1-Pentyl-3-(1- 191
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 192
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 193
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 194

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 195
if the court imposing sentence upon the offender finds that the 196
offender as a result of the violation is a major drug offender 197
and is guilty of a specification of the type described in 198
section 2941.1410 of the Revised Code, the court, in lieu of the 199
prison term that otherwise is authorized or required, shall 200
impose upon the offender the mandatory prison term specified in 201
division (B) (3) (a) of section 2929.14 of the Revised Code. 202

Sec. 2925.03. (A) No person shall knowingly do any of the 203
following: 204

(1) Sell or offer to sell a controlled substance or a 205
controlled substance analog; 206

(2) Prepare for shipment, ship, transport, deliver, 207
prepare for distribution, or distribute a controlled substance 208
or a controlled substance analog, when the offender knows or has 209
reasonable cause to believe that the controlled substance or a 210
controlled substance analog is intended for sale or resale by 211
the offender or another person. 212

(B) This section does not apply to any of the following: 213

(1) Manufacturers, licensed health professionals 214
authorized to prescribe drugs, pharmacists, owners of 215
pharmacies, and other persons whose conduct is in accordance 216
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 217
and 4741. of the Revised Code; 218

(2) If the offense involves an anabolic steroid, any 219
person who is conducting or participating in a research project 220
involving the use of an anabolic steroid if the project has been 221
approved by the United States food and drug administration; 222

(3) Any person who sells, offers for sale, prescribes, 223

dispenses, or administers for livestock or other nonhuman 224
species an anabolic steroid that is expressly intended for 225
administration through implants to livestock or other nonhuman 226
species and approved for that purpose under the "Federal Food, 227
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 228
as amended, and is sold, offered for sale, prescribed, 229
dispensed, or administered for that purpose in accordance with 230
that act. 231

(C) Whoever violates division (A) of this section is 232
guilty of one of the following: 233

(1) If the drug involved in the violation is any compound, 234
mixture, preparation, or substance included in schedule I or 235
schedule II, with the exception of marihuana, cocaine, L.S.D., 236
heroin, hashish, and controlled substance analogs, whoever 237
violates division (A) of this section is guilty of aggravated 238
trafficking in drugs. The penalty for the offense shall be 239
determined as follows: 240

(a) Except as otherwise provided in division (C) (1) (b), 241
(c), (d), (e), or (f) of this section, aggravated trafficking in 242
drugs is a felony of the fourth degree, and division (C) of 243
section 2929.13 of the Revised Code applies in determining 244
whether to impose a prison term on the offender. 245

(b) Except as otherwise provided in division (C) (1) (c), 246
(d), (e), or (f) of this section, if the offense was committed 247
in the vicinity of a school or in the vicinity of a juvenile, 248
aggravated trafficking in drugs is a felony of the third degree, 249
and division (C) of section 2929.13 of the Revised Code applies 250
in determining whether to impose a prison term on the offender. 251

(c) Except as otherwise provided in this division, if the 252

amount of the drug involved equals or exceeds the bulk amount 253
but is less than five times the bulk amount, aggravated 254
trafficking in drugs is a felony of the third degree, and, 255
except as otherwise provided in this division, there is a 256
presumption for a prison term for the offense. If aggravated 257
trafficking in drugs is a felony of the third degree under this 258
division and if the offender two or more times previously has 259
been convicted of or pleaded guilty to a felony drug abuse 260
offense, the court shall impose as a mandatory prison term one 261
of the prison terms prescribed for a felony of the third degree. 262
If the amount of the drug involved is within that range and if 263
the offense was committed in the vicinity of a school or in the 264
vicinity of a juvenile, aggravated trafficking in drugs is a 265
felony of the second degree, and the court shall impose as a 266
mandatory prison term one of the prison terms prescribed for a 267
felony of the second degree. 268

(d) Except as otherwise provided in this division, if the 269
amount of the drug involved equals or exceeds five times the 270
bulk amount but is less than fifty times the bulk amount, 271
aggravated trafficking in drugs is a felony of the second 272
degree, and the court shall impose as a mandatory prison term 273
one of the prison terms prescribed for a felony of the second 274
degree. If the amount of the drug involved is within that range 275
and if the offense was committed in the vicinity of a school or 276
in the vicinity of a juvenile, aggravated trafficking in drugs 277
is a felony of the first degree, and the court shall impose as a 278
mandatory prison term one of the prison terms prescribed for a 279
felony of the first degree. 280

(e) If the amount of the drug involved equals or exceeds 281
fifty times the bulk amount but is less than one hundred times 282
the bulk amount and regardless of whether the offense was 283

committed in the vicinity of a school or in the vicinity of a 284
juvenile, aggravated trafficking in drugs is a felony of the 285
first degree, and the court shall impose as a mandatory prison 286
term one of the prison terms prescribed for a felony of the 287
first degree. 288

(f) If the amount of the drug involved equals or exceeds 289
one hundred times the bulk amount and regardless of whether the 290
offense was committed in the vicinity of a school or in the 291
vicinity of a juvenile, aggravated trafficking in drugs is a 292
felony of the first degree, the offender is a major drug 293
offender, and the court shall impose as a mandatory prison term 294
the maximum prison term prescribed for a felony of the first 295
degree. 296

(2) If the drug involved in the violation is any compound, 297
mixture, preparation, or substance included in schedule III, IV, 298
or V, whoever violates division (A) of this section is guilty of 299
trafficking in drugs. The penalty for the offense shall be 300
determined as follows: 301

(a) Except as otherwise provided in division (C) (2) (b), 302
(c), (d), or (e) of this section, trafficking in drugs is a 303
felony of the fifth degree, and division (B) of section 2929.13 304
of the Revised Code applies in determining whether to impose a 305
prison term on the offender. 306

(b) Except as otherwise provided in division (C) (2) (c), 307
(d), or (e) of this section, if the offense was committed in the 308
vicinity of a school or in the vicinity of a juvenile, 309
trafficking in drugs is a felony of the fourth degree, and 310
division (C) of section 2929.13 of the Revised Code applies in 311
determining whether to impose a prison term on the offender. 312

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

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

(e) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds fifty times the
bulk amount, trafficking in drugs is a felony of the second
degree, and the court shall impose as a mandatory prison term
one of the prison terms prescribed for a felony of the second
degree. If the amount of the drug involved equals or exceeds
fifty times the bulk amount and if the offense was committed in
the vicinity of a school or in the vicinity of a juvenile,
trafficking in drugs is a felony of the first degree, and the
court shall impose as a mandatory prison term one of the prison
terms prescribed for a felony of the first degree.

(3) If the drug involved in the violation is marihuana or 344
a compound, mixture, preparation, or substance containing 345
marihuana other than hashish, whoever violates division (A) of 346
this section is guilty of trafficking in marihuana. The penalty 347
for the offense shall be determined as follows: 348

(a) Except as otherwise provided in division (C) (3) (b), 349
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 350
marihuana is a felony of the fifth degree, and division (B) of 351
section 2929.13 of the Revised Code applies in determining 352
whether to impose a prison term on the offender. 353

(b) Except as otherwise provided in division (C) (3) (c), 354
(d), (e), (f), (g), or (h) of this section, if the offense was 355
committed in the vicinity of a school or in the vicinity of a 356
juvenile, trafficking in marihuana is a felony of the fourth 357
degree, and division (B) of section 2929.13 of the Revised Code 358
applies in determining whether to impose a prison term on the 359
offender. 360

(c) Except as otherwise provided in this division, if the 361
amount of the drug involved equals or exceeds two hundred grams 362
but is less than one thousand grams, trafficking in marihuana is 363
a felony of the fourth degree, and division (B) of section 364
2929.13 of the Revised Code applies in determining whether to 365
impose a prison term on the offender. If the amount of the drug 366
involved is within that range and if the offense was committed 367
in the vicinity of a school or in the vicinity of a juvenile, 368
trafficking in marihuana is a felony of the third degree, and 369
division (C) of section 2929.13 of the Revised Code applies in 370
determining whether to impose a prison term on the offender. 371

(d) Except as otherwise provided in this division, if the 372
amount of the drug involved equals or exceeds one thousand grams 373

but is less than five thousand grams, trafficking in marihuana 374
is a felony of the third degree, and division (C) of section 375
2929.13 of the Revised Code applies in determining whether to 376
impose a prison term on the offender. If the amount of the drug 377
involved is within that range and if the offense was committed 378
in the vicinity of a school or in the vicinity of a juvenile, 379
trafficking in marihuana is a felony of the second degree, and 380
there is a presumption that a prison term shall be imposed for 381
the offense. 382

(e) Except as otherwise provided in this division, if the 383
amount of the drug involved equals or exceeds five thousand 384
grams but is less than twenty thousand grams, trafficking in 385
marihuana is a felony of the third degree, and there is a 386
presumption that a prison term shall be imposed for the offense. 387
If the amount of the drug involved is within that range and if 388
the offense was committed in the vicinity of a school or in the 389
vicinity of a juvenile, trafficking in marihuana is a felony of 390
the second degree, and there is a presumption that a prison term 391
shall be imposed for the offense. 392

(f) Except as otherwise provided in this division, if the 393
amount of the drug involved equals or exceeds twenty thousand 394
grams but is less than forty thousand grams, trafficking in 395
marihuana is a felony of the second degree, and the court shall 396
impose a mandatory prison term of five, six, seven, or eight 397
years. If the amount of the drug involved is within that range 398
and if the offense was committed in the vicinity of a school or 399
in the vicinity of a juvenile, trafficking in marihuana is a 400
felony of the first degree, and the court shall impose as a 401
mandatory prison term the maximum prison term prescribed for a 402
felony of the first degree. 403

(g) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds forty thousand
grams, trafficking in marihuana is a felony of the second
degree, and the court shall impose as a mandatory prison term
the maximum prison term prescribed for a felony of the second
degree. If the amount of the drug involved equals or exceeds
forty thousand grams and if the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
trafficking in marihuana is a felony of the first degree, and
the court shall impose as a mandatory prison term the maximum
prison term prescribed for a felony of the first degree.

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

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

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

(b) Except as otherwise provided in division (C) (4) (c),

(d), (e), (f), or (g) of this section, if the offense was 434
committed in the vicinity of a school or in the vicinity of a 435
juvenile, trafficking in cocaine is a felony of the fourth 436
degree, and division (C) of section 2929.13 of the Revised Code 437
applies in determining whether to impose a prison term on the 438
offender. 439

(c) Except as otherwise provided in this division, if the 440
amount of the drug involved equals or exceeds five grams but is 441
less than ten grams of cocaine, trafficking in cocaine is a 442
felony of the fourth degree, and division (B) of section 2929.13 443
of the Revised Code applies in determining whether to impose a 444
prison term for the offense. If the amount of the drug involved 445
is within that range and if the offense was committed in the 446
vicinity of a school or in the vicinity of a juvenile, 447
trafficking in cocaine is a felony of the third degree, and 448
there is a presumption for a prison term for the offense. 449

(d) Except as otherwise provided in this division, if the 450
amount of the drug involved equals or exceeds ten grams but is 451
less than twenty grams of cocaine, trafficking in cocaine is a 452
felony of the third degree, and, except as otherwise provided in 453
this division, there is a presumption for a prison term for the 454
offense. If trafficking in cocaine is a felony of the third 455
degree under this division and if the offender two or more times 456
previously has been convicted of or pleaded guilty to a felony 457
drug abuse offense, the court shall impose as a mandatory prison 458
term one of the prison terms prescribed for a felony of the 459
third degree. If the amount of the drug involved is within that 460
range and if the offense was committed in the vicinity of a 461
school or in the vicinity of a juvenile, trafficking in cocaine 462
is a felony of the second degree, and the court shall impose as 463
a mandatory prison term one of the prison terms prescribed for a 464

felony of the second degree.

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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of

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trafficking in L.S.D. The penalty for the offense shall be 495
determined as follows: 496

(a) Except as otherwise provided in division (C) (5) (b), 497
(c), (d), (e), (f), or (g) of this section, trafficking in 498
L.S.D. is a felony of the fifth degree, and division (B) of 499
section 2929.13 of the Revised Code applies in determining 500
whether to impose a prison term on the offender. 501

(b) Except as otherwise provided in division (C) (5) (c), 502
(d), (e), (f), or (g) of this section, if the offense was 503
committed in the vicinity of a school or in the vicinity of a 504
juvenile, trafficking in L.S.D. is a felony of the fourth 505
degree, and division (C) of section 2929.13 of the Revised Code 506
applies in determining whether to impose a prison term on the 507
offender. 508

(c) Except as otherwise provided in this division, if the 509
amount of the drug involved equals or exceeds ten unit doses but 510
is less than fifty unit doses of L.S.D. in a solid form or 511
equals or exceeds one gram but is less than five grams of L.S.D. 512
in a liquid concentrate, liquid extract, or liquid distillate 513
form, trafficking in L.S.D. is a felony of the fourth degree, 514
and division (B) of section 2929.13 of the Revised Code applies 515
in determining whether to impose a prison term for the offense. 516
If the amount of the drug involved is within that range and if 517
the offense was committed in the vicinity of a school or in the 518
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 519
third degree, and there is a presumption for a prison term for 520
the offense. 521

(d) Except as otherwise provided in this division, if the 522
amount of the drug involved equals or exceeds fifty unit doses 523
but is less than two hundred fifty unit doses of L.S.D. in a 524

solid form or equals or exceeds five grams but is less than 525
twenty-five grams of L.S.D. in a liquid concentrate, liquid 526
extract, or liquid distillate form, trafficking in L.S.D. is a 527
felony of the third degree, and, except as otherwise provided in 528
this division, there is a presumption for a prison term for the 529
offense. If trafficking in L.S.D. is a felony of the third 530
degree under this division and if the offender two or more times 531
previously has been convicted of or pleaded guilty to a felony 532
drug abuse offense, the court shall impose as a mandatory prison 533
term one of the prison terms prescribed for a felony of the 534
third degree. If the amount of the drug involved is within that 535
range and if the offense was committed in the vicinity of a 536
school or in the vicinity of a juvenile, trafficking in L.S.D. 537
is a felony of the second degree, and the court shall impose as 538
a mandatory prison term one of the prison terms prescribed for a 539
felony of the second degree. 540

(e) Except as otherwise provided in this division, if the 541
amount of the drug involved equals or exceeds two hundred fifty 542
unit doses but is less than one thousand unit doses of L.S.D. in 543
a solid form or equals or exceeds twenty-five grams but is less 544
than one hundred grams of L.S.D. in a liquid concentrate, liquid 545
extract, or liquid distillate form, trafficking in L.S.D. is a 546
felony of the second degree, and the court shall impose as a 547
mandatory prison term one of the prison terms prescribed for a 548
felony of the second degree. If the amount of the drug involved 549
is within that range and if the offense was committed in the 550
vicinity of a school or in the vicinity of a juvenile, 551
trafficking in L.S.D. is a felony of the first degree, and the 552
court shall impose as a mandatory prison term one of the prison 553
terms prescribed for a felony of the first degree. 554

(f) If the amount of the drug involved equals or exceeds 555

one thousand unit doses but is less than five thousand unit 556
doses of L.S.D. in a solid form or equals or exceeds one hundred 557
grams but is less than five hundred grams of L.S.D. in a liquid 558
concentrate, liquid extract, or liquid distillate form and 559
regardless of whether the offense was committed in the vicinity 560
of a school or in the vicinity of a juvenile, trafficking in 561
L.S.D. is a felony of the first degree, and the court shall 562
impose as a mandatory prison term one of the prison terms 563
prescribed for a felony of the first degree. 564

(g) If the amount of the drug involved equals or exceeds 565
five thousand unit doses of L.S.D. in a solid form or equals or 566
exceeds five hundred grams of L.S.D. in a liquid concentrate, 567
liquid extract, or liquid distillate form and regardless of 568
whether the offense was committed in the vicinity of a school or 569
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 570
of the first degree, the offender is a major drug offender, and 571
the court shall impose as a mandatory prison term the maximum 572
prison term prescribed for a felony of the first degree. 573

(6) If the drug involved in the violation is heroin or a 574
compound, mixture, preparation, or substance containing heroin, 575
whoever violates division (A) of this section is guilty of 576
trafficking in heroin. The penalty for the offense shall be 577
determined as follows: 578

(a) Except as otherwise provided in division (C) (6) (b), 579
(c), (d), (e), (f), or (g) of this section, trafficking in 580
heroin is a felony of the fifth degree, and division (B) of 581
section 2929.13 of the Revised Code applies in determining 582
whether to impose a prison term on the offender. 583

(b) Except as otherwise provided in division (C) (6) (c), 584
(d), (e), (f), or (g) of this section, if the offense was 585

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in

heroin is a felony of the second degree, and the court shall 616
impose as a mandatory prison term one of the prison terms 617
prescribed for a felony of the second degree. If the amount of 618
the drug involved is within that range and if the offense was 619
committed in the vicinity of a school or in the vicinity of a 620
juvenile, trafficking in heroin is a felony of the first degree, 621
and the court shall impose as a mandatory prison term one of the 622
prison terms prescribed for a felony of the first degree. 623

(f) If the amount of the drug involved equals or exceeds 624
five hundred unit doses but is less than two thousand five 625
hundred unit doses or equals or exceeds fifty grams but is less 626
than two hundred fifty grams and regardless of whether the 627
offense was committed in the vicinity of a school or in the 628
vicinity of a juvenile, trafficking in heroin is a felony of the 629
first degree, and the court shall impose as a mandatory prison 630
term one of the prison terms prescribed for a felony of the 631
first degree. 632

(g) If the amount of the drug involved equals or exceeds 633
two thousand five hundred unit doses or equals or exceeds two 634
hundred fifty grams and regardless of whether the offense was 635
committed in the vicinity of a school or in the vicinity of a 636
juvenile, trafficking in heroin is a felony of the first degree, 637
the offender is a major drug offender, and the court shall 638
impose as a mandatory prison term the maximum prison term 639
prescribed for a felony of the first degree. 640

(7) If the drug involved in the violation is hashish or a 641
compound, mixture, preparation, or substance containing hashish, 642
whoever violates division (A) of this section is guilty of 643
trafficking in hashish. The penalty for the offense shall be 644
determined as follows: 645

(a) Except as otherwise provided in division (C) (7) (b), 646
(c), (d), (e), (f), or (g) of this section, trafficking in 647
hashish is a felony of the fifth degree, and division (B) of 648
section 2929.13 of the Revised Code applies in determining 649
whether to impose a prison term on the offender. 650

(b) Except as otherwise provided in division (C) (7) (c), 651
(d), (e), (f), or (g) of this section, if the offense was 652
committed in the vicinity of a school or in the vicinity of a 653
juvenile, trafficking in hashish is a felony of the fourth 654
degree, and division (B) of section 2929.13 of the Revised Code 655
applies in determining whether to impose a prison term on the 656
offender. 657

(c) Except as otherwise provided in this division, if the 658
amount of the drug involved equals or exceeds ten grams but is 659
less than fifty grams of hashish in a solid form or equals or 660
exceeds two grams but is less than ten grams of hashish in a 661
liquid concentrate, liquid extract, or liquid distillate form, 662
trafficking in hashish is a felony of the fourth degree, and 663
division (B) of section 2929.13 of the Revised Code applies in 664
determining whether to impose a prison term on the offender. If 665
the amount of the drug involved is within that range and if the 666
offense was committed in the vicinity of a school or in the 667
vicinity of a juvenile, trafficking in hashish is a felony of 668
the third degree, and division (C) of section 2929.13 of the 669
Revised Code applies in determining whether to impose a prison 670
term on the offender. 671

(d) Except as otherwise provided in this division, if the 672
amount of the drug involved equals or exceeds fifty grams but is 673
less than two hundred fifty grams of hashish in a solid form or 674
equals or exceeds ten grams but is less than fifty grams of 675

hashish in a liquid concentrate, liquid extract, or liquid 676
distillate form, trafficking in hashish is a felony of the third 677
degree, and division (C) of section 2929.13 of the Revised Code 678
applies in determining whether to impose a prison term on the 679
offender. If the amount of the drug involved is within that 680
range and if the offense was committed in the vicinity of a 681
school or in the vicinity of a juvenile, trafficking in hashish 682
is a felony of the second degree, and there is a presumption 683
that a prison term shall be imposed for the offense. 684

(e) Except as otherwise provided in this division, if the 685
amount of the drug involved equals or exceeds two hundred fifty 686
grams but is less than one thousand grams of hashish in a solid 687
form or equals or exceeds fifty grams but is less than two 688
hundred grams of hashish in a liquid concentrate, liquid 689
extract, or liquid distillate form, trafficking in hashish is a 690
felony of the third degree, and there is a presumption that a 691
prison term shall be imposed for the offense. If the amount of 692
the drug involved is within that range and if the offense was 693
committed in the vicinity of a school or in the vicinity of a 694
juvenile, trafficking in hashish is a felony of the second 695
degree, and there is a presumption that a prison term shall be 696
imposed for the offense. 697

(f) Except as otherwise provided in this division, if the 698
amount of the drug involved equals or exceeds one thousand grams 699
but is less than two thousand grams of hashish in a solid form 700
or equals or exceeds two hundred grams but is less than four 701
hundred grams of hashish in a liquid concentrate, liquid 702
extract, or liquid distillate form, trafficking in hashish is a 703
felony of the second degree, and the court shall impose a 704
mandatory prison term of five, six, seven, or eight years. If 705
the amount of the drug involved is within that range and if the 706

offense was committed in the vicinity of a school or in the 707
vicinity of a juvenile, trafficking in hashish is a felony of 708
the first degree, and the court shall impose as a mandatory 709
prison term the maximum prison term prescribed for a felony of 710
the first degree. 711

(g) Except as otherwise provided in this division, if the 712
amount of the drug involved equals or exceeds two thousand grams 713
of hashish in a solid form or equals or exceeds four hundred 714
grams of hashish in a liquid concentrate, liquid extract, or 715
liquid distillate form, trafficking in hashish is a felony of 716
the second degree, and the court shall impose as a mandatory 717
prison term the maximum prison term prescribed for a felony of 718
the second degree. If the amount of the drug involved equals or 719
exceeds two thousand grams of hashish in a solid form or equals 720
or exceeds four hundred grams of hashish in a liquid 721
concentrate, liquid extract, or liquid distillate form and if 722
the offense was committed in the vicinity of a school or in the 723
vicinity of a juvenile, trafficking in hashish is a felony of 724
the first degree, and the court shall impose as a mandatory 725
prison term the maximum prison term prescribed for a felony of 726
the first degree. 727

(8) If the drug involved in the violation is a controlled 728
substance analog or compound, mixture, preparation, or substance 729
that contains a controlled substance analog, whoever violates 730
division (A) of this section is guilty of trafficking in a 731
controlled substance analog. The penalty for the offense shall 732
be determined as follows: 733

(a) Except as otherwise provided in division (C) (8) (b), 734
(c), (d), (e), (f), or (g) of this section, trafficking in a 735
controlled substance analog is a felony of the fifth degree, and 736

division (C) of section 2929.13 of the Revised Code applies in 737
determining whether to impose a prison term on the offender. 738

(b) Except as otherwise provided in division (C) (8) (c), 739
(d), (e), (f), or (g) of this section, if the offense was 740
committed in the vicinity of a school or in the vicinity of a 741
juvenile, trafficking in a controlled substance analog is a 742
felony of the fourth degree, and division (C) of section 2929.13 743
of the Revised Code applies in determining whether to impose a 744
prison term on the offender. 745

(c) Except as otherwise provided in this division, if the 746
amount of the drug involved equals or exceeds ten grams but is 747
less than twenty grams, trafficking in a controlled substance 748
analog is a felony of the fourth degree, and division (B) of 749
section 2929.13 of the Revised Code applies in determining 750
whether to impose a prison term for the offense. If the amount 751
of the drug involved is within that range and if the offense was 752
committed in the vicinity of a school or in the vicinity of a 753
juvenile, trafficking in a controlled substance analog is a 754
felony of the third degree, and there is a presumption for a 755
prison term for the offense. 756

(d) Except as otherwise provided in this division, if the 757
amount of the drug involved equals or exceeds twenty grams but 758
is less than thirty grams, trafficking in a controlled substance 759
analog is a felony of the third degree, and there is a 760
presumption for a prison term for the offense. If the amount of 761
the drug involved is within that range and if the offense was 762
committed in the vicinity of a school or in the vicinity of a 763
juvenile, trafficking in a controlled substance analog is a 764
felony of the second degree, and there is a presumption for a 765
prison term for the offense. 766

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11

to 2929.18 of the Revised Code, the court that sentences an 797
offender who is convicted of or pleads guilty to a violation of 798
division (A) of this section shall do all of the following that 799
are applicable regarding the offender: 800

(1) If the violation of division (A) of this section is a 801
felony of the first, second, or third degree, the court shall 802
impose upon the offender the mandatory fine specified for the 803
offense under division (B) (1) of section 2929.18 of the Revised 804
Code unless, as specified in that division, the court determines 805
that the offender is indigent. Except as otherwise provided in 806
division (H) (1) of this section, a mandatory fine or any other 807
fine imposed for a violation of this section is subject to 808
division (F) of this section. If a person is charged with a 809
violation of this section that is a felony of the first, second, 810
or third degree, posts bail, and forfeits the bail, the clerk of 811
the court shall pay the forfeited bail pursuant to divisions (D) 812
(1) and (F) of this section, as if the forfeited bail was a fine 813
imposed for a violation of this section. If any amount of the 814
forfeited bail remains after that payment and if a fine is 815
imposed under division (H) (1) of this section, the clerk of the 816
court shall pay the remaining amount of the forfeited bail 817
pursuant to divisions (H) (2) and (3) of this section, as if that 818
remaining amount was a fine imposed under division (H) (1) of 819
this section. 820

(2) The court shall suspend the driver's or commercial 821
driver's license or permit of the offender in accordance with 822
division (G) of this section. 823

(3) If the offender is a professionally licensed person, 824
the court immediately shall comply with section 2925.38 of the 825
Revised Code. 826

(E) When a person is charged with the sale of or offer to 827
sell a bulk amount or a multiple of a bulk amount of a 828
controlled substance, the jury, or the court trying the accused, 829
shall determine the amount of the controlled substance involved 830
at the time of the offense and, if a guilty verdict is returned, 831
shall return the findings as part of the verdict. In any such 832
case, it is unnecessary to find and return the exact amount of 833
the controlled substance involved, and it is sufficient if the 834
finding and return is to the effect that the amount of the 835
controlled substance involved is the requisite amount, or that 836
the amount of the controlled substance involved is less than the 837
requisite amount. 838

(F) (1) Notwithstanding any contrary provision of section 839
3719.21 of the Revised Code and except as provided in division 840
(H) of this section, the clerk of the court shall pay any 841
mandatory fine imposed pursuant to division (D) (1) of this 842
section and any fine other than a mandatory fine that is imposed 843
for a violation of this section pursuant to division (A) or (B) 844
(5) of section 2929.18 of the Revised Code to the county, 845
township, municipal corporation, park district, as created 846
pursuant to section 511.18 or 1545.04 of the Revised Code, or 847
state law enforcement agencies in this state that primarily were 848
responsible for or involved in making the arrest of, and in 849
prosecuting, the offender. However, the clerk shall not pay a 850
mandatory fine so imposed to a law enforcement agency unless the 851
agency has adopted a written internal control policy under 852
division (F) (2) of this section that addresses the use of the 853
fine moneys that it receives. Each agency shall use the 854
mandatory fines so paid to subsidize the agency's law 855
enforcement efforts that pertain to drug offenses, in accordance 856
with the written internal control policy adopted by the 857

recipient agency under division (F) (2) of this section. 858

(2) Prior to receiving any fine moneys under division (F) 859
(1) of this section or division (B) of section 2925.42 of the 860
Revised Code, a law enforcement agency shall adopt a written 861
internal control policy that addresses the agency's use and 862
disposition of all fine moneys so received and that provides for 863
the keeping of detailed financial records of the receipts of 864
those fine moneys, the general types of expenditures made out of 865
those fine moneys, and the specific amount of each general type 866
of expenditure. The policy shall not provide for or permit the 867
identification of any specific expenditure that is made in an 868
ongoing investigation. All financial records of the receipts of 869
those fine moneys, the general types of expenditures made out of 870
those fine moneys, and the specific amount of each general type 871
of expenditure by an agency are public records open for 872
inspection under section 149.43 of the Revised Code. 873
Additionally, a written internal control policy adopted under 874
this division is such a public record, and the agency that 875
adopted it shall comply with it. 876

(3) As used in division (F) of this section: 877

(a) "Law enforcement agencies" includes, but is not 878
limited to, the state board of pharmacy and the office of a 879
prosecutor. 880

(b) "Prosecutor" has the same meaning as in section 881
2935.01 of the Revised Code. 882

(G) When required under division (D) (2) of this section or 883
any other provision of this chapter, the court shall suspend for 884
not less than six months or more than five years the driver's or 885
commercial driver's license or permit of any person who is 886

convicted of or pleads guilty to any violation of this section 887
or any other specified provision of this chapter. If an 888
offender's driver's or commercial driver's license or permit is 889
suspended pursuant to this division, the offender, at any time 890
after the expiration of two years from the day on which the 891
offender's sentence was imposed or from the day on which the 892
offender finally was released from a prison term under the 893
sentence, whichever is later, may file a motion with the 894
sentencing court requesting termination of the suspension; upon 895
the filing of such a motion and the court's finding of good 896
cause for the termination, the court may terminate the 897
suspension. 898

(H) (1) In addition to any prison term authorized or 899
required by division (C) of this section and sections 2929.13 900
and 2929.14 of the Revised Code, in addition to any other 901
penalty or sanction imposed for the offense under this section 902
or sections 2929.11 to 2929.18 of the Revised Code, and in 903
addition to the forfeiture of property in connection with the 904
offense as prescribed in Chapter 2981. of the Revised Code, the 905
court that sentences an offender who is convicted of or pleads 906
guilty to a violation of division (A) of this section may impose 907
upon the offender an additional fine specified for the offense 908
in division (B) (4) of section 2929.18 of the Revised Code. A 909
fine imposed under division (H) (1) of this section is not 910
subject to division (F) of this section and shall be used solely 911
for the support of one or more eligible community addiction 912
services providers in accordance with divisions (H) (2) and (3) 913
of this section. 914

(2) The court that imposes a fine under division (H) (1) of 915
this section shall specify in the judgment that imposes the fine 916
one or more eligible community addiction services providers for 917

the support of which the fine money is to be used. No community 918
addiction services provider shall receive or use money paid or 919
collected in satisfaction of a fine imposed under division (H) 920
(1) of this section unless the services provider is specified in 921
the judgment that imposes the fine. No community addiction 922
services provider shall be specified in the judgment unless the 923
services provider is an eligible community addiction services 924
provider and, except as otherwise provided in division (H) (2) of 925
this section, unless the services provider is located in the 926
county in which the court that imposes the fine is located or in 927
a county that is immediately contiguous to the county in which 928
that court is located. If no eligible community addiction 929
services provider is located in any of those counties, the 930
judgment may specify an eligible community addiction services 931
provider that is located anywhere within this state. 932

(3) Notwithstanding any contrary provision of section 933
3719.21 of the Revised Code, the clerk of the court shall pay 934
any fine imposed under division (H) (1) of this section to the 935
eligible community addiction services provider specified 936
pursuant to division (H) (2) of this section in the judgment. The 937
eligible community addiction services provider that receives the 938
fine moneys shall use the moneys only for the alcohol and drug 939
addiction services identified in the application for 940
certification of services under section 5119.36 of the Revised 941
Code or in the application for a license under section 5119.391 942
of the Revised Code filed with the department of mental health 943
and addiction services by the community addiction services 944
provider specified in the judgment. 945

(4) Each community addiction services provider that 946
receives in a calendar year any fine moneys under division (H) 947
(3) of this section shall file an annual report covering that 948

calendar year with the court of common pleas and the board of 949
county commissioners of the county in which the services 950
provider is located, with the court of common pleas and the 951
board of county commissioners of each county from which the 952
services provider received the moneys if that county is 953
different from the county in which the services provider is 954
located, and with the attorney general. The community addiction 955
services provider shall file the report no later than the first 956
day of March in the calendar year following the calendar year in 957
which the services provider received the fine moneys. The report 958
shall include statistics on the number of persons served by the 959
community addiction services provider, identify the types of 960
alcohol and drug addiction services provided to those persons, 961
and include a specific accounting of the purposes for which the 962
fine moneys received were used. No information contained in the 963
report shall identify, or enable a person to determine the 964
identity of, any person served by the community addiction 965
services provider. Each report received by a court of common 966
pleas, a board of county commissioners, or the attorney general 967
is a public record open for inspection under section 149.43 of 968
the Revised Code. 969

(5) As used in divisions (H)(1) to (5) of this section: 970

(a) "Community addiction services provider" and "alcohol 971
and drug addiction services" have the same meanings as in 972
section 5119.01 of the Revised Code. 973

(b) "Eligible community addiction services provider" means 974
a community addiction services provider, as defined in section 975
5119.01 of the Revised Code, or a community addiction services 976
provider that maintains a methadone treatment program licensed 977
under section 5119.391 of the Revised Code. 978

(I) As used in this section, "drug" includes any substance 979
that is represented to be a drug. 980

(J) It is an affirmative defense to a charge of 981
trafficking in a controlled substance analog under division (C) 982
(8) of this section that the person charged with violating that 983
offense sold or offered to sell, or prepared for shipment, 984
shipped, transported, delivered, prepared for distribution, or 985
distributed an item described in division (HH) (2) (a), (b), or 986
(c) of section 3719.01 of the Revised Code. 987

Sec. 2925.11. (A) No person shall knowingly obtain, 988
possess, or use a controlled substance or a controlled substance 989
analog. 990

(B) This section does not apply to any of the following: 991

(1) Manufacturers, licensed health professionals 992
authorized to prescribe drugs, pharmacists, owners of 993
pharmacies, and other persons whose conduct was in accordance 994
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., 4732., 995
and 4741. of the Revised Code; 996

(2) If the offense involves an anabolic steroid, any 997
person who is conducting or participating in a research project 998
involving the use of an anabolic steroid if the project has been 999
approved by the United States food and drug administration; 1000

(3) Any person who sells, offers for sale, prescribes, 1001
dispenses, or administers for livestock or other nonhuman 1002
species an anabolic steroid that is expressly intended for 1003
administration through implants to livestock or other nonhuman 1004
species and approved for that purpose under the "Federal Food, 1005
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1006
as amended, and is sold, offered for sale, prescribed, 1007

dispensed, or administered for that purpose in accordance with 1008
that act; 1009

(4) Any person who obtained the controlled substance 1010
pursuant to a lawful prescription issued by a licensed health 1011
professional authorized to prescribe drugs. 1012

(C) Whoever violates division (A) of this section is 1013
guilty of one of the following: 1014

(1) If the drug involved in the violation is a compound, 1015
mixture, preparation, or substance included in schedule I or II, 1016
with the exception of marihuana, cocaine, L.S.D., heroin, 1017
hashish, and controlled substance analogs, whoever violates 1018
division (A) of this section is guilty of aggravated possession 1019
of drugs. The penalty for the offense shall be determined as 1020
follows: 1021

(a) Except as otherwise provided in division (C) (1) (b), 1022
(c), (d), or (e) of this section, aggravated possession of drugs 1023
is a felony of the fifth degree, and division (B) of section 1024
2929.13 of the Revised Code applies in determining whether to 1025
impose a prison term on the offender. 1026

(b) If the amount of the drug involved equals or exceeds 1027
the bulk amount but is less than five times the bulk amount, 1028
aggravated possession of drugs is a felony of the third degree, 1029
and there is a presumption for a prison term for the offense. 1030

(c) If the amount of the drug involved equals or exceeds 1031
five times the bulk amount but is less than fifty times the bulk 1032
amount, aggravated possession of drugs is a felony of the second 1033
degree, and the court shall impose as a mandatory prison term 1034
one of the prison terms prescribed for a felony of the second 1035
degree. 1036

(d) If the amount of the drug involved equals or exceeds 1037
fifty times the bulk amount but is less than one hundred times 1038
the bulk amount, aggravated possession of drugs is a felony of 1039
the first degree, and the court shall impose as a mandatory 1040
prison term one of the prison terms prescribed for a felony of 1041
the first degree. 1042

(e) If the amount of the drug involved equals or exceeds 1043
one hundred times the bulk amount, aggravated possession of 1044
drugs is a felony of the first degree, the offender is a major 1045
drug offender, and the court shall impose as a mandatory prison 1046
term the maximum prison term prescribed for a felony of the 1047
first degree. 1048

(2) If the drug involved in the violation is a compound, 1049
mixture, preparation, or substance included in schedule III, IV, 1050
or V, whoever violates division (A) of this section is guilty of 1051
possession of drugs. The penalty for the offense shall be 1052
determined as follows: 1053

(a) Except as otherwise provided in division (C) (2) (b), 1054
(c), or (d) of this section, possession of drugs is a 1055
misdemeanor of the first degree or, if the offender previously 1056
has been convicted of a drug abuse offense, a felony of the 1057
fifth degree. 1058

(b) If the amount of the drug involved equals or exceeds 1059
the bulk amount but is less than five times the bulk amount, 1060
possession of drugs is a felony of the fourth degree, and 1061
division (C) of section 2929.13 of the Revised Code applies in 1062
determining whether to impose a prison term on the offender. 1063

(c) If the amount of the drug involved equals or exceeds 1064
five times the bulk amount but is less than fifty times the bulk 1065

amount, possession of drugs is a felony of the third degree, and 1066
there is a presumption for a prison term for the offense. 1067

(d) If the amount of the drug involved equals or exceeds 1068
fifty times the bulk amount, possession of drugs is a felony of 1069
the second degree, and the court shall impose upon the offender 1070
as a mandatory prison term one of the prison terms prescribed 1071
for a felony of the second degree. 1072

(3) If the drug involved in the violation is marihuana or 1073
a compound, mixture, preparation, or substance containing 1074
marihuana other than hashish, whoever violates division (A) of 1075
this section is guilty of possession of marihuana. The penalty 1076
for the offense shall be determined as follows: 1077

(a) Except as otherwise provided in division (C) (3) (b), 1078
(c), (d), (e), (f), or (g) of this section, possession of 1079
marihuana is a minor misdemeanor. 1080

(b) If the amount of the drug involved equals or exceeds 1081
one hundred grams but is less than two hundred grams, possession 1082
of marihuana is a misdemeanor of the fourth degree. 1083

(c) If the amount of the drug involved equals or exceeds 1084
two hundred grams but is less than one thousand grams, 1085
possession of marihuana is a felony of the fifth degree, and 1086
division (B) of section 2929.13 of the Revised Code applies in 1087
determining whether to impose a prison term on the offender. 1088

(d) If the amount of the drug involved equals or exceeds 1089
one thousand grams but is less than five thousand grams, 1090
possession of marihuana is a felony of the third degree, and 1091
division (C) of section 2929.13 of the Revised Code applies in 1092
determining whether to impose a prison term on the offender. 1093

(e) If the amount of the drug involved equals or exceeds 1094

five thousand grams but is less than twenty thousand grams, 1095
possession of marihuana is a felony of the third degree, and 1096
there is a presumption that a prison term shall be imposed for 1097
the offense. 1098

(f) If the amount of the drug involved equals or exceeds 1099
twenty thousand grams but is less than forty thousand grams, 1100
possession of marihuana is a felony of the second degree, and 1101
the court shall impose a mandatory prison term of five, six, 1102
seven, or eight years. 1103

(g) If the amount of the drug involved equals or exceeds 1104
forty thousand grams, possession of marihuana is a felony of the 1105
second degree, and the court shall impose as a mandatory prison 1106
term the maximum prison term prescribed for a felony of the 1107
second degree. 1108

(4) If the drug involved in the violation is cocaine or a 1109
compound, mixture, preparation, or substance containing cocaine, 1110
whoever violates division (A) of this section is guilty of 1111
possession of cocaine. The penalty for the offense shall be 1112
determined as follows: 1113

(a) Except as otherwise provided in division (C) (4) (b), 1114
(c), (d), (e), or (f) of this section, possession of cocaine is 1115
a felony of the fifth degree, and division (B) of section 1116
2929.13 of the Revised Code applies in determining whether to 1117
impose a prison term on the offender. 1118

(b) If the amount of the drug involved equals or exceeds 1119
five grams but is less than ten grams of cocaine, possession of 1120
cocaine is a felony of the fourth degree, and division (B) of 1121
section 2929.13 of the Revised Code applies in determining 1122
whether to impose a prison term on the offender. 1123

(c) If the amount of the drug involved equals or exceeds 1124
ten grams but is less than twenty grams of cocaine, possession 1125
of cocaine is a felony of the third degree, and, except as 1126
otherwise provided in this division, there is a presumption for 1127
a prison term for the offense. If possession of cocaine is a 1128
felony of the third degree under this division and if the 1129
offender two or more times previously has been convicted of or 1130
pleaded guilty to a felony drug abuse offense, the court shall 1131
impose as a mandatory prison term one of the prison terms 1132
prescribed for a felony of the third degree. 1133

(d) If the amount of the drug involved equals or exceeds 1134
twenty grams but is less than twenty-seven grams of cocaine, 1135
possession of cocaine is a felony of the second degree, and the 1136
court shall impose as a mandatory prison term one of the prison 1137
terms prescribed for a felony of the second degree. 1138

(e) If the amount of the drug involved equals or exceeds 1139
twenty-seven grams but is less than one hundred grams of 1140
cocaine, possession of cocaine is a felony of the first degree, 1141
and the court shall impose as a mandatory prison term one of the 1142
prison terms prescribed for a felony of the first degree. 1143

(f) If the amount of the drug involved equals or exceeds 1144
one hundred grams of cocaine, possession of cocaine is a felony 1145
of the first degree, the offender is a major drug offender, and 1146
the court shall impose as a mandatory prison term the maximum 1147
prison term prescribed for a felony of the first degree. 1148

(5) If the drug involved in the violation is L.S.D., 1149
whoever violates division (A) of this section is guilty of 1150
possession of L.S.D. The penalty for the offense shall be 1151
determined as follows: 1152

(a) Except as otherwise provided in division (C) (5) (b), 1153
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1154
felony of the fifth degree, and division (B) of section 2929.13 1155
of the Revised Code applies in determining whether to impose a 1156
prison term on the offender. 1157

(b) If the amount of L.S.D. involved equals or exceeds ten 1158
unit doses but is less than fifty unit doses of L.S.D. in a 1159
solid form or equals or exceeds one gram but is less than five 1160
grams of L.S.D. in a liquid concentrate, liquid extract, or 1161
liquid distillate form, possession of L.S.D. is a felony of the 1162
fourth degree, and division (C) of section 2929.13 of the 1163
Revised Code applies in determining whether to impose a prison 1164
term on the offender. 1165

(c) If the amount of L.S.D. involved equals or exceeds 1166
fifty unit doses, but is less than two hundred fifty unit doses 1167
of L.S.D. in a solid form or equals or exceeds five grams but is 1168
less than twenty-five grams of L.S.D. in a liquid concentrate, 1169
liquid extract, or liquid distillate form, possession of L.S.D. 1170
is a felony of the third degree, and there is a presumption for 1171
a prison term for the offense. 1172

(d) If the amount of L.S.D. involved equals or exceeds two 1173
hundred fifty unit doses but is less than one thousand unit 1174
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1175
grams but is less than one hundred grams of L.S.D. in a liquid 1176
concentrate, liquid extract, or liquid distillate form, 1177
possession of L.S.D. is a felony of the second degree, and the 1178
court shall impose as a mandatory prison term one of the prison 1179
terms prescribed for a felony of the second degree. 1180

(e) If the amount of L.S.D. involved equals or exceeds one 1181
thousand unit doses but is less than five thousand unit doses of 1182

L.S.D. in a solid form or equals or exceeds one hundred grams 1183
but is less than five hundred grams of L.S.D. in a liquid 1184
concentrate, liquid extract, or liquid distillate form, 1185
possession of L.S.D. is a felony of the first degree, and the 1186
court shall impose as a mandatory prison term one of the prison 1187
terms prescribed for a felony of the first degree. 1188

(f) If the amount of L.S.D. involved equals or exceeds 1189
five thousand unit doses of L.S.D. in a solid form or equals or 1190
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1191
liquid extract, or liquid distillate form, possession of L.S.D. 1192
is a felony of the first degree, the offender is a major drug 1193
offender, and the court shall impose as a mandatory prison term 1194
the maximum prison term prescribed for a felony of the first 1195
degree. 1196

(6) If the drug involved in the violation is heroin or a 1197
compound, mixture, preparation, or substance containing heroin, 1198
whoever violates division (A) of this section is guilty of 1199
possession of heroin. The penalty for the offense shall be 1200
determined as follows: 1201

(a) Except as otherwise provided in division (C) (6) (b), 1202
(c), (d), (e), or (f) of this section, possession of heroin is a 1203
felony of the fifth degree, and division (B) of section 2929.13 1204
of the Revised Code applies in determining whether to impose a 1205
prison term on the offender. 1206

(b) If the amount of the drug involved equals or exceeds 1207
ten unit doses but is less than fifty unit doses or equals or 1208
exceeds one gram but is less than five grams, possession of 1209
heroin is a felony of the fourth degree, and division (C) of 1210
section 2929.13 of the Revised Code applies in determining 1211
whether to impose a prison term on the offender. 1212

(c) If the amount of the drug involved equals or exceeds 1213
fifty unit doses but is less than one hundred unit doses or 1214
equals or exceeds five grams but is less than ten grams, 1215
possession of heroin is a felony of the third degree, and there 1216
is a presumption for a prison term for the offense. 1217

(d) If the amount of the drug involved equals or exceeds 1218
one hundred unit doses but is less than five hundred unit doses 1219
or equals or exceeds ten grams but is less than fifty grams, 1220
possession of heroin is a felony of the second degree, and the 1221
court shall impose as a mandatory prison term one of the prison 1222
terms prescribed for a felony of the second degree. 1223

(e) If the amount of the drug involved equals or exceeds 1224
five hundred unit doses but is less than two thousand five 1225
hundred unit doses or equals or exceeds fifty grams but is less 1226
than two hundred fifty grams, possession of heroin is a felony 1227
of the first degree, and the court shall impose as a mandatory 1228
prison term one of the prison terms prescribed for a felony of 1229
the first degree. 1230

(f) If the amount of the drug involved equals or exceeds 1231
two thousand five hundred unit doses or equals or exceeds two 1232
hundred fifty grams, possession of heroin is a felony of the 1233
first degree, the offender is a major drug offender, and the 1234
court shall impose as a mandatory prison term the maximum prison 1235
term prescribed for a felony of the first degree. 1236

(7) If the drug involved in the violation is hashish or a 1237
compound, mixture, preparation, or substance containing hashish, 1238
whoever violates division (A) of this section is guilty of 1239
possession of hashish. The penalty for the offense shall be 1240
determined as follows: 1241

(a) Except as otherwise provided in division (C) (7) (b), 1242
(c), (d), (e), (f), or (g) of this section, possession of 1243
hashish is a minor misdemeanor. 1244

(b) If the amount of the drug involved equals or exceeds 1245
five grams but is less than ten grams of hashish in a solid form 1246
or equals or exceeds one gram but is less than two grams of 1247
hashish in a liquid concentrate, liquid extract, or liquid 1248
distillate form, possession of hashish is a misdemeanor of the 1249
fourth degree. 1250

(c) If the amount of the drug involved equals or exceeds 1251
ten grams but is less than fifty grams of hashish in a solid 1252
form or equals or exceeds two grams but is less than ten grams 1253
of hashish in a liquid concentrate, liquid extract, or liquid 1254
distillate form, possession of hashish is a felony of the fifth 1255
degree, and division (B) of section 2929.13 of the Revised Code 1256
applies in determining whether to impose a prison term on the 1257
offender. 1258

(d) If the amount of the drug involved equals or exceeds 1259
fifty grams but is less than two hundred fifty grams of hashish 1260
in a solid form or equals or exceeds ten grams but is less than 1261
fifty grams of hashish in a liquid concentrate, liquid extract, 1262
or liquid distillate form, possession of hashish is a felony of 1263
the third degree, and division (C) of section 2929.13 of the 1264
Revised Code applies in determining whether to impose a prison 1265
term on the offender. 1266

(e) If the amount of the drug involved equals or exceeds 1267
two hundred fifty grams but is less than one thousand grams of 1268
hashish in a solid form or equals or exceeds fifty grams but is 1269
less than two hundred grams of hashish in a liquid concentrate, 1270
liquid extract, or liquid distillate form, possession of hashish 1271

is a felony of the third degree, and there is a presumption that 1272
a prison term shall be imposed for the offense. 1273

(f) If the amount of the drug involved equals or exceeds 1274
one thousand grams but is less than two thousand grams of 1275
hashish in a solid form or equals or exceeds two hundred grams 1276
but is less than four hundred grams of hashish in a liquid 1277
concentrate, liquid extract, or liquid distillate form, 1278
possession of hashish is a felony of the second degree, and the 1279
court shall impose a mandatory prison term of five, six, seven, 1280
or eight years. 1281

(g) If the amount of the drug involved equals or exceeds 1282
two thousand grams of hashish in a solid form or equals or 1283
exceeds four hundred grams of hashish in a liquid concentrate, 1284
liquid extract, or liquid distillate form, possession of hashish 1285
is a felony of the second degree, and the court shall impose as 1286
a mandatory prison term the maximum prison term prescribed for a 1287
felony of the second degree. 1288

(8) If the drug involved is a controlled substance analog 1289
or compound, mixture, preparation, or substance that contains a 1290
controlled substance analog, whoever violates division (A) of 1291
this section is guilty of possession of a controlled substance 1292
analog. The penalty for the offense shall be determined as 1293
follows: 1294

(a) Except as otherwise provided in division (C) (8) (b), 1295
(c), (d), (e), or (f) of this section, possession of a 1296
controlled substance analog is a felony of the fifth degree, and 1297
division (B) of section 2929.13 of the Revised Code applies in 1298
determining whether to impose a prison term on the offender. 1299

(b) If the amount of the drug involved equals or exceeds 1300

ten grams but is less than twenty grams, possession of a 1301
controlled substance analog is a felony of the fourth degree, 1302
and there is a presumption for a prison term for the offense. 1303

(c) If the amount of the drug involved equals or exceeds 1304
twenty grams but is less than thirty grams, possession of a 1305
controlled substance analog is a felony of the third degree, and 1306
there is a presumption for a prison term for the offense. 1307

(d) If the amount of the drug involved equals or exceeds 1308
thirty grams but is less than forty grams, possession of a 1309
controlled substance analog is a felony of the second degree, 1310
and the court shall impose as a mandatory prison term one of the 1311
prison terms prescribed for a felony of the second degree. 1312

(e) If the amount of the drug involved equals or exceeds 1313
forty grams but is less than fifty grams, possession of a 1314
controlled substance analog is a felony of the first degree, and 1315
the court shall impose as a mandatory prison term one of the 1316
prison terms prescribed for a felony of the first degree. 1317

(f) If the amount of the drug involved equals or exceeds 1318
fifty grams, possession of a controlled substance analog is a 1319
felony of the first degree, the offender is a major drug 1320
offender, and the court shall impose as a mandatory prison term 1321
the maximum prison term prescribed for a felony of the first 1322
degree. 1323

(D) Arrest or conviction for a minor misdemeanor violation 1324
of this section does not constitute a criminal record and need 1325
not be reported by the person so arrested or convicted in 1326
response to any inquiries about the person's criminal record, 1327
including any inquiries contained in any application for 1328
employment, license, or other right or privilege, or made in 1329

connection with the person's appearance as a witness. 1330

(E) In addition to any prison term or jail term authorized 1331
or required by division (C) of this section and sections 1332
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1333
Code and in addition to any other sanction that is imposed for 1334
the offense under this section, sections 2929.11 to 2929.18, or 1335
sections 2929.21 to 2929.28 of the Revised Code, the court that 1336
sentences an offender who is convicted of or pleads guilty to a 1337
violation of division (A) of this section shall do all of the 1338
following that are applicable regarding the offender: 1339

(1) (a) If the violation is a felony of the first, second, 1340
or third degree, the court shall impose upon the offender the 1341
mandatory fine specified for the offense under division (B) (1) 1342
of section 2929.18 of the Revised Code unless, as specified in 1343
that division, the court determines that the offender is 1344
indigent. 1345

(b) Notwithstanding any contrary provision of section 1346
3719.21 of the Revised Code, the clerk of the court shall pay a 1347
mandatory fine or other fine imposed for a violation of this 1348
section pursuant to division (A) of section 2929.18 of the 1349
Revised Code in accordance with and subject to the requirements 1350
of division (F) of section 2925.03 of the Revised Code. The 1351
agency that receives the fine shall use the fine as specified in 1352
division (F) of section 2925.03 of the Revised Code. 1353

(c) If a person is charged with a violation of this 1354
section that is a felony of the first, second, or third degree, 1355
posts bail, and forfeits the bail, the clerk shall pay the 1356
forfeited bail pursuant to division (E) (1) (b) of this section as 1357
if it were a mandatory fine imposed under division (E) (1) (a) of 1358
this section. 1359

(2) The court shall suspend for not less than six months 1360
or more than five years the offender's driver's or commercial 1361
driver's license or permit. 1362

(3) If the offender is a professionally licensed person, 1363
in addition to any other sanction imposed for a violation of 1364
this section, the court immediately shall comply with section 1365
2925.38 of the Revised Code. 1366

(F) It is an affirmative defense, as provided in section 1367
2901.05 of the Revised Code, to a charge of a fourth degree 1368
felony violation under this section that the controlled 1369
substance that gave rise to the charge is in an amount, is in a 1370
form, is prepared, compounded, or mixed with substances that are 1371
not controlled substances in a manner, or is possessed under any 1372
other circumstances, that indicate that the substance was 1373
possessed solely for personal use. Notwithstanding any contrary 1374
provision of this section, if, in accordance with section 1375
2901.05 of the Revised Code, an accused who is charged with a 1376
fourth degree felony violation of division (C) (2), (4), (5), or 1377
(6) of this section sustains the burden of going forward with 1378
evidence of and establishes by a preponderance of the evidence 1379
the affirmative defense described in this division, the accused 1380
may be prosecuted for and may plead guilty to or be convicted of 1381
a misdemeanor violation of division (C) (2) of this section or a 1382
fifth degree felony violation of division (C) (4), (5), or (6) of 1383
this section respectively. 1384

(G) When a person is charged with possessing a bulk amount 1385
or multiple of a bulk amount, division (E) of section 2925.03 of 1386
the Revised Code applies regarding the determination of the 1387
amount of the controlled substance involved at the time of the 1388
offense. 1389

(H) It is an affirmative defense to a charge of possession 1390
of a controlled substance analog under division (C)(8) of this 1391
section that the person charged with violating that offense 1392
obtained, possessed, or used an item described in division (HH) 1393
(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 1394

Sec. 2925.12. (A) No person shall knowingly make, obtain, 1395
possess, or use any instrument, article, or thing the customary 1396
and primary purpose of which is for the administration or use of 1397
a dangerous drug, other than marihuana, when the instrument 1398
involved is a hypodermic or syringe, whether or not of crude or 1399
extemporized manufacture or assembly, and the instrument, 1400
article, or thing involved has been used by the offender to 1401
unlawfully administer or use a dangerous drug, other than 1402
marihuana, or to prepare a dangerous drug, other than marihuana, 1403
for unlawful administration or use. 1404

(B) This section does not apply to manufacturers, licensed 1405
health professionals authorized to prescribe drugs, pharmacists, 1406
owners of pharmacies, and other persons whose conduct was in 1407
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 1408
4731., 4732., and 4741. of the Revised Code. 1409

(C) Whoever violates this section is guilty of possessing 1410
drug abuse instruments, a misdemeanor of the second degree. If 1411
the offender previously has been convicted of a drug abuse 1412
offense, a violation of this section is a misdemeanor of the 1413
first degree. 1414

(D) In addition to any other sanction imposed upon an 1415
offender for a violation of this section, the court shall 1416
suspend for not less than six months or more than five years the 1417
offender's driver's or commercial driver's license or permit. If 1418
the offender is a professionally licensed person, in addition to 1419

any other sanction imposed for a violation of this section, the 1420
court immediately shall comply with section 2925.38 of the 1421
Revised Code. 1422

Sec. 2925.14. (A) As used in this section, "drug 1423
paraphernalia" means any equipment, product, or material of any 1424
kind that is used by the offender, intended by the offender for 1425
use, or designed for use, in propagating, cultivating, growing, 1426
harvesting, manufacturing, compounding, converting, producing, 1427
processing, preparing, testing, analyzing, packaging, 1428
repackaging, storing, containing, concealing, injecting, 1429
ingesting, inhaling, or otherwise introducing into the human 1430
body, a controlled substance in violation of this chapter. "Drug 1431
paraphernalia" includes, but is not limited to, any of the 1432
following equipment, products, or materials that are used by the 1433
offender, intended by the offender for use, or designed by the 1434
offender for use, in any of the following manners: 1435

(1) A kit for propagating, cultivating, growing, or 1436
harvesting any species of a plant that is a controlled substance 1437
or from which a controlled substance can be derived; 1438

(2) A kit for manufacturing, compounding, converting, 1439
producing, processing, or preparing a controlled substance; 1440

(3) Any object, instrument, or device for manufacturing, 1441
compounding, converting, producing, processing, or preparing 1442
methamphetamine; 1443

(4) An isomerization device for increasing the potency of 1444
any species of a plant that is a controlled substance; 1445

(5) Testing equipment for identifying, or analyzing the 1446
strength, effectiveness, or purity of, a controlled substance; 1447

(6) A scale or balance for weighing or measuring a 1448

controlled substance; 1449

(7) A diluent or adulterant, such as quinine 1450
hydrochloride, mannitol, mannite, dextrose, or lactose, for 1451
cutting a controlled substance; 1452

(8) A separation gin or sifter for removing twigs and 1453
seeds from, or otherwise cleaning or refining, marihuana; 1454

(9) A blender, bowl, container, spoon, or mixing device 1455
for compounding a controlled substance; 1456

(10) A capsule, balloon, envelope, or container for 1457
packaging small quantities of a controlled substance; 1458

(11) A container or device for storing or concealing a 1459
controlled substance; 1460

(12) A hypodermic syringe, needle, or instrument for 1461
parenterally injecting a controlled substance into the human 1462
body; 1463

(13) An object, instrument, or device for ingesting, 1464
inhaling, or otherwise introducing into the human body, 1465
marihuana, cocaine, hashish, or hashish oil, such as a metal, 1466
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 1467
without a screen, permanent screen, hashish head, or punctured 1468
metal bowl; water pipe; carburetion tube or device; smoking or 1469
carburetion mask; roach clip or similar object used to hold 1470
burning material, such as a marihuana cigarette, that has become 1471
too small or too short to be held in the hand; miniature cocaine 1472
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 1473
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 1474

(B) In determining if any equipment, product, or material 1475
is drug paraphernalia, a court or law enforcement officer shall 1476

consider, in addition to other relevant factors, the following: 1477

(1) Any statement by the owner, or by anyone in control, 1478
of the equipment, product, or material, concerning its use; 1479

(2) The proximity in time or space of the equipment, 1480
product, or material, or of the act relating to the equipment, 1481
product, or material, to a violation of any provision of this 1482
chapter; 1483

(3) The proximity of the equipment, product, or material 1484
to any controlled substance; 1485

(4) The existence of any residue of a controlled substance 1486
on the equipment, product, or material; 1487

(5) Direct or circumstantial evidence of the intent of the 1488
owner, or of anyone in control, of the equipment, product, or 1489
material, to deliver it to any person whom the owner or person 1490
in control of the equipment, product, or material knows intends 1491
to use the object to facilitate a violation of any provision of 1492
this chapter. A finding that the owner, or anyone in control, of 1493
the equipment, product, or material, is not guilty of a 1494
violation of any other provision of this chapter does not 1495
prevent a finding that the equipment, product, or material was 1496
intended or designed by the offender for use as drug 1497
paraphernalia. 1498

(6) Any oral or written instruction provided with the 1499
equipment, product, or material concerning its use; 1500

(7) Any descriptive material accompanying the equipment, 1501
product, or material and explaining or depicting its use; 1502

(8) National or local advertising concerning the use of 1503
the equipment, product, or material; 1504

(9) The manner and circumstances in which the equipment, 1505
product, or material is displayed for sale; 1506

(10) Direct or circumstantial evidence of the ratio of the 1507
sales of the equipment, product, or material to the total sales 1508
of the business enterprise; 1509

(11) The existence and scope of legitimate uses of the 1510
equipment, product, or material in the community; 1511

(12) Expert testimony concerning the use of the equipment, 1512
product, or material. 1513

(C) (1) Subject to division (D) (2) of this section, no 1514
person shall knowingly use, or possess with purpose to use, drug 1515
paraphernalia. 1516

(2) No person shall knowingly sell, or possess or 1517
manufacture with purpose to sell, drug paraphernalia, if the 1518
person knows or reasonably should know that the equipment, 1519
product, or material will be used as drug paraphernalia. 1520

(3) No person shall place an advertisement in any 1521
newspaper, magazine, handbill, or other publication that is 1522
published and printed and circulates primarily within this 1523
state, if the person knows that the purpose of the advertisement 1524
is to promote the illegal sale in this state of the equipment, 1525
product, or material that the offender intended or designed for 1526
use as drug paraphernalia. 1527

(D) (1) This section does not apply to manufacturers, 1528
licensed health professionals authorized to prescribe drugs, 1529
pharmacists, owners of pharmacies, and other persons whose 1530
conduct is in accordance with Chapters 3719., 4715., 4723., 1531
4729., 4730., 4731., 4732., and 4741. of the Revised Code. This 1532
section shall not be construed to prohibit the possession or use 1533

of a hypodermic as authorized by section 3719.172 of the Revised 1534
Code. 1535

(2) Division (C) (1) of this section does not apply to a 1536
person's use, or possession with purpose to use, any drug 1537
paraphernalia that is equipment, a product, or material of any 1538
kind that is used by the person, intended by the person for use, 1539
or designed for use in storing, containing, concealing, 1540
injecting, ingesting, inhaling, or otherwise introducing into 1541
the human body marihuana. 1542

(E) Notwithstanding Chapter 2981. of the Revised Code, any 1543
drug paraphernalia that was used, possessed, sold, or 1544
manufactured in a violation of this section shall be seized, 1545
after a conviction for that violation shall be forfeited, and 1546
upon forfeiture shall be disposed of pursuant to division (B) of 1547
section 2981.12 of the Revised Code. 1548

(F) (1) Whoever violates division (C) (1) of this section is 1549
guilty of illegal use or possession of drug paraphernalia, a 1550
misdemeanor of the fourth degree. 1551

(2) Except as provided in division (F) (3) of this section, 1552
whoever violates division (C) (2) of this section is guilty of 1553
dealing in drug paraphernalia, a misdemeanor of the second 1554
degree. 1555

(3) Whoever violates division (C) (2) of this section by 1556
selling drug paraphernalia to a juvenile is guilty of selling 1557
drug paraphernalia to juveniles, a misdemeanor of the first 1558
degree. 1559

(4) Whoever violates division (C) (3) of this section is 1560
guilty of illegal advertising of drug paraphernalia, a 1561
misdemeanor of the second degree. 1562

(G) In addition to any other sanction imposed upon an 1563
offender for a violation of this section, the court shall 1564
suspend for not less than six months or more than five years the 1565
offender's driver's or commercial driver's license or permit. If 1566
the offender is a professionally licensed person, in addition to 1567
any other sanction imposed for a violation of this section, the 1568
court immediately shall comply with section 2925.38 of the 1569
Revised Code. 1570

Sec. 2925.23. (A) No person shall knowingly make a false 1571
statement in any prescription, order, report, or record required 1572
by Chapter 3719. or 4729. of the Revised Code. 1573

(B) No person shall intentionally make, utter, or sell, or 1574
knowingly possess any of the following that is a false or 1575
forged: 1576

(1) Prescription; 1577

(2) Uncompleted preprinted prescription blank used for 1578
writing a prescription; 1579

(3) Official written order; 1580

(4) License for a terminal distributor of dangerous drugs 1581
as required in section 4729.60 of the Revised Code; 1582

(5) Registration certificate for a wholesale distributor 1583
of dangerous drugs as required in section 4729.60 of the Revised 1584
Code. 1585

(C) No person, by theft as defined in section 2913.02 of 1586
the Revised Code, shall acquire any of the following: 1587

(1) A prescription; 1588

(2) An uncompleted preprinted prescription blank used for 1589

writing a prescription; 1590

(3) An official written order; 1591

(4) A blank official written order; 1592

(5) A license or blank license for a terminal distributor 1593
of dangerous drugs as required in section 4729.60 of the Revised 1594
Code; 1595

(6) A registration certificate or blank registration 1596
certificate for a wholesale distributor of dangerous drugs as 1597
required in section 4729.60 of the Revised Code. 1598

(D) No person shall knowingly make or affix any false or 1599
forged label to a package or receptacle containing any dangerous 1600
drugs. 1601

(E) Divisions (A) and (D) of this section do not apply to 1602
licensed health professionals authorized to prescribe drugs, 1603
pharmacists, owners of pharmacies, and other persons whose 1604
conduct is in accordance with Chapters 3719., 4715., 4723., 1605
4725., 4729., 4730., 4731., 4732., and 4741. of the Revised 1606
Code. 1607

(F) Whoever violates this section is guilty of illegal 1608
processing of drug documents. If the offender violates division 1609
(B)(2), (4), or (5) or division (C)(2), (4), (5), or (6) of this 1610
section, illegal processing of drug documents is a felony of the 1611
fifth degree. If the offender violates division (A), division 1612
(B)(1) or (3), division (C)(1) or (3), or division (D) of this 1613
section, the penalty for illegal processing of drug documents 1614
shall be determined as follows: 1615

(1) If the drug involved is a compound, mixture, 1616
preparation, or substance included in schedule I or II, with the 1617

exception of marihuana, illegal processing of drug documents is 1618
a felony of the fourth degree, and division (C) of section 1619
2929.13 of the Revised Code applies in determining whether to 1620
impose a prison term on the offender. 1621

(2) If the drug involved is a dangerous drug or a 1622
compound, mixture, preparation, or substance included in 1623
schedule III, IV, or V or is marihuana, illegal processing of 1624
drug documents is a felony of the fifth degree, and division (C) 1625
of section 2929.13 of the Revised Code applies in determining 1626
whether to impose a prison term on the offender. 1627

(G) In addition to any prison term authorized or required 1628
by division (F) of this section and sections 2929.13 and 2929.14 1629
of the Revised Code and in addition to any other sanction 1630
imposed for the offense under this section or sections 2929.11 1631
to 2929.18 of the Revised Code, the court that sentences an 1632
offender who is convicted of or pleads guilty to any violation 1633
of divisions (A) to (D) of this section shall do both of the 1634
following: 1635

(1) The court shall suspend for not less than six months 1636
or more than five years the offender's driver's or commercial 1637
driver's license or permit. 1638

(2) If the offender is a professionally licensed person, 1639
in addition to any other sanction imposed for a violation of 1640
this section, the court immediately shall comply with section 1641
2925.38 of the Revised Code. 1642

(H) Notwithstanding any contrary provision of section 1643
3719.21 of the Revised Code, the clerk of court shall pay a fine 1644
imposed for a violation of this section pursuant to division (A) 1645
of section 2929.18 of the Revised Code in accordance with and 1646

subject to the requirements of division (F) of section 2925.03 1647
of the Revised Code. The agency that receives the fine shall use 1648
the fine as specified in division (F) of section 2925.03 of the 1649
Revised Code. 1650

Sec. 2925.36. (A) No person shall knowingly furnish 1651
another a sample drug. 1652

(B) Division (A) of this section does not apply to 1653
manufacturers, wholesalers, pharmacists, owners of pharmacies, 1654
licensed health professionals authorized to prescribe drugs, and 1655
other persons whose conduct is in accordance with Chapters 1656
3719., 4715., 4723., 4725., 4729., 4730., 4731., 4732., and 1657
4741. of the Revised Code. 1658

(C) (1) Whoever violates this section is guilty of illegal 1659
dispensing of drug samples. 1660

(2) If the drug involved in the offense is a compound, 1661
mixture, preparation, or substance included in schedule I or II, 1662
with the exception of marihuana, the penalty for the offense 1663
shall be determined as follows: 1664

(a) Except as otherwise provided in division (C) (2) (b) of 1665
this section, illegal dispensing of drug samples is a felony of 1666
the fifth degree, and, subject to division (E) of this section, 1667
division (C) of section 2929.13 of the Revised Code applies in 1668
determining whether to impose a prison term on the offender. 1669

(b) If the offense was committed in the vicinity of a 1670
school or in the vicinity of a juvenile, illegal dispensing of 1671
drug samples is a felony of the fourth degree, and, subject to 1672
division (E) of this section, division (C) of section 2929.13 of 1673
the Revised Code applies in determining whether to impose a 1674
prison term on the offender. 1675

(3) If the drug involved in the offense is a dangerous 1676
drug or a compound, mixture, preparation, or substance included 1677
in schedule III, IV, or V, or is marihuana, the penalty for the 1678
offense shall be determined as follows: 1679

(a) Except as otherwise provided in division (C) (3) (b) of 1680
this section, illegal dispensing of drug samples is a 1681
misdemeanor of the second degree. 1682

(b) If the offense was committed in the vicinity of a 1683
school or in the vicinity of a juvenile, illegal dispensing of 1684
drug samples is a misdemeanor of the first degree. 1685

(D) In addition to any prison term authorized or required 1686
by division (C) or (E) of this section and sections 2929.13 and 1687
2929.14 of the Revised Code and in addition to any other 1688
sanction imposed for the offense under this section or sections 1689
2929.11 to 2929.18 of the Revised Code, the court that sentences 1690
an offender who is convicted of or pleads guilty to a violation 1691
of division (A) of this section shall do both of the following: 1692

(1) The court shall suspend for not less than six months 1693
or more than five years the offender's driver's or commercial 1694
driver's license or permit. 1695

(2) If the offender is a professionally licensed person, 1696
in addition to any other sanction imposed for a violation of 1697
this section, the court immediately shall comply with section 1698
2925.38 of the Revised Code. 1699

(E) Notwithstanding the prison term authorized or required 1700
by division (C) of this section and sections 2929.13 and 2929.14 1701
of the Revised Code, if the violation of division (A) of this 1702
section involves the sale, offer to sell, or possession of a 1703
schedule I or II controlled substance, with the exception of 1704

marihuana, and if the court imposing sentence upon the offender 1705
finds that the offender as a result of the violation is a major 1706
drug offender and is guilty of a specification of the type 1707
described in section 2941.1410 of the Revised Code, the court, 1708
in lieu of the prison term otherwise authorized or required, 1709
shall impose upon the offender the mandatory prison term 1710
specified in division (B) (3) (a) of section 2929.14 of the 1711
Revised Code. 1712

(F) Notwithstanding any contrary provision of section 1713
3719.21 of the Revised Code, the clerk of the court shall pay a 1714
fine imposed for a violation of this section pursuant to 1715
division (A) of section 2929.18 of the Revised Code in 1716
accordance with and subject to the requirements of division (F) 1717
of section 2925.03 of the Revised Code. The agency that receives 1718
the fine shall use the fine as specified in division (F) of 1719
section 2925.03 of the Revised Code. 1720

Sec. 3701.048. (A) As used in this section: 1721

(1) "Board of health" means the board of health of a city 1722
or general health district or the authority having the duties of 1723
a board of health under section 3709.05 of the Revised Code. 1724

(2) "Controlled substance" has the same meaning as in 1725
section 3719.01 of the Revised Code. 1726

(3) "Drug," "dangerous drug," and "licensed health 1727
professional authorized to prescribe drugs" have the same 1728
meanings as in section 4729.01 of the Revised Code. 1729

(4) "Registered volunteer" has the same meaning as in 1730
section 5502.281 of the Revised Code. 1731

(B) In consultation with the appropriate professional 1732
regulatory boards of this state, the director of health shall 1733

develop one or more protocols that authorize the following 1734
individuals to administer, deliver, or distribute drugs, other 1735
than schedule II and III controlled substances, during a period 1736
of time described in division (E) of this section, 1737
notwithstanding any statute or rule that otherwise prohibits or 1738
restricts the administration, delivery, or distribution of drugs 1739
by those individuals: 1740

(1) A physician authorized under Chapter 4731. of the 1741
Revised Code to practice medicine and surgery, osteopathic 1742
medicine and surgery, or podiatric medicine and surgery; 1743

(2) A physician assistant licensed under Chapter 4730. of 1744
the Revised Code; 1745

(3) A dentist or dental hygienist licensed under Chapter 1746
4715. of the Revised Code; 1747

(4) A registered nurse licensed under Chapter 4723. of the 1748
Revised Code, including an advanced practice registered nurse, 1749
as defined in section 4723.01 of the Revised Code; 1750

(5) A licensed practical nurse licensed under Chapter 1751
4723. of the Revised Code; 1752

(6) An optometrist licensed under Chapter 4725. of the 1753
Revised Code; 1754

(7) A pharmacist or pharmacy intern licensed under Chapter 1755
4729. of the Revised Code; 1756

(8) A respiratory care professional licensed under Chapter 1757
4761. of the Revised Code; 1758

(9) An emergency medical technician-basic, emergency 1759
medical technician-intermediate, or emergency medical 1760
technician-paramedic who holds a certificate to practice issued 1761

under Chapter 4765. of the Revised Code; 1762

(10) A veterinarian licensed under Chapter 4741. of the 1763
Revised Code; 1764

(11) A psychologist who holds a certificate to prescribe 1765
issued under section 4732.40 of the Revised Code. 1766

(C) In consultation with the executive director of the 1767
emergency management agency, the director of health shall 1768
develop one or more protocols that authorize employees of boards 1769
of health and registered volunteers to deliver or distribute 1770
drugs, other than schedule II and III controlled substances, 1771
during a period of time described in division (E) of this 1772
section, notwithstanding any statute or rule that otherwise 1773
prohibits or restricts the delivery or distribution of drugs by 1774
those individuals. 1775

(D) In consultation with the state board of pharmacy, the 1776
director of health shall develop one or more protocols that 1777
authorize pharmacists and pharmacy interns to dispense, during a 1778
period of time described in division (E) of this section, 1779
limited quantities of dangerous drugs, other than schedule II 1780
and III controlled substances, without a written, oral, or 1781
electronic prescription from a licensed health professional 1782
authorized to prescribe drugs or without a record of a 1783
prescription, notwithstanding any statute or rule that otherwise 1784
prohibits or restricts the dispensing of drugs without a 1785
prescription or record of a prescription. 1786

(E) On the governor's declaration of an emergency that 1787
affects the public health, the director of health may issue an 1788
order to implement one or more of the protocols developed 1789
pursuant to division (B), (C), or (D) of this section. At a 1790

minimum, the director's order shall identify the one or more 1791
protocols to be implemented and the period of time during which 1792
the one or more protocols are to be effective. 1793

(F) (1) An individual who administers, delivers, 1794
distributes, or dispenses a drug or dangerous drug in accordance 1795
with one or more of the protocols implemented under division (E) 1796
of this section is not liable for damages in any civil action 1797
unless the individual's acts or omissions in performing those 1798
activities constitute willful or wanton misconduct. 1799

(2) An individual who administers, delivers, distributes, 1800
or dispenses a drug or dangerous drug in accordance with one or 1801
more of the protocols implemented under division (E) of this 1802
section is not subject to criminal prosecution or professional 1803
disciplinary action under any chapter in Title XLVII of the 1804
Revised Code. 1805

Sec. 3715.872. (A) As used in this section, "health care 1806
professional" means any of the following who provide medical, 1807
dental, or other health-related diagnosis, care, or treatment: 1808

(1) Individuals authorized under Chapter 4731. of the 1809
Revised Code to practice medicine and surgery, osteopathic 1810
medicine and surgery, or podiatric medicine and surgery; 1811

(2) Registered nurses and licensed practical nurses 1812
licensed under Chapter 4723. of the Revised Code; 1813

(3) Physician assistants authorized to practice under 1814
Chapter 4730. of the Revised Code; 1815

(4) Dentists and dental hygienists licensed under Chapter 1816
4715. of the Revised Code; 1817

(5) Optometrists licensed under Chapter 4725. of the 1818

Revised Code; 1819

(6) Pharmacists licensed under Chapter 4729. of the 1820
Revised Code; 1821

(7) Psychologists who hold a certificate to prescribe 1822
issued under section 4732.40 of the Revised Code. 1823

(B) For matters related to donating, giving, accepting, or 1824
dispensing drugs under the drug repository program, all of the 1825
following apply: 1826

(1) Any person, including a pharmacy, drug manufacturer, 1827
or health care facility, or any government entity that donates 1828
or gives drugs to the drug repository program shall not be 1829
subject to liability in tort or other civil action for injury, 1830
death, or loss to person or property. 1831

(2) A pharmacy, hospital, or nonprofit clinic that accepts 1832
or dispenses drugs under the program shall not be subject to 1833
liability in tort or other civil action for injury, death, or 1834
loss to person or property, unless an action or omission of the 1835
pharmacy, hospital, or nonprofit clinic constitutes willful and 1836
wanton misconduct. 1837

(3) A health care professional who accepts or dispenses 1838
drugs under the program on behalf of a pharmacy, hospital, or 1839
nonprofit clinic, and the pharmacy, hospital, or nonprofit 1840
clinic that employs or otherwise uses the services of the health 1841
care professional, shall not be subject to liability in tort or 1842
other civil action for injury, death, or loss to person or 1843
property, unless an action or omission of the health care 1844
professional, pharmacy, hospital, or nonprofit clinic 1845
constitutes willful and wanton misconduct. 1846

(4) The state board of pharmacy and the director of health 1847

shall not be subject to liability in tort or other civil action 1848
for injury, death, or loss to person or property, unless an 1849
action or omission of the board or director constitutes willful 1850
and wanton misconduct. 1851

(C) In addition to the immunity granted under division (B) 1852
(1) of this section, any person, including a pharmacy, drug 1853
manufacturer, or health care facility, and any government entity 1854
that donates or gives drugs to the program shall not be subject 1855
to criminal prosecution for the donation, giving, acceptance, or 1856
dispensing of drugs under the program, unless an action or 1857
omission of the person or government entity does not comply with 1858
the provisions of this chapter or the rules adopted under it. 1859

(D) In the case of a drug manufacturer, the immunities 1860
granted under divisions (B) (1) and (C) of this section apply 1861
with respect to any drug manufactured by the drug manufacturer 1862
that is donated or given by any person or government entity 1863
under the program, including but not limited to liability for 1864
failure to transfer or communicate product or consumer 1865
information or the expiration date of the drug donated or given. 1866

Sec. 3719.06. (A) (1) A licensed health professional 1867
authorized to prescribe drugs, if acting in the course of 1868
professional practice, in accordance with the laws regulating 1869
the professional's practice, and in accordance with rules 1870
adopted by the state board of pharmacy, may, except as provided 1871
~~in division~~ divisions (A) (2) ~~or (3) to (4)~~ of this section, do 1872
the following: 1873

(a) Prescribe schedule II, III, IV, and V controlled 1874
substances; 1875

(b) Administer or personally furnish to patients schedule 1876

II, III, IV, and V controlled substances; 1877

(c) Cause schedule II, III, IV, and V controlled 1878
substances to be administered under the prescriber's direction 1879
and supervision. 1880

(2) A licensed health professional authorized to prescribe 1881
drugs who is a clinical nurse specialist, certified nurse- 1882
midwife, or certified nurse practitioner is subject to both of 1883
the following: 1884

(a) A schedule II controlled substance may be prescribed 1885
only in accordance with division (C) of section 4723.481 of the 1886
Revised Code. 1887

(b) No schedule II controlled substance shall be 1888
personally furnished to any patient. 1889

(3) A licensed health professional authorized to prescribe 1890
drugs who is a physician assistant is subject to all of the 1891
following: 1892

(a) A controlled substance may be prescribed or personally 1893
furnished only if it is included in the physician-delegated 1894
prescriptive authority granted to the physician assistant in 1895
accordance with Chapter 4730. of the Revised Code. 1896

(b) A schedule II controlled substance may be prescribed 1897
only in accordance with division (B)(4) of section 4730.41 and 1898
section 4730.411 of the Revised Code. 1899

(c) No schedule II controlled substance shall be 1900
personally furnished to any patient. 1901

(4) A licensed health professional authorized to prescribe 1902
drugs who is a psychologist may prescribe, personally furnish, 1903
or administer a controlled substance only if it is in a class of 1904

drugs specified in division (A) of section 4732.43 of the 1905
Revised Code. 1906

(B) No licensed health professional authorized to 1907
prescribe drugs shall prescribe, administer, or personally 1908
furnish a schedule III anabolic steroid for the purpose of human 1909
muscle building or enhancing human athletic performance and no 1910
pharmacist shall dispense a schedule III anabolic steroid for 1911
either purpose, unless it has been approved for that purpose 1912
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 1913
(1938), 21 U.S.C.A. 301, as amended. 1914

(C) Each written prescription shall be properly executed, 1915
dated, and signed by the prescriber on the day when issued and 1916
shall bear the full name and address of the person for whom, or 1917
the owner of the animal for which, the controlled substance is 1918
prescribed and the full name, address, and registry number under 1919
the federal drug abuse control laws of the prescriber. If the 1920
prescription is for an animal, it shall state the species of the 1921
animal for which the controlled substance is prescribed. 1922

Sec. 3719.12. Unless a report has been made pursuant to 1923
section 2929.42 of the Revised Code, on the conviction of a 1924
manufacturer, wholesaler, terminal distributor of dangerous 1925
drugs, pharmacist, pharmacy intern, dentist, chiropractor, 1926
physician, podiatrist, registered nurse, licensed practical 1927
nurse, physician assistant, psychologist, optometrist, or 1928
veterinarian of the violation of this chapter or Chapter 2925. 1929
of the Revised Code, the prosecutor in the case promptly shall 1930
report the conviction to the board that licensed, certified, or 1931
registered the person to practice or to carry on business. The 1932
responsible board shall provide forms to the prosecutor. Within 1933
thirty days of the receipt of this information, the board shall 1934

initiate action in accordance with Chapter 119. of the Revised 1935
Code to determine whether to suspend or revoke the person's 1936
license, certificate, or registration. 1937

Sec. 3719.121. (A) Except as otherwise provided in section 1938
4723.28, 4723.35, 4730.25, 4731.22, 4732.17, 4734.39, or 4734.41 1939
of the Revised Code, the license, certificate, or registration 1940
of any dentist, chiropractor, physician, podiatrist, registered 1941
nurse, licensed practical nurse, physician assistant, 1942
pharmacist, pharmacy intern, psychologist, optometrist, or 1943
veterinarian who is or becomes addicted to the use of controlled 1944
substances shall be suspended by the board that authorized the 1945
person's license, certificate, or registration until the person 1946
offers satisfactory proof to the board that the person no longer 1947
is addicted to the use of controlled substances. 1948

(B) If the board under which a person has been issued a 1949
license, certificate, or evidence of registration determines 1950
that there is clear and convincing evidence that continuation of 1951
the person's professional practice or method of prescribing or 1952
personally furnishing controlled substances presents a danger of 1953
immediate and serious harm to others, the board may suspend the 1954
person's license, certificate, or registration without a 1955
hearing. Except as otherwise provided in sections 4715.30, 1956
4723.281, 4729.16, 4730.25, 4731.22, and 4734.36 of the Revised 1957
Code, the board shall follow the procedure for suspension 1958
without a prior hearing in section 119.07 of the Revised Code. 1959
The suspension shall remain in effect, unless removed by the 1960
board, until the board's final adjudication order becomes 1961
effective, except that if the board does not issue its final 1962
adjudication order within ninety days after the hearing, the 1963
suspension shall be void on the ninety-first day after the 1964
hearing. 1965

(C) On receiving notification pursuant to section 2929.42 1966
or 3719.12 of the Revised Code, the board under which a person 1967
has been issued a license, certificate, or evidence of 1968
registration immediately shall suspend the license, certificate, 1969
or registration of that person on a plea of guilty to, a finding 1970
by a jury or court of the person's guilt of, or conviction of a 1971
felony drug abuse offense; a finding by a court of the person's 1972
eligibility for intervention in lieu of conviction; a plea of 1973
guilty to, or a finding by a jury or court of the person's guilt 1974
of, or the person's conviction of an offense in another 1975
jurisdiction that is essentially the same as a felony drug abuse 1976
offense; or a finding by a court of the person's eligibility for 1977
treatment or intervention in lieu of conviction in another 1978
jurisdiction. The board shall notify the holder of the license, 1979
certificate, or registration of the suspension, which shall 1980
remain in effect until the board holds an adjudicatory hearing 1981
under Chapter 119. of the Revised Code. 1982

Sec. 3719.81. (A) As used in this section, "sample drug" 1983
has the same meaning as in section 2925.01 of the Revised Code. 1984

(B) A person may furnish another a sample drug, if all of 1985
the following apply: 1986

(1) The sample drug is furnished free of charge by a 1987
manufacturer, manufacturer's representative, or wholesale dealer 1988
in pharmaceuticals to a licensed health professional authorized 1989
to prescribe drugs, or is furnished free of charge by such a 1990
professional to a patient for use as medication; 1991

(2) The sample drug is in the original container in which 1992
it was placed by the manufacturer, and the container is plainly 1993
marked as a sample; 1994

(3) Prior to its being furnished, the sample drug has been 1995
stored under the proper conditions to prevent its deterioration 1996
or contamination; 1997

(4) If the sample drug is of a type which deteriorates 1998
with time, the sample container is plainly marked with the date 1999
beyond which the sample drug is unsafe to use, and the date has 2000
not expired on the sample furnished. Compliance with the 2001
labeling requirements of the "Federal Food, Drug, and Cosmetic 2002
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 2003
be deemed compliance with this section. 2004

(5) The sample drug is distributed, stored, or discarded 2005
in such a way that the sample drug may not be acquired or used 2006
by any unauthorized person, or by any person, including a child, 2007
for whom it may present a health or safety hazard. 2008

(C) Division (B) of this section does not do any of the 2009
following: 2010

(1) Apply to or restrict the furnishing of any sample of a 2011
nonnarcotic substance if the substance may, under the "Federal 2012
Food, Drug, and Cosmetic Act" and under the laws of this state, 2013
otherwise be lawfully sold over the counter without a 2014
prescription; 2015

(2) Authorize a licensed health professional authorized to 2016
prescribe drugs who is a clinical nurse specialist, certified 2017
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 2018
physician assistant, or psychologist to furnish a sample drug 2019
that is not a drug the professional is authorized to prescribe. 2020

(3) Prohibit a licensed health professional authorized to 2021
prescribe drugs, manufacturer of dangerous drugs, wholesale 2022
distributor of dangerous drugs, or representative of a 2023

manufacturer of dangerous drugs from furnishing a sample drug to 2024
a charitable pharmacy in accordance with section 3719.811 of the 2025
Revised Code. 2026

(4) Prohibit a pharmacist working, whether or not for 2027
compensation, in a charitable pharmacy from dispensing a sample 2028
drug to a person in accordance with section 3719.811 of the 2029
Revised Code. 2030

(D) The state board of pharmacy shall, in accordance with 2031
Chapter 119. of the Revised Code, adopt rules as necessary to 2032
give effect to this section. 2033

Sec. 3795.01. As used in sections 3795.01, 3795.02, and 2034
3795.03 of the Revised Code: 2035

(A) "Assist suicide" or "assisting suicide" means 2036
knowingly doing either of the following, with the purpose of 2037
helping another person to commit or attempt suicide: 2038

(1) Providing the physical means by which the person 2039
commits or attempts to commit suicide; 2040

(2) Participating in a physical act by which the person 2041
commits or attempts to commit suicide. 2042

(B) "Certified nurse practitioner," "certified nurse- 2043
midwife," and "clinical nurse specialist" have the same meanings 2044
as in section 4723.01 of the Revised Code. 2045

(C) "CPR" has the same meaning as in section 2133.21 of 2046
the Revised Code. 2047

(D) "Health care" means any care, treatment, service, or 2048
procedure to maintain, diagnose, or treat a person's physical or 2049
mental condition. 2050

(E) "Health care decision" means informed consent, refusal
to give informed consent, or withdrawal of informed consent to
health care.

(F) "Health care facility" means any of the following:

(1) A hospital;

(2) A hospice care program or pediatric respite care
program as defined in section 3712.01 of the Revised Code;

(3) A nursing home;

(4) A home health agency;

(5) An intermediate care facility for individuals with
intellectual disabilities.

(G) "Health care personnel" means physicians, nurses,
physician assistants, psychologists, emergency medical
technicians-basic, emergency medical technicians-intermediate,
emergency medical technicians-paramedic, medical technicians,
dietitians, other authorized persons acting under the direction
of an attending physician, and administrators of health care
facilities.

(H) "Physician" means a person who is authorized under
Chapter 4731. of the Revised Code to practice medicine and
surgery or osteopathic medicine and surgery.

Sec. 4723.01. As used in this chapter:

(A) "Registered nurse" means an individual who holds a
current, valid license issued under this chapter that authorizes
the practice of nursing as a registered nurse.

(B) "Practice of nursing as a registered nurse" means
providing to individuals and groups nursing care requiring

specialized knowledge, judgment, and skill derived from the 2078
principles of biological, physical, behavioral, social, and 2079
nursing sciences. Such nursing care includes: 2080

(1) Identifying patterns of human responses to actual or 2081
potential health problems amenable to a nursing regimen; 2082

(2) Executing a nursing regimen through the selection, 2083
performance, management, and evaluation of nursing actions; 2084

(3) Assessing health status for the purpose of providing 2085
nursing care; 2086

(4) Providing health counseling and health teaching; 2087

(5) Administering medications, treatments, and executing 2088
regimens authorized by an individual who is authorized to 2089
practice in this state and is acting within the course of the 2090
individual's professional practice; 2091

(6) Teaching, administering, supervising, delegating, and 2092
evaluating nursing practice. 2093

(C) "Nursing regimen" may include preventative, 2094
restorative, and health-promotion activities. 2095

(D) "Assessing health status" means the collection of data 2096
through nursing assessment techniques, which may include 2097
interviews, observation, and physical evaluations for the 2098
purpose of providing nursing care. 2099

(E) "Licensed practical nurse" means an individual who 2100
holds a current, valid license issued under this chapter that 2101
authorizes the practice of nursing as a licensed practical 2102
nurse. 2103

(F) "The practice of nursing as a licensed practical 2104

nurse" means providing to individuals and groups nursing care 2105
requiring the application of basic knowledge of the biological, 2106
physical, behavioral, social, and nursing sciences at the 2107
direction of a registered nurse or any of the following who is 2108
authorized to practice in this state: a physician, physician 2109
assistant, dentist, podiatrist, optometrist, ~~or~~ chiropractor, or 2110
psychologist. Such nursing care includes: 2111

(1) Observation, patient teaching, and care in a diversity 2112
of health care settings; 2113

(2) Contributions to the planning, implementation, and 2114
evaluation of nursing; 2115

(3) Administration of medications and treatments 2116
authorized by an individual who is authorized to practice in 2117
this state and is acting within the course of the individual's 2118
professional practice on the condition that the licensed 2119
practical nurse is authorized under section 4723.17 of the 2120
Revised Code to administer medications; 2121

(4) Administration to an adult of intravenous therapy 2122
authorized by an individual who is authorized to practice in 2123
this state and is acting within the course of the individual's 2124
professional practice, on the condition that the licensed 2125
practical nurse is authorized under section 4723.18 or 4723.181 2126
of the Revised Code to perform intravenous therapy and performs 2127
intravenous therapy only in accordance with those sections; 2128

(5) Delegation of nursing tasks as directed by a 2129
registered nurse; 2130

(6) Teaching nursing tasks to licensed practical nurses 2131
and individuals to whom the licensed practical nurse is 2132
authorized to delegate nursing tasks as directed by a registered 2133

nurse. 2134

(G) "Certified registered nurse anesthetist" means a 2135
registered nurse who holds a valid certificate of authority 2136
issued under this chapter that authorizes the practice of 2137
nursing as a certified registered nurse anesthetist in 2138
accordance with section 4723.43 of the Revised Code and rules 2139
adopted by the board of nursing. 2140

(H) "Clinical nurse specialist" means a registered nurse 2141
who holds a valid certificate of authority issued under this 2142
chapter that authorizes the practice of nursing as a clinical 2143
nurse specialist in accordance with section 4723.43 of the 2144
Revised Code and rules adopted by the board of nursing. 2145

(I) "Certified nurse-midwife" means a registered nurse who 2146
holds a valid certificate of authority issued under this chapter 2147
that authorizes the practice of nursing as a certified nurse- 2148
midwife in accordance with section 4723.43 of the Revised Code 2149
and rules adopted by the board of nursing. 2150

(J) "Certified nurse practitioner" means a registered 2151
nurse who holds a valid certificate of authority issued under 2152
this chapter that authorizes the practice of nursing as a 2153
certified nurse practitioner in accordance with section 4723.43 2154
of the Revised Code and rules adopted by the board of nursing. 2155

(K) "Physician" means an individual authorized under 2156
Chapter 4731. of the Revised Code to practice medicine and 2157
surgery or osteopathic medicine and surgery. 2158

(L) "Collaboration" or "collaborating" means the 2159
following: 2160

(1) In the case of a clinical nurse specialist, except as 2161
provided in division (L) (3) of this section, or a certified 2162

nurse practitioner, that one or more podiatrists acting within 2163
the scope of practice of podiatry in accordance with section 2164
4731.51 of the Revised Code and with whom the nurse has entered 2165
into a standard care arrangement or one or more physicians with 2166
whom the nurse has entered into a standard care arrangement are 2167
continuously available to communicate with the clinical nurse 2168
specialist or certified nurse practitioner either in person or 2169
by radio, telephone, or other form of telecommunication; 2170

(2) In the case of a certified nurse-midwife, that one or 2171
more physicians with whom the certified nurse-midwife has 2172
entered into a standard care arrangement are continuously 2173
available to communicate with the certified nurse-midwife either 2174
in person or by radio, telephone, or other form of 2175
telecommunication; 2176

(3) In the case of a clinical nurse specialist who 2177
practices the nursing specialty of mental health or psychiatric 2178
mental health without being authorized to prescribe drugs and 2179
therapeutic devices, that one or more physicians are 2180
continuously available to communicate with the nurse either in 2181
person or by radio, telephone, or other form of 2182
telecommunication. 2183

(M) "Supervision," as it pertains to a certified 2184
registered nurse anesthetist, means that the certified 2185
registered nurse anesthetist is under the direction of a 2186
podiatrist acting within the podiatrist's scope of practice in 2187
accordance with section 4731.51 of the Revised Code, a dentist 2188
acting within the dentist's scope of practice in accordance with 2189
Chapter 4715. of the Revised Code, or a physician, and, when 2190
administering anesthesia, the certified registered nurse 2191
anesthetist is in the immediate presence of the podiatrist, 2192

dentist, or physician. 2193

(N) "Standard care arrangement" means a written, formal 2194
guide for planning and evaluating a patient's health care that 2195
is developed by one or more collaborating physicians or 2196
podiatrists and a clinical nurse specialist, certified nurse- 2197
midwife, or certified nurse practitioner and meets the 2198
requirements of section 4723.431 of the Revised Code. 2199

(O) "Advanced practice registered nurse" means a certified 2200
registered nurse anesthetist, clinical nurse specialist, 2201
certified nurse-midwife, or certified nurse practitioner. 2202

(P) "Dialysis care" means the care and procedures that a 2203
dialysis technician or dialysis technician intern is authorized 2204
to provide and perform, as specified in section 4723.72 of the 2205
Revised Code. 2206

(Q) "Dialysis technician" means an individual who holds a 2207
current, valid certificate to practice as a dialysis technician 2208
issued under section 4723.75 of the Revised Code. 2209

(R) "Dialysis technician intern" means an individual who 2210
holds a current, valid certificate to practice as a dialysis 2211
technician intern issued under section 4723.75 of the Revised 2212
Code. 2213

(S) "Certified community health worker" means an 2214
individual who holds a current, valid certificate as a community 2215
health worker issued under section 4723.85 of the Revised Code. 2216

(T) "Medication aide" means an individual who holds a 2217
current, valid certificate issued under this chapter that 2218
authorizes the individual to administer medication in accordance 2219
with section 4723.67 of the Revised Code. 2220

Sec. 4729.01. As used in this chapter:	2221
(A) "Pharmacy," except when used in a context that refers	2222
to the practice of pharmacy, means any area, room, rooms, place	2223
of business, department, or portion of any of the foregoing	2224
where the practice of pharmacy is conducted.	2225
(B) "Practice of pharmacy" means providing pharmacist care	2226
requiring specialized knowledge, judgment, and skill derived	2227
from the principles of biological, chemical, behavioral, social,	2228
pharmaceutical, and clinical sciences. As used in this division,	2229
"pharmacist care" includes the following:	2230
(1) Interpreting prescriptions;	2231
(2) Dispensing drugs and drug therapy related devices;	2232
(3) Compounding drugs;	2233
(4) Counseling individuals with regard to their drug	2234
therapy, recommending drug therapy related devices, and	2235
assisting in the selection of drugs and appliances for treatment	2236
of common diseases and injuries and providing instruction in the	2237
proper use of the drugs and appliances;	2238
(5) Performing drug regimen reviews with individuals by	2239
discussing all of the drugs that the individual is taking and	2240
explaining the interactions of the drugs;	2241
(6) Performing drug utilization reviews with licensed	2242
health professionals authorized to prescribe drugs when the	2243
pharmacist determines that an individual with a prescription has	2244
a drug regimen that warrants additional discussion with the	2245
prescriber;	2246
(7) Advising an individual and the health care	2247
professionals treating an individual with regard to the	2248

individual's drug therapy; 2249

(8) Acting pursuant to a consult agreement with a 2250
physician authorized under Chapter 4731. of the Revised Code to 2251
practice medicine and surgery or osteopathic medicine and 2252
surgery, if an agreement has been established with the 2253
physician; 2254

(9) Engaging in the administration of immunizations to the 2255
extent authorized by section 4729.41 of the Revised Code. 2256

(C) "Compounding" means the preparation, mixing, 2257
assembling, packaging, and labeling of one or more drugs in any 2258
of the following circumstances: 2259

(1) Pursuant to a prescription issued by a licensed health 2260
professional authorized to prescribe drugs; 2261

(2) Pursuant to the modification of a prescription made in 2262
accordance with a consult agreement; 2263

(3) As an incident to research, teaching activities, or 2264
chemical analysis; 2265

(4) In anticipation of orders for drugs pursuant to 2266
prescriptions, based on routine, regularly observed dispensing 2267
patterns; 2268

(5) Pursuant to a request made by a licensed health 2269
professional authorized to prescribe drugs for a drug that is to 2270
be used by the professional for the purpose of direct 2271
administration to patients in the course of the professional's 2272
practice, if all of the following apply: 2273

(a) At the time the request is made, the drug is not 2274
commercially available regardless of the reason that the drug is 2275
not available, including the absence of a manufacturer for the 2276

drug or the lack of a readily available supply of the drug from 2277
a manufacturer. 2278

(b) A limited quantity of the drug is compounded and 2279
provided to the professional. 2280

(c) The drug is compounded and provided to the 2281
professional as an occasional exception to the normal practice 2282
of dispensing drugs pursuant to patient-specific prescriptions. 2283

(D) "Consult agreement" means an agreement to manage an 2284
individual's drug therapy that has been entered into by a 2285
pharmacist and a physician authorized under Chapter 4731. of the 2286
Revised Code to practice medicine and surgery or osteopathic 2287
medicine and surgery. 2288

(E) "Drug" means: 2289

(1) Any article recognized in the United States 2290
pharmacopoeia and national formulary, or any supplement to them, 2291
intended for use in the diagnosis, cure, mitigation, treatment, 2292
or prevention of disease in humans or animals; 2293

(2) Any other article intended for use in the diagnosis, 2294
cure, mitigation, treatment, or prevention of disease in humans 2295
or animals; 2296

(3) Any article, other than food, intended to affect the 2297
structure or any function of the body of humans or animals; 2298

(4) Any article intended for use as a component of any 2299
article specified in division (E) (1), (2), or (3) of this 2300
section; but does not include devices or their components, 2301
parts, or accessories. 2302

(F) "Dangerous drug" means any of the following: 2303

(1) Any drug to which either of the following applies: 2304

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 2305
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 2306
required to bear a label containing the legend "Caution: Federal 2307
law prohibits dispensing without prescription" or "Caution: 2308
Federal law restricts this drug to use by or on the order of a 2309
licensed veterinarian" or any similar restrictive statement, or 2310
the drug may be dispensed only upon a prescription; 2311

(b) Under Chapter 3715. or 3719. of the Revised Code, the 2312
drug may be dispensed only upon a prescription. 2313

(2) Any drug that contains a schedule V controlled 2314
substance and that is exempt from Chapter 3719. of the Revised 2315
Code or to which that chapter does not apply; 2316

(3) Any drug intended for administration by injection into 2317
the human body other than through a natural orifice of the human 2318
body. 2319

(G) "Federal drug abuse control laws" has the same meaning 2320
as in section 3719.01 of the Revised Code. 2321

(H) "Prescription" means both of the following: 2322

(1) A written, electronic, or oral order for drugs or 2323
combinations or mixtures of drugs to be used by a particular 2324
individual or for treating a particular animal, issued by a 2325
licensed health professional authorized to prescribe drugs; 2326

(2) For purposes of ~~section~~ sections 2925.61, 4723.488, 2327
4729.44, 4730.431, and 4731.94 of the Revised Code, a written, 2328
electronic, or oral order for naloxone issued to and in the name 2329
of a family member, friend, or other individual in a position to 2330
assist an individual who there is reason to believe is at risk 2331

of experiencing an opioid-related overdose. 2332

(I) "Licensed health professional authorized to prescribe 2333
drugs" or "prescriber" means an individual who is authorized by 2334
law to prescribe drugs or dangerous drugs or drug therapy 2335
related devices in the course of the individual's professional 2336
practice, including only the following: 2337

(1) A dentist licensed under Chapter 4715. of the Revised 2338
Code; 2339

(2) A clinical nurse specialist, certified nurse-midwife, 2340
or certified nurse practitioner who holds a certificate to 2341
prescribe issued under section 4723.48 of the Revised Code; 2342

(3) An optometrist licensed under Chapter 4725. of the 2343
Revised Code to practice optometry under a therapeutic 2344
pharmaceutical agents certificate; 2345

(4) A physician authorized under Chapter 4731. of the 2346
Revised Code to practice medicine and surgery, osteopathic 2347
medicine and surgery, or podiatric medicine and surgery; 2348

(5) A physician assistant who holds a license to practice 2349
as a physician assistant issued under Chapter 4730. of the 2350
Revised Code, holds a valid prescriber number issued by the 2351
state medical board, and has been granted physician-delegated 2352
prescriptive authority; 2353

(6) A psychologist who holds a certificate to prescribe 2354
issued under section 4732.40 of the Revised Code, but only to 2355
the extent authorized by section 4732.43 of the Revised Code; 2356

(7) A veterinarian licensed under Chapter 4741. of the 2357
Revised Code. 2358

(J) "Sale" and "sell" include delivery, transfer, barter, 2359

exchange, or gift, or offer therefor, and each such transaction 2360
made by any person, whether as principal proprietor, agent, or 2361
employee. 2362

(K) "Wholesale sale" and "sale at wholesale" mean any sale 2363
in which the purpose of the purchaser is to resell the article 2364
purchased or received by the purchaser. 2365

(L) "Retail sale" and "sale at retail" mean any sale other 2366
than a wholesale sale or sale at wholesale. 2367

(M) "Retail seller" means any person that sells any 2368
dangerous drug to consumers without assuming control over and 2369
responsibility for its administration. Mere advice or 2370
instructions regarding administration do not constitute control 2371
or establish responsibility. 2372

(N) "Price information" means the price charged for a 2373
prescription for a particular drug product and, in an easily 2374
understandable manner, all of the following: 2375

(1) The proprietary name of the drug product; 2376

(2) The established (generic) name of the drug product; 2377

(3) The strength of the drug product if the product 2378
contains a single active ingredient or if the drug product 2379
contains more than one active ingredient and a relevant strength 2380
can be associated with the product without indicating each 2381
active ingredient. The established name and quantity of each 2382
active ingredient are required if such a relevant strength 2383
cannot be so associated with a drug product containing more than 2384
one ingredient. 2385

(4) The dosage form; 2386

(5) The price charged for a specific quantity of the drug 2387

product. The stated price shall include all charges to the 2388
consumer, including, but not limited to, the cost of the drug 2389
product, professional fees, handling fees, if any, and a 2390
statement identifying professional services routinely furnished 2391
by the pharmacy. Any mailing fees and delivery fees may be 2392
stated separately without repetition. The information shall not 2393
be false or misleading. 2394

(O) "Wholesale distributor of dangerous drugs" means a 2395
person engaged in the sale of dangerous drugs at wholesale and 2396
includes any agent or employee of such a person authorized by 2397
the person to engage in the sale of dangerous drugs at 2398
wholesale. 2399

(P) "Manufacturer of dangerous drugs" means a person, 2400
other than a pharmacist, who manufactures dangerous drugs and 2401
who is engaged in the sale of those dangerous drugs within this 2402
state. 2403

(Q) "Terminal distributor of dangerous drugs" means a 2404
person who is engaged in the sale of dangerous drugs at retail, 2405
or any person, other than a wholesale distributor or a 2406
pharmacist, who has possession, custody, or control of dangerous 2407
drugs for any purpose other than for that person's own use and 2408
consumption, and includes pharmacies, hospitals, nursing homes, 2409
and laboratories and all other persons who procure dangerous 2410
drugs for sale or other distribution by or under the supervision 2411
of a pharmacist or licensed health professional authorized to 2412
prescribe drugs. 2413

(R) "Promote to the public" means disseminating a 2414
representation to the public in any manner or by any means, 2415
other than by labeling, for the purpose of inducing, or that is 2416
likely to induce, directly or indirectly, the purchase of a 2417

dangerous drug at retail. 2418

(S) "Person" includes any individual, partnership, 2419
association, limited liability company, or corporation, the 2420
state, any political subdivision of the state, and any district, 2421
department, or agency of the state or its political 2422
subdivisions. 2423

(T) "Finished dosage form" has the same meaning as in 2424
section 3715.01 of the Revised Code. 2425

(U) "Generically equivalent drug" has the same meaning as 2426
in section 3715.01 of the Revised Code. 2427

(V) "Animal shelter" means a facility operated by a humane 2428
society or any society organized under Chapter 1717. of the 2429
Revised Code or a dog pound operated pursuant to Chapter 955. of 2430
the Revised Code. 2431

(W) "Food" has the same meaning as in section 3715.01 of 2432
the Revised Code. 2433

(X) "Pain management clinic" has the same meaning as in 2434
section 4731.054 of the Revised Code. 2435

Sec. 4729.51. (A) (1) Except as provided in division (A) (2) 2436
of this section, no person other than a registered wholesale 2437
distributor of dangerous drugs shall possess for sale, sell, 2438
distribute, or deliver, at wholesale, dangerous drugs, except as 2439
follows: 2440

(a) A pharmacist who is a licensed terminal distributor of 2441
dangerous drugs or who is employed by a licensed terminal 2442
distributor of dangerous drugs may make occasional sales of 2443
dangerous drugs at wholesale. 2444

(b) A licensed terminal distributor of dangerous drugs 2445

having more than one establishment or place may transfer or 2446
deliver dangerous drugs from one establishment or place for 2447
which a license has been issued to the terminal distributor to 2448
another establishment or place for which a license has been 2449
issued to the terminal distributor if the license issued for 2450
each establishment or place is in effect at the time of the 2451
transfer or delivery. 2452

(c) A licensed terminal distributor of dangerous drugs may 2453
make occasional sales of naloxone at wholesale to a state or 2454
local law enforcement agency if the terminal distributor is any 2455
of the following: 2456

(i) A board of health of a city or general health 2457
district; 2458

(ii) An authority having the duties of a board of health 2459
under section 3709.05 of the Revised Code; 2460

(iii) A health department operated by such a board or 2461
authority. 2462

(2) A manufacturer of dangerous drugs may donate inhalers, 2463
as defined in section 3313.7113 of the Revised Code, and 2464
epinephrine autoinjectors to any of the following: 2465

(a) The board of education of a city, local, exempted 2466
village, or joint vocational school district; 2467

(b) A community school established under Chapter 3314. of 2468
the Revised Code; 2469

(c) A STEM school established under Chapter 3326. of the 2470
Revised Code; 2471

(d) A college-preparatory boarding school established 2472
under Chapter 3328. of the Revised Code; 2473

(e) A chartered or nonchartered nonpublic school. 2474

(B) (1) No registered wholesale distributor of dangerous 2475
drugs shall possess for sale, or sell, at wholesale, dangerous 2476
drugs to any person other than the following: 2477

(a) Except as provided in division (B) (2) (a) of this 2478
section and division (B) of section 4729.541 of the Revised 2479
Code, a licensed health professional authorized to prescribe 2480
drugs; 2481

(b) An optometrist licensed under Chapter 4725. of the 2482
Revised Code who holds a topical ocular pharmaceutical agents 2483
certificate; 2484

(c) A registered wholesale distributor of dangerous drugs; 2485

(d) A manufacturer of dangerous drugs; 2486

(e) Subject to division (B) (3) of this section, a licensed 2487
terminal distributor of dangerous drugs; 2488

(f) Carriers or warehouses for the purpose of carriage or 2489
storage; 2490

(g) Terminal or wholesale distributors of dangerous drugs 2491
who are not engaged in the sale of dangerous drugs within this 2492
state; 2493

(h) An individual who holds a current license, 2494
certificate, or registration issued under Title XLVII of the 2495
Revised Code and has been certified to conduct diabetes 2496
education by a national certifying body specified in rules 2497
adopted by the state board of pharmacy under section 4729.68 of 2498
the Revised Code, but only with respect to insulin that will be 2499
used for the purpose of diabetes education and only if diabetes 2500
education is within the individual's scope of practice under 2501

statutes and rules regulating the individual's profession; 2502

(i) An individual who holds a valid certificate issued by 2503
a nationally recognized S.C.U.B.A. diving certifying 2504
organization approved by the state board of pharmacy in rule, 2505
but only with respect to medical oxygen that will be used for 2506
the purpose of emergency care or treatment at the scene of a 2507
diving emergency; 2508

(j) Except as provided in division (B) (2) (b) of this 2509
section and division (A) of section 4729.541 of the Revised 2510
Code, a business entity that is a corporation formed under 2511
division (B) of section 1701.03 of the Revised Code, a limited 2512
liability company formed under Chapter 1705. of the Revised 2513
Code, or a professional association formed under Chapter 1785. 2514
of the Revised Code if the entity has a sole shareholder who is 2515
a licensed health professional authorized to prescribe drugs and 2516
is authorized to provide the professional services being offered 2517
by the entity; 2518

(k) Except as provided in division (B) (2) (c) of this 2519
section and division (A) of section 4729.541 of the Revised 2520
Code, a business entity that is a corporation formed under 2521
division (B) of section 1701.03 of the Revised Code, a limited 2522
liability company formed under Chapter 1705. of the Revised 2523
Code, a partnership or a limited liability partnership formed 2524
under Chapter 1775. of the Revised Code, or a professional 2525
association formed under Chapter 1785. of the Revised Code, if, 2526
to be a shareholder, member, or partner, an individual is 2527
required to be licensed, certified, or otherwise legally 2528
authorized under Title XLVII of the Revised Code to perform the 2529
professional service provided by the entity and each such 2530
individual is a licensed health professional authorized to 2531

prescribe drugs; 2532

(l) With respect to epinephrine autoinjectors that may be 2533
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 2534
or 3328.29 of the Revised Code, any of the following: the board 2535
of education of a city, local, exempted village, or joint 2536
vocational school district; a chartered or nonchartered 2537
nonpublic school; a community school established under Chapter 2538
3314. of the Revised Code; a STEM school established under 2539
Chapter 3326. of the Revised Code; or a college-preparatory 2540
boarding school established under Chapter 3328. of the Revised 2541
Code; 2542

(m) With respect to epinephrine autoinjectors that may be 2543
possessed under section 5101.76 of the Revised Code, any of the 2544
following: a residential camp, as defined in section 2151.011 of 2545
the Revised Code; a child day camp, as defined in section 2546
5104.01 of the Revised Code; or a child day camp operated by any 2547
county, township, municipal corporation, township park district 2548
created under section 511.18 of the Revised Code, park district 2549
created under section 1545.04 of the Revised Code, or joint 2550
recreation district established under section 755.14 of the 2551
Revised Code; 2552

(n) With respect to naloxone that may be possessed under 2553
section 2925.61 of the Revised Code, a law enforcement agency 2554
and its peace officers; 2555

(o) With respect to inhalers that may be possessed under 2556
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of 2557
the Revised Code, any of the following: the board of education 2558
of a city, local, exempted village, or joint vocational school 2559
district; a chartered or nonchartered nonpublic school; a 2560
community school established under Chapter 3314. of the Revised 2561

Code; a STEM school established under Chapter 3326. of the 2562
Revised Code; or a college-preparatory boarding school 2563
established under Chapter 3328. of the Revised Code; 2564

(p) With respect to inhalers that may be possessed under 2565
section 5101.77 of the Revised Code, any of the following: a 2566
residential camp, as defined in section 2151.011 of the Revised 2567
Code; a child day camp, as defined in section 5104.01 of the 2568
Revised Code; or a child day camp operated by any county, 2569
township, municipal corporation, township park district created 2570
under section 511.18 of the Revised Code, park district created 2571
under section 1545.04 of the Revised Code, or joint recreation 2572
district established under section 755.14 of the Revised Code. 2573

(2) No registered wholesale distributor of dangerous drugs 2574
shall possess for sale, or sell, at wholesale, dangerous drugs 2575
to any of the following: 2576

(a) A prescriber who is employed by a pain management 2577
clinic that is not licensed as a terminal distributor of 2578
dangerous drugs with a pain management clinic classification 2579
issued under section 4729.552 of the Revised Code; 2580

(b) A business entity described in division (B) (1) (j) of 2581
this section that is, or is operating, a pain management clinic 2582
without a license as a terminal distributor of dangerous drugs 2583
with a pain management clinic classification issued under 2584
section 4729.552 of the Revised Code; 2585

(c) A business entity described in division (B) (1) (k) of 2586
this section that is, or is operating, a pain management clinic 2587
without a license as a terminal distributor of dangerous drugs 2588
with a pain management clinic classification issued under 2589
section 4729.552 of the Revised Code. 2590

(3) No registered wholesale distributor of dangerous drugs 2591
shall possess dangerous drugs for sale at wholesale, or sell 2592
such drugs at wholesale, to a licensed terminal distributor of 2593
dangerous drugs, except as follows: 2594

(a) In the case of a terminal distributor with a category 2595
I license, only dangerous drugs described in category I, as 2596
defined in division (A)(1) of section 4729.54 of the Revised 2597
Code; 2598

(b) In the case of a terminal distributor with a category 2599
II license, only dangerous drugs described in category I and 2600
category II, as defined in divisions (A)(1) and (2) of section 2601
4729.54 of the Revised Code; 2602

(c) In the case of a terminal distributor with a category 2603
III license, dangerous drugs described in category I, category 2604
II, and category III, as defined in divisions (A)(1), (2), and 2605
(3) of section 4729.54 of the Revised Code; 2606

(d) In the case of a terminal distributor with a limited 2607
category I, II, or III license, only the dangerous drugs 2608
specified in the certificate furnished by the terminal 2609
distributor in accordance with section 4729.60 of the Revised 2610
Code. 2611

(C)(1) Except as provided in division (C)(4) of this 2612
section, no person shall sell, at retail, dangerous drugs. 2613

(2) Except as provided in division (C)(4) of this section, 2614
no person shall possess for sale, at retail, dangerous drugs. 2615

(3) Except as provided in division (C)(4) of this section, 2616
no person shall possess dangerous drugs. 2617

(4) Divisions (C)(1), (2), and (3) of this section do not 2618

apply to a registered wholesale distributor of dangerous drugs 2619
or a licensed terminal distributor of dangerous drugs. 2620

Divisions (C)(1), (2), and (3) of this section do not 2621
apply to a person who possesses, or possesses for sale or sells, 2622
at retail, a dangerous drug in accordance with Chapters 3719., 2623
4715., 4723., 4725., 4729., 4730., 4731., 4732., and 4741. of 2624
the Revised Code. 2625

Divisions (C)(1), (2), and (3) of this section do not 2626
apply to an individual who holds a current license, certificate, 2627
or registration issued under Title XLVII of the Revised Code and 2628
has been certified to conduct diabetes education by a national 2629
certifying body specified in rules adopted by the state board of 2630
pharmacy under section 4729.68 of the Revised Code, but only to 2631
the extent that the individual possesses insulin or personally 2632
supplies insulin solely for the purpose of diabetes education 2633
and only if diabetes education is within the individual's scope 2634
of practice under statutes and rules regulating the individual's 2635
profession. 2636

Divisions (C)(1), (2), and (3) of this section do not 2637
apply to an individual who holds a valid certificate issued by a 2638
nationally recognized S.C.U.B.A. diving certifying organization 2639
approved by the state board of pharmacy in rule, but only to the 2640
extent that the individual possesses medical oxygen or 2641
personally supplies medical oxygen for the purpose of emergency 2642
care or treatment at the scene of a diving emergency. 2643

Division (C)(3) of this section does not apply to the 2644
board of education of a city, local, exempted village, or joint 2645
vocational school district, a school building operated by a 2646
school district board of education, a chartered or nonchartered 2647
nonpublic school, a community school, a STEM school, or a 2648

college-preparatory boarding school for the purpose of 2649
possessing epinephrine autoinjectors under section 3313.7110, 2650
3313.7111, 3314.143, 3326.28, or 3328.29 of the Revised Code and 2651
for the purpose of possessing inhalers under section 3313.7113, 2652
3313.7114, 3314.144, 3326.30, or 3328.30 of the Revised Code. 2653

Division (C) (3) of this section does not apply to a 2654
residential camp, as defined in section 2151.011 of the Revised 2655
Code, a child day camp, as defined in section 5104.01 of the 2656
Revised Code, or a child day camp operated by any county, 2657
township, municipal corporation, township park district created 2658
under section 511.18 of the Revised Code, park district created 2659
under section 1545.04 of the Revised Code, or joint recreation 2660
district established under section 755.14 of the Revised Code 2661
for the purpose of possessing epinephrine autoinjectors under 2662
section 5101.76 of the Revised Code and for the purpose of 2663
possessing inhalers under section 5101.77 of the Revised Code. 2664

Division (C) (3) of this section does not apply to a law 2665
enforcement agency or the agency's peace officers if the agency 2666
or officers possess naloxone for administration to individuals 2667
who are apparently experiencing opioid-related overdoses. 2668

(D) No licensed terminal distributor of dangerous drugs 2669
shall purchase for the purpose of resale dangerous drugs from 2670
any person other than a registered wholesale distributor of 2671
dangerous drugs, except as follows: 2672

(1) A licensed terminal distributor of dangerous drugs may 2673
make occasional purchases of dangerous drugs for resale from a 2674
pharmacist who is a licensed terminal distributor of dangerous 2675
drugs or who is employed by a licensed terminal distributor of 2676
dangerous drugs; 2677

(2) A licensed terminal distributor of dangerous drugs 2678
having more than one establishment or place may transfer or 2679
receive dangerous drugs from one establishment or place for 2680
which a license has been issued to the terminal distributor to 2681
another establishment or place for which a license has been 2682
issued to the terminal distributor if the license issued for 2683
each establishment or place is in effect at the time of the 2684
transfer or receipt. 2685

(E) No licensed terminal distributor of dangerous drugs 2686
shall engage in the sale or other distribution of dangerous 2687
drugs at retail or maintain possession, custody, or control of 2688
dangerous drugs for any purpose other than the distributor's 2689
personal use or consumption, at any establishment or place other 2690
than that or those described in the license issued by the state 2691
board of pharmacy to such terminal distributor. 2692

(F) Nothing in this section shall be construed to 2693
interfere with the performance of official duties by any law 2694
enforcement official authorized by municipal, county, state, or 2695
federal law to collect samples of any drug, regardless of its 2696
nature or in whose possession it may be. 2697

(G) Notwithstanding anything to the contrary in this 2698
section, the board of education of a city, local, exempted 2699
village, or joint vocational school district may deliver 2700
epinephrine autoinjectors to a school under its control for the 2701
purpose of possessing the epinephrine autoinjectors under 2702
section 3313.7110 of the Revised Code and may deliver inhalers 2703
to a school under its control for the purpose of possessing the 2704
inhalers under section 3313.7113 of the Revised Code. 2705

Sec. 4731.054. (A) As used in this section: 2706

- (1) "Chronic pain" has the same meaning as in section 2707
4731.052 of the Revised Code. 2708
- (2) "Controlled substance" has the same meaning as in 2709
section 3719.01 of the Revised Code. 2710
- (3) "Hospital" means a hospital registered with the 2711
department of health under section 3701.07 of the Revised Code. 2712
- (4) "Owner" means each person included on the list 2713
maintained under division (B) (6) of section 4729.552 of the 2714
Revised Code. 2715
- (5) (a) "Pain management clinic" means a facility to which 2716
both of the following apply: 2717
- (i) The majority of patients of the prescribers at the 2718
facility are provided treatment for chronic pain through the use 2719
of controlled substances, tramadol, or other drugs specified in 2720
rules adopted under this section; 2721
- (ii) The facility meets any other identifying criteria 2722
established in rules adopted under this section. 2723
- (b) "Pain management clinic" does not include any of the 2724
following: 2725
- (i) A hospital; 2726
- (ii) A facility operated by a hospital for the treatment 2727
of chronic pain; 2728
- (iii) A physician practice owned or controlled, in whole 2729
or in part, by a hospital or by an entity that owns or controls, 2730
in whole or in part, one or more hospitals; 2731
- (iv) A school, college, university, or other educational 2732
institution or program to the extent that it provides 2733

instruction to individuals preparing to practice as physicians, 2734
podiatrists, dentists, nurses, physician assistants, 2735
psychologists, optometrists, or veterinarians or any affiliated 2736
facility to the extent that it participates in the provision of 2737
that instruction; 2738

(v) A hospice program licensed under Chapter 3712. of the 2739
Revised Code; 2740

(vi) An ambulatory surgical facility licensed under 2741
section 3702.30 of the Revised Code; 2742

(vii) An interdisciplinary pain rehabilitation program 2743
with three-year accreditation from the commission on 2744
accreditation of rehabilitation facilities; 2745

(viii) A nursing home licensed under section 3721.02 of 2746
the Revised Code or by a political subdivision certified under 2747
section 3721.09 of the Revised Code; 2748

(ix) A facility conducting only clinical research that may 2749
use controlled substances in studies approved by a hospital- 2750
based institutional review board or an institutional review 2751
board accredited by the association for the accreditation of 2752
human research protection programs. 2753

(6) "Physician" means an individual authorized under this 2754
chapter to practice medicine and surgery or osteopathic medicine 2755
and surgery. 2756

(7) "Prescriber" has the same meaning as in section 2757
4729.01 of the Revised Code. 2758

(B) Each owner shall supervise, control, and direct the 2759
activities of each individual, including an employee, volunteer, 2760
or individual under contract, who provides treatment of chronic 2761

pain at the clinic or is associated with the provision of that 2762
treatment. The supervision, control, and direction shall be 2763
provided in accordance with rules adopted under this section. 2764

(C) The state medical board shall adopt rules in 2765
accordance with Chapter 119. of the Revised Code that establish 2766
all of the following: 2767

(1) Standards and procedures for the operation of a pain 2768
management clinic; 2769

(2) Standards and procedures to be followed by a physician 2770
who provides care at a pain management clinic; 2771

(3) For purposes of division (A) (5) (a) (i) of this section, 2772
the other drugs used to treat chronic pain that identify a 2773
facility as a pain management clinic; 2774

(4) For purposes of division (A) (5) (a) (ii) of this 2775
section, the other criteria that identify a facility as a pain 2776
management clinic; 2777

(5) For purposes of division (B) of this section, 2778
standards and procedures to be followed by an owner in providing 2779
supervision, direction, and control of individuals at a pain 2780
management clinic. 2781

(D) The board may impose a fine of not more than twenty 2782
thousand dollars on a physician who fails to comply with rules 2783
adopted under this section. The fine may be in addition to or in 2784
lieu of any other action that may be taken under section 4731.22 2785
of the Revised Code. The board shall deposit any amounts 2786
received under this division in accordance with section 4731.24 2787
of the Revised Code. 2788

(E) (1) The board may inspect either of the following as 2789

the board determines necessary to ensure compliance with this 2790
chapter and any rules adopted under it regarding pain management 2791
clinics: 2792

(a) A pain management clinic; 2793

(b) A facility or physician practice that the board 2794
suspects is operating as a pain management clinic in violation 2795
of this chapter. 2796

(2) The board's inspection shall be conducted in 2797
accordance with division (F) of section 4731.22 of the Revised 2798
Code. 2799

(3) Before conducting an on-site inspection, the board 2800
shall provide notice to the owner or other person in charge of 2801
the facility or physician practice, except that the board is not 2802
required to provide the notice if, in the judgment of the board, 2803
the notice would jeopardize an investigation being conducted by 2804
the board. 2805

Sec. 4732.01. As used in this chapter: 2806

(A) "Psychologist" means any person who holds self out to 2807
the public by any title or description of services incorporating 2808
the words "psychologic," "psychological," "psychologist," 2809
"psychology," or any other terms that imply the person is 2810
trained, experienced, or an expert in the field of psychology. 2811

(B) "The practice of psychology" means rendering or 2812
offering to render to individuals, groups, organizations, or the 2813
public any service involving the application of psychological 2814
procedures to assessment, diagnosis, prevention, treatment, or 2815
amelioration of psychological problems or emotional or mental 2816
disorders of individuals or groups; or to the assessment or 2817
improvement of psychological adjustment or functioning of 2818

individuals or groups, whether or not there is a diagnosable 2819
pre-existing psychological problem. Practice of psychology 2820
includes the practice of school psychology. For purposes of this 2821
chapter, teaching or research shall not be regarded as the 2822
practice of psychology, even when dealing with psychological 2823
subject matter, provided it does not otherwise involve the 2824
professional practice of psychology in which an individual's 2825
welfare is directly affected by the application of psychological 2826
procedures. 2827

(C) "Psychological procedures" include but are not 2828
restricted to application of principles, methods, or procedures 2829
of understanding, predicting, or influencing behavior, such as 2830
the principles pertaining to learning, conditioning, perception, 2831
motivation, thinking, emotions, or interpersonal relationships; 2832
the methods or procedures of verbal interaction, interviewing, 2833
counseling, behavior modification, environmental manipulation, 2834
group process, psychological psychotherapy, or hypnosis; and the 2835
methods or procedures of administering or interpreting tests of 2836
mental abilities, aptitudes, interests, attitudes, personality 2837
characteristics, emotions, or motivation. 2838

(D) "School psychologist" means any person who holds self 2839
out to the public by any title or description of services 2840
incorporating the words "school psychologist" or "school 2841
psychology," or who holds self out to be trained, experienced, 2842
or an expert in the practice of school psychology. 2843

(E) "Practice of school psychology" means rendering or 2844
offering to render to individuals, groups, organizations, or the 2845
public any of the following services: 2846

(1) Evaluation, diagnosis, or test interpretation limited 2847
to assessment of intellectual ability, learning patterns, 2848

achievement, motivation, behavior, or personality factors 2849
directly related to learning problems; 2850

(2) Intervention services, including counseling, for 2851
children or adults for amelioration or prevention of 2852
educationally related learning problems, including emotional and 2853
behavioral aspects of such problems; 2854

(3) Psychological, educational, or vocational consultation 2855
or direct educational services. This does not include industrial 2856
consultation or counseling services to clients undergoing 2857
vocational rehabilitation. 2858

(F) "Licensed psychologist" means an individual holding a 2859
current, valid license to practice psychology issued under 2860
section 4732.12 or 4732.15 of the Revised Code. 2861

(G) "School psychologist licensed by the state board of 2862
psychology" means an individual holding a current, valid license 2863
to practice school psychology issued under section 4732.12 or 2864
4732.15 of the Revised Code. 2865

(H) "School psychologist licensed by the state board of 2866
education" means an individual holding a current, valid school 2867
psychologist license issued under rules adopted under section 2868
3319.22 of the Revised Code. 2869

(I) "Mental health professional" and "mental health 2870
service" have the same meanings as in section 2305.51 of the 2871
Revised Code. 2872

(J) "Telepsychology" means the practice of psychology or 2873
school psychology by distance communication technology, 2874
including telephone, electronic mail, internet-based 2875
communications, and video conferencing; 2876

(K) "Benzodiazepine," "controlled substance," and "opioid analgesic" have the same meanings as in section 3719.01 of the Revised Code; 2877
2878
2879

(L) "Drug" and "prescription" have the same meanings as in section 4729.01 of the Revised Code. 2880
2881

Sec. 4732.17. (A) Subject to division (F) of this section, 2882
the state board of psychology may take any of the actions 2883
specified in division (C) of this section against an applicant 2884
for or a person who holds a license issued under this chapter on 2885
any of the following grounds as applicable: 2886

(1) Conviction, including a plea of guilty or no contest, 2887
of a felony, or of any offense involving moral turpitude, in a 2888
court of this or any other state or in a federal court; 2889

(2) A judicial finding of eligibility for intervention in 2890
lieu of conviction for a felony or any offense involving moral 2891
turpitude in a court of this or any other state or in a federal 2892
court; 2893

(3) Using fraud or deceit in the procurement of the 2894
license to practice psychology or school psychology or knowingly 2895
assisting another in the procurement of such a license through 2896
fraud or deceit; 2897

(4) Accepting commissions or rebates or other forms of 2898
remuneration for referring persons to other professionals; 2899

(5) Willful, unauthorized communication of information 2900
received in professional confidence; 2901

(6) Being negligent in the practice of psychology or 2902
school psychology; 2903

(7) Inability to practice according to acceptable and 2904

prevailing standards of care by reason of a mental, emotional, 2905
physiological, or pharmacological condition or substance abuse; 2906

(8) Subject to section 4732.28 of the Revised Code, 2907
violating any rule of professional conduct promulgated by the 2908
board; 2909

(9) Practicing in an area of psychology for which the 2910
person is clearly untrained or incompetent; 2911

(10) An adjudication by a court, as provided in section 2912
5122.301 of the Revised Code, that the person is incompetent for 2913
the purpose of holding the license. Such person may have the 2914
person's license issued or restored only upon determination by a 2915
court that the person is competent for the purpose of holding 2916
the license and upon the decision by the board that such license 2917
be issued or restored. The board may require an examination 2918
prior to such issuance or restoration. 2919

(11) Waiving the payment of all or any part of a 2920
deductible or copayment that a patient, pursuant to a health 2921
insurance or health care policy, contract, or plan that covers 2922
psychological services, would otherwise be required to pay if 2923
the waiver is used as an enticement to a patient or group of 2924
patients to receive health care services from that provider; 2925

(12) Advertising that the person will waive the payment of 2926
all or any part of a deductible or copayment that a patient, 2927
pursuant to a health insurance or health care policy, contract, 2928
or plan that covers psychological services, would otherwise be 2929
required to pay; 2930

(13) Any of the following actions taken by the agency 2931
responsible for authorizing or certifying the person to practice 2932
or regulating the person's practice of a health care occupation 2933

or provision of health care services in this state or another 2934
jurisdiction, as evidenced by a certified copy of that agency's 2935
records and findings for any reason other than the nonpayment of 2936
fees: 2937

(a) Limitation, revocation, or suspension of the person's 2938
license to practice; 2939

(b) Acceptance of the person's license surrender; 2940

(c) Denial of a license to the person; 2941

(d) Refuse to renew or reinstate the person's license; 2942

(e) Imposition of probation on the person; 2943

(f) Issuance of an order of censure or other reprimand 2944
against the person; 2945

(g) Other negative action or finding against the person 2946
about which information is available to the public. 2947

(14) Offering or rendering psychological services after a 2948
license issued under this chapter has expired due to a failure 2949
to timely register under section 4732.14 of the Revised Code or 2950
complete continuing education requirements; 2951

(15) Offering or rendering psychological services after a 2952
license issued under this chapter has been placed in retired 2953
status pursuant to section 4732.142 of the Revised Code; 2954

(16) Unless the person is a school psychologist licensed 2955
by the state board of education: 2956

(a) Offering or rendering school psychological services 2957
after a license issued under this chapter has expired due to a 2958
failure to timely register under section 4732.14 of the Revised 2959
Code or complete continuing education requirements; 2960

(b) Offering or rendering school psychological services 2961
after a license issued under this chapter has been placed in 2962
retired status pursuant to section 4732.142 of the Revised Code. 2963

(17) Violating any adjudication order or consent agreement 2964
adopted by the board; 2965

(18) Failure to submit to mental, cognitive, substance 2966
abuse, or medical evaluations, or a combination of these 2967
evaluations, ordered by the board under division (E) of this 2968
section; 2969

(19) Selling, giving away, or administering drugs or 2970
therapeutic devices for other than legal and legitimate 2971
therapeutic purposes; or conviction of, a plea of guilty to, a 2972
judicial finding of guilt of, a judicial finding of guilt 2973
resulting from a plea of no contest to, or a judicial finding of 2974
eligibility for a pretrial diversion or similar program or for 2975
intervention in lieu of conviction for, violating any municipal, 2976
state, county, or federal drug law; 2977

(20) The suspension or termination of employment by the 2978
department of defense or the veterans administration of the 2979
United States for any act that violates or would violate this 2980
chapter; 2981

(21) In the case of a psychologist who holds a certificate 2982
to prescribe issued under section 4732.40 of the Revised Code, 2983
failure to prescribe, personally furnish, or administer drugs 2984
and therapeutic devices in accordance with section 4732.43 of 2985
the Revised Code; 2986

(22) Prescribing any drug or device to perform or induce 2987
an abortion, or otherwise performing or inducing an abortion; 2988

(23) Assisting suicide, as defined in section 3795.01 of 2989

the Revised Code; 2990

(24) Failure to comply with the requirements in section 2991
3719.061 of the Revised Code before issuing for a minor a 2992
prescription for an opioid analgesic; 2993

(25) Failure to comply with section 4732.45 of the Revised 2994
Code, unless the state board of pharmacy no longer maintains a 2995
drug database pursuant to section 4729.75 of the Revised Code. 2996

(B) Notwithstanding divisions (A) (11) and (12) of this 2997
section, sanctions shall not be imposed against any license 2998
holder who waives deductibles and copayments: 2999

(1) In compliance with the health benefit plan that 3000
expressly allows such a practice. Waiver of the deductibles or 3001
copays shall be made only with the full knowledge and consent of 3002
the plan purchaser, payer, and third-party administrator. Such 3003
consent shall be made available to the board upon request. 3004

(2) For professional services rendered to any other person 3005
licensed pursuant to this chapter to the extent allowed by this 3006
chapter and the rules of the board. 3007

(C) For any of the reasons specified in division (A) of 3008
this section, the board may do one or more of the following: 3009

(1) Refuse to issue a license to an applicant; 3010

(2) Issue a reprimand to a license holder; 3011

(3) Suspend the license of a license holder; 3012

(4) Revoke the license of a license holder; 3013

(5) Limit or restrict the areas of practice of an 3014
applicant or a license holder; 3015

(6) Require mental, substance abuse, or physical 3016

evaluations, or any combination of these evaluations, of an 3017
applicant or a license holder; 3018

(7) Require remedial education and training of an 3019
applicant or a license holder. 3020

(D) When it revokes the license of a license holder under 3021
division (C)(4) of this section, the board may specify that the 3022
revocation is permanent. An individual subject to permanent 3023
revocation is forever thereafter ineligible to hold a license, 3024
and the board shall not accept an application for reinstatement 3025
of the license or issuance of a new license. 3026

(E) When the board issues a notice of opportunity for a 3027
hearing on the basis of division (A)(7) of this section, the 3028
supervising member of the board, with cause and upon 3029
consultation with the board's executive director and the board's 3030
legal counsel, may compel the applicant or license holder to 3031
submit to mental, cognitive, substance abuse, or medical 3032
evaluations, or a combination of these evaluations, by a person 3033
or persons selected by the board. Notice shall be given to the 3034
applicant or license holder in writing signed by the supervising 3035
member, the executive director, and the board's legal counsel. 3036
The applicant or license holder is deemed to have given consent 3037
to submit to these evaluations and to have waived all objections 3038
to the admissibility of testimony or evaluation reports that 3039
constitute a privileged communication. The expense of the 3040
evaluation or evaluations shall be the responsibility of the 3041
applicant or license holder who is evaluated. 3042

(F) Before the board may take action under this section, 3043
written charges shall be filed with the board by the secretary 3044
and a hearing shall be had thereon in accordance with Chapter 3045
119. of the Revised Code, except as follows: 3046

(1) On receipt of a complaint that any of the grounds 3047
listed in division (A) of this section exist, the state board of 3048
psychology may suspend a license issued under this chapter prior 3049
to holding a hearing in accordance with Chapter 119. of the 3050
Revised Code if it determines, based on the complaint, that 3051
there is an immediate threat to the public. A telephone 3052
conference call may be used to conduct an emergency meeting for 3053
review of the matter by a quorum of the board, taking the vote, 3054
and memorializing the action in the minutes of the meeting. 3055

After suspending a license pursuant to division (F) (1) of 3056
this section, the board shall notify the license holder of the 3057
suspension in accordance with section 119.07 of the Revised 3058
Code. If the individual whose license is suspended fails to make 3059
a timely request for an adjudication under Chapter 119. of the 3060
Revised Code, the board shall enter a final order permanently 3061
revoking the license. 3062

(2) The board shall adopt rules establishing a case 3063
management schedule for pre-hearing procedures by the hearing 3064
examiner or presiding board member. The schedule shall include 3065
applicable deadlines related to the hearing process, including 3066
all of the following: 3067

(a) The date of the hearing; 3068

(b) The date for the disclosure of witnesses and exhibits; 3069

(c) The date for the disclosure of the identity of expert 3070
witnesses and the exchange of written reports; 3071

(d) The deadline for submitting a request for the issuance 3072
of a subpoena for the hearing as provided under Chapter 119. of 3073
the Revised Code and division (F) (4) of this section. 3074

(3) Either party to the hearing may submit a written 3075

request to the other party for a list of witnesses and copies of 3076
documents intended to be introduced at the hearing. The request 3077
shall be in writing and shall be served not less than thirty- 3078
seven days prior to the hearing, unless the hearing officer or 3079
presiding board member grants an extension of time to make the 3080
request. Not later than thirty days before the hearing, the 3081
responding party shall provide the requested list of witnesses, 3082
summary of their testimony, and copies of documents to the 3083
requesting party, unless the hearing officer or presiding board 3084
member grants an extension. Failure to timely provide a list or 3085
copies requested in accordance with this section may, at the 3086
discretion of the hearing officer or presiding board member, 3087
result in exclusion from the hearing of the witnesses, 3088
testimony, or documents. 3089

(4) In addition to subpoenas for the production of books, 3090
records, and papers requested under Chapter 119. of the Revised 3091
Code, either party may ask the board to issue a subpoena for the 3092
production of other tangible items. 3093

The person subject to a subpoena for the production of 3094
books, records, papers, or other tangible items shall respond to 3095
the subpoena at least twenty days prior to the date of the 3096
hearing. If a person fails to respond to a subpoena issued by 3097
the board, after providing reasonable notice to the person, the 3098
board, the hearing officer, or both may proceed with enforcement 3099
of the subpoena pursuant to section 119.09 of the Revised Code. 3100

Sec. 4732.20. This—Except to the extent that a 3101
psychologist who holds a certificate to prescribe issued under 3102
section 4732.40 of the Revised Code is authorized to prescribe, 3103
personally furnish, and administer the drugs and therapeutic 3104
devices specified in section 4732.43 of the Revised Code, as 3105

well as order laboratory tests and procedures as described in 3106
that section, this chapter does not authorize any person to 3107
engage in any of the acts which are regarded as practicing 3108
medicine under section 4731.34 of the Revised Code. In order to 3109
make provision for the diagnosis and treatment of medical 3110
problems, a licensed psychologist engaging in psychological 3111
psychotherapy with clients shall maintain a consultative 3112
relationship with a physician licensed to practice medicine by 3113
this state. The practice of psychology, the practice of school 3114
psychology, or the use of psychological procedures does not 3115
include the diagnosis or correction of optical defects or 3116
conditions through the utilization of optical principles, 3117
including optical devices or orthoptics. 3118

Sec. 4732.40. (A) A psychologist seeking authority to 3119
prescribe, personally furnish, or administer the drugs and 3120
therapeutic devices specified in divisions (A) and (B) of 3121
section 4732.43 of the Revised Code shall file with the state 3122
board of psychology a written application for a certificate to 3123
prescribe on a form developed and supplied by the board. The 3124
application shall include the following: 3125

(1) The applicant's name, residential address, business 3126
address (if any), electronic mail address, telephone number, and 3127
social security number; 3128

(2) Evidence of holding a valid license to practice 3129
psychology issued under section 4732.12 of the Revised Code or, 3130
if the applicant exclusively practices in a facility operated by 3131
the United States department of veterans affairs, evidence of 3132
holding a valid license, certificate, or registration required 3133
to practice psychology in another United States jurisdiction; 3134

(3) Evidence of receiving an earned doctoral degree 3135

described in division (B) (3) (a) or (b) of section 4732.10 of the 3136
Revised Code; 3137

(4) Proof of eligibility to receive a certificate to 3138
prescribe by meeting one of the requirements specified in 3139
section 4732.41 of the Revised Code; 3140

(5) Payment of a fee of fifty dollars; 3141

(6) Any other information the board requires. 3142

(B) The board shall review all applications received. If 3143
an application is complete and the board determines that the 3144
applicant meets the requirements for a certificate to prescribe, 3145
the board shall issue the certificate to the applicant. 3146

Sec. 4732.41. To be eligible to receive a certificate to 3147
prescribe under section 4732.40 of the Revised Code, an 3148
applicant shall meet either of the following requirements: 3149

(A) Satisfy all of the following criteria: 3150

(1) Complete a course of study in clinical 3151
psychopharmacology approved by the board in rules adopted under 3152
section 4732.46 of the Revised Code; 3153

(2) Under the direction of a qualified practitioner and 3154
for a duration of time, both as specified by the board in rules 3155
adopted under section 4732.46 of the Revised Code, complete a 3156
period of clinical supervision in the psychopharmacological 3157
treatment of diverse patient populations; 3158

(3) Pass the psychopharmacology examination for 3159
psychologists offered by the American psychological association 3160
practice organization's college of professional psychology. 3161

(B) Complete the United States department of defense 3162

psychopharmacology demonstration project. 3163

Sec. 4732.42. (A) A certificate to prescribe issued under 3164
section 4732.40 of the Revised Code is valid for two years, 3165
unless otherwise provided in rules adopted under section 4732.46 3166
of the Revised Code or earlier suspended or revoked by the state 3167
board of psychology. The board shall renew certificates to 3168
prescribe according to procedures and a renewal schedule 3169
established in rules adopted under section 4732.46 of the 3170
Revised Code. 3171

(B) The board may renew a certificate to prescribe if the 3172
holder submits to the board all of the following: 3173

(1) Evidence of having completed during the previous two 3174
years at least twenty-four contact hours of continuing education 3175
in psychopharmacology or, if the certificate has been held for 3176
less than a full renewal period, the number of hours required by 3177
the board in rules adopted under section 4732.46 of the Revised 3178
Code. The hours of continuing education required under this 3179
division are in addition to the continuing education requirement 3180
in section 4732.141 of the Revised Code. 3181

(2) The fee required for renewal of a certificate to 3182
prescribe as specified in rules adopted under section 4732.46 of 3183
the Revised Code. 3184

(3) Any additional information the board requires pursuant 3185
to rules adopted under section 4732.46 of the Revised Code. 3186

(C) (1) Except as provided in division (C) (2) of this 3187
section, in the case of a certificate holder seeking renewal who 3188
prescribes opioid analgesics or benzodiazepines, the holder 3189
shall certify to the board whether the holder has been granted 3190
access to the drug database established and maintained by the 3191

state board of pharmacy pursuant to section 4729.75 of the 3192
Revised Code. 3193

(2) The requirement in division (C)(1) of this section 3194
does not apply if any of the following is the case: 3195

(a) The state board of pharmacy notifies the state board 3196
of psychology pursuant to section 4729.861 of the Revised Code 3197
that the certificate holder has been restricted from obtaining 3198
further information from the drug database. 3199

(b) The state board of pharmacy no longer maintains the 3200
drug database. 3201

(c) The certificate holder does not practice psychology in 3202
this state. 3203

(3) If a certificate holder certifies to the state board 3204
of psychology that the holder has been granted access to the 3205
drug database and the board finds through an audit or other 3206
means that the holder has not been granted access, the board may 3207
take action under section 4732.17 of the Revised Code. 3208

(D) If a psychologist holds a certificate to prescribe 3209
issued under section 4732.40 of the Revised Code and the 3210
psychologist's license issued under 4732.12 expires for failure 3211
to renew under section 4732.14 of the Revised Code, the 3212
psychologist's certificate to prescribe is automatically 3213
suspended until the license is reinstated. If the license is 3214
revoked or suspended under section 4732.17 of the Revised Code, 3215
the certificate to prescribe is automatically revoked or 3216
suspended, as applicable. If a limitation or restriction is 3217
placed on the license under section 4732.17 of the Revised Code, 3218
the same limitation or restriction is placed on the 3219
psychologist's certificate to prescribe while the license 3220

remains limited or restricted. 3221

Sec. 4732.43. A certificate to prescribe issued under 3222
section 4732.40 of the Revised Code authorizes the certificate 3223
holder to do all of the following: 3224

(A) (1) Except as provided in division (A) (2) of this 3225
section, prescribe, personally furnish, and administer the 3226
following classes of drugs (including controlled substances 3227
within those classes): antidepressants, antipsychotics, mood 3228
stabilizers and other anticonvulsant benzodiazepine and 3229
nonbenzodiazepine anxiolytics, sedative hypnotics, stimulants, 3230
agents used for the treatment of extrapyramidal symptoms, 3231
agents for the treatment of Alzheimer's disease, and any other 3232
drugs commonly used to treat mental illness. The state board of 3233
psychology may adopt rules under section 4732.46 of the Revised 3234
Code specifying the drugs, by name and national drug code, that 3235
are included in the classes specified in this division. 3236

(2) A certificate holder shall not prescribe, personally 3237
furnish, or administer an opioid analgesic unless the opioid 3238
analgesic is a medication approved by the United States food and 3239
drug administration for the treatment of drug addiction, 3240
prevention of relapse of drug addiction, or both. 3241

(B) Prescribe, personally furnish, and administer the 3242
therapeutic devices specified by the state board of psychology 3243
in rules adopted under section 4732.46 of the Revised Code. 3244

(C) Order laboratory tests and procedures that the 3245
certificate holder believes are necessary to safely prescribe, 3246
personally furnish, or administer the drugs and therapeutic 3247
devices specified in divisions (A) and (B) of this section. 3248

(D) Issue an order that directs either of the following to 3249

administer a drug or therapeutic device specified in division 3250
(A) or (B) of this section to a patient who is under the 3251
certificate holder's care: 3252

(1) A registered nurse; 3253

(2) A licensed practical nurse who is authorized under 3254
section 4723.17 of the Revised Code to administer medications. 3255

Sec. 4732.44. No person who is not a licensed health 3256
professional authorized to prescribe drugs as defined in section 3257
4729.01 of the Revised Code shall prescribe, personally furnish, 3258
or administer the drugs and therapeutic devices specified in 3259
divisions (A) and (B) of section 4732.43 of the Revised Code. 3260

Sec. 4732.45. (A) As used in this section, "drug database" 3261
means the database established and maintained by the state board 3262
of pharmacy pursuant to section 4729.75 of the Revised Code. 3263

(B) Except as provided in divisions (C) and (E) of this 3264
section, a psychologist holding a certificate to prescribe 3265
issued under section 4732.40 of the Revised Code shall comply 3266
with all of the following as conditions of prescribing a drug 3267
that is either a benzodiazepine (as part of a patient's course 3268
of treatment for a particular condition) or an opioid analgesic 3269
(as part of a patient's treatment for drug addiction, prevention 3270
of relapse of drug addiction, or both): 3271

(1) Before initially prescribing the drug, the 3272
psychologist or the psychologist's delegate shall request from 3273
the drug database a report of information related to the patient 3274
that covers at least the twelve months immediately preceding the 3275
date of the request. If the psychologist practices primarily in 3276
a county of this state that adjoins another state, the 3277
psychologist or delegate also shall request a report of any 3278

information available in the drug database that pertains to 3279
prescriptions issued or drugs furnished to the patient in the 3280
state adjoining that county. 3281

(2) If the patient's course of treatment for the condition 3282
continues for more than ninety days after the initial report is 3283
requested, the psychologist or delegate shall make periodic 3284
requests for reports of information from the drug database until 3285
the course of treatment has ended. The requests shall be made at 3286
intervals not exceeding ninety days, determined according to the 3287
date the initial request was made. The request shall be made in 3288
the same manner provided in division (B)(1) of this section for 3289
requesting the initial report of information from the drug 3290
database. 3291

(3) On receipt of a report under division (B)(1) or (2) of 3292
this section, the psychologist shall assess the information in 3293
the report. The psychologist shall document in the patient's 3294
record that the report was received and the information was 3295
assessed. 3296

(C) Division (B) of this section does not apply in any of 3297
the following circumstances: 3298

(1) A drug database report regarding the patient is not 3299
available, in which case the psychologist shall document in the 3300
patient's record the reason that the report is not available. 3301

(2) The drug is prescribed in an amount indicated for a 3302
period not to exceed seven days. 3303

(3) The drug is prescribed for the treatment of cancer or 3304
another condition associated with cancer. 3305

(4) The drug is prescribed to a hospice patient in a 3306
hospice care program, as those terms are defined in section 3307

3712.01 of the Revised Code, or to any other patient diagnosed 3308
as terminally ill. 3309

(5) The drug is prescribed for administration in a 3310
hospital, nursing home, or residential care facility. 3311

(D) The state board of psychology may adopt rules, in 3312
accordance with Chapter 119. of the Revised Code, that establish 3313
standards and procedures to be followed by a psychologist with a 3314
certificate to prescribe issued under section 4732.40 of the 3315
Revised Code regarding the review of patient information 3316
available through the drug database under division (A) (5) of 3317
section 4729.80 of the Revised Code. The rules shall be adopted 3318
in accordance with Chapter 119. of the Revised Code. 3319

(E) This section and any rules adopted under it do not 3320
apply if the state board of pharmacy no longer maintains the 3321
drug database. 3322

Sec. 4732.46. (A) The state board of psychology, in 3323
accordance with Chapter 119. of the Revised Code, shall adopt 3324
rules to administer and enforce sections 4732.40 to 4732.45 of 3325
the Revised Code. The rules shall establish or specify all of 3326
the following: 3327

(1) For purposes of division (A) (1) of section 4732.41 of 3328
the Revised Code and subject to section 4732.47 of the Revised 3329
Code, standards for approval of courses of study in clinical 3330
psychopharmacology; 3331

(2) For purposes of division (A) (2) of section 4732.41 of 3332
the Revised Code, the practitioners who are qualified to 3333
supervise a psychologist during a period of clinical supervision 3334
in the psychopharmacological treatment of diverse patient 3335
populations and the duration of that period; 3336

(3) For purposes of division (A) of section 4732.42 of the 3337
Revised Code, procedures and a schedule for renewing a 3338
certificate to prescribe; 3339

(4) For purposes of division (B)(1) of section 4732.42 of 3340
the Revised Code, the number of hours of continuing education a 3341
certificate holder must complete if the certificate has been 3342
held for less than a full renewal cycle; 3343

(5) For purposes of division (B)(2) of section 4732.42 of 3344
the Revised Code, the fee required to renew a certificate to 3345
prescribe; 3346

(6) For purposes of division (B)(3) of section 4732.42 of 3347
the Revised Code, any additional information the board requires 3348
to renew a certificate to prescribe; 3349

(7) For purposes of division (B) of section 4732.43 of the 3350
Revised Code, the therapeutic devices a psychologist may 3351
prescribe, personally furnish, and administer under a 3352
certificate to prescribe. 3353

(B) The board may adopt rules to specify the drugs, by 3354
name and national drug code, that are included in the classes of 3355
drugs that a certificate holder may prescribe, personally 3356
furnish, or administer under division (A) of section 4732.43 of 3357
the Revised Code. 3358

Sec. 4732.47. When adopting standards for approval of 3359
courses of study in clinical psychopharmacology under section 3360
4732.46 of the Revised Code, the board shall require a course of 3361
study to include instruction in basic life sciences, 3362
neurosciences, clinical and research pharmacology and 3363
psychopharmacology, clinical medicine and pathophysiology, 3364
physical assessment and laboratory examinations, clinical 3365

pharmacotherapeutics, research, and professional, ethical, and 3366
legal issues. The total length of the course of study shall not 3367
be less than four hundred twenty-five contact hours. 3368

Sec. 5123.47. (A) As used in this section: 3369

(1) "In-home care" means the supportive services provided 3370
within the home of an individual with mental retardation or a 3371
developmental disability who receives funding for the services 3372
through a county board of developmental disabilities, including 3373
any recipient of residential services funded as home and 3374
community-based services, family support services provided under 3375
section 5126.11 of the Revised Code, or supported living 3376
provided in accordance with sections 5126.41 to 5126.47 of the 3377
Revised Code. "In-home care" includes care that is provided 3378
outside an individual's home in places incidental to the home, 3379
and while traveling to places incidental to the home, except 3380
that "in-home care" does not include care provided in the 3381
facilities of a county board of developmental disabilities or 3382
care provided in schools. 3383

(2) "Parent" means either parent of a child, including an 3384
adoptive parent but not a foster parent. 3385

(3) "Unlicensed in-home care worker" means an individual 3386
who provides in-home care but is not a health care professional. 3387

(4) "Family member" means a parent, sibling, spouse, son, 3388
daughter, grandparent, aunt, uncle, cousin, or guardian of the 3389
individual with mental retardation or a developmental disability 3390
if the individual with mental retardation or developmental 3391
disabilities lives with the person and is dependent on the 3392
person to the extent that, if the supports were withdrawn, 3393
another living arrangement would have to be found. 3394

(5) "Health care professional" means any of the following:	3395
(a) A dentist who holds a valid license issued under	3396
Chapter 4715. of the Revised Code;	3397
(b) A registered or licensed practical nurse who holds a	3398
valid license issued under Chapter 4723. of the Revised Code;	3399
(c) An optometrist who holds a valid license issued under	3400
Chapter 4725. of the Revised Code;	3401
(d) A pharmacist who holds a valid license issued under	3402
Chapter 4729. of the Revised Code;	3403
(e) A person who holds a valid certificate issued under	3404
Chapter 4731. of the Revised Code to practice medicine and	3405
surgery, osteopathic medicine and surgery, podiatric medicine	3406
and surgery, or a limited brand of medicine;	3407
(f) A physician assistant who holds a valid license issued	3408
under Chapter 4730. of the Revised Code;	3409
(g) <u>A psychologist who holds a certificate to prescribe</u>	3410
<u>issued under section 4732.40 of the Revised Code;</u>	3411
<u>(h)</u> An occupational therapist or occupational therapy	3412
assistant or a physical therapist or physical therapist	3413
assistant who holds a valid license issued under Chapter 4755.	3414
of the Revised Code;	3415
(h) <u>(i)</u> A respiratory care professional who holds a valid	3416
license issued under Chapter 4761. of the Revised Code.	3417
(6) "Health care task" means a task that is prescribed,	3418
ordered, delegated, or otherwise directed by a health care	3419
professional acting within the scope of the professional's	3420
practice.	3421

(B) Except as provided in division (E) of this section, a 3422
family member of an individual with mental retardation or a 3423
developmental disability may authorize an unlicensed in-home 3424
care worker to administer oral and topical prescribed 3425
medications or perform other health care tasks as part of the 3426
in-home care the worker provides to the individual, if all of 3427
the following apply: 3428

(1) The family member is the primary supervisor of the 3429
care. 3430

(2) The unlicensed in-home care worker has been selected 3431
by the family member or the individual receiving care and is 3432
under the direct supervision of the family member. 3433

(3) The unlicensed in-home care worker is providing the 3434
care through an employment or other arrangement entered into 3435
directly with the family member and is not otherwise employed by 3436
or under contract with a person or government entity to provide 3437
services to individuals with mental retardation and 3438
developmental disabilities. 3439

(C) A family member shall obtain a prescription, if 3440
applicable, and written instructions from a health care 3441
professional for the care to be provided to the individual. The 3442
family member shall authorize the unlicensed in-home care worker 3443
to provide the care by preparing a written document granting the 3444
authority. The family member shall provide the unlicensed in- 3445
home care worker with appropriate training and written 3446
instructions in accordance with the instructions obtained from 3447
the health care professional. 3448

(D) A family member who authorizes an unlicensed in-home 3449
care worker to administer oral and topical prescribed 3450

medications or perform other health care tasks retains full 3451
responsibility for the health and safety of the individual 3452
receiving the care and for ensuring that the worker provides the 3453
care appropriately and safely. No entity that funds or monitors 3454
the provision of in-home care may be held liable for the results 3455
of the care provided under this section by an unlicensed in-home 3456
care worker, including such entities as the county board of 3457
developmental disabilities and the department of developmental 3458
disabilities. 3459

An unlicensed in-home care worker who is authorized under 3460
this section by a family member to provide care to an individual 3461
may not be held liable for any injury caused in providing the 3462
care, unless the worker provides the care in a manner that is 3463
not in accordance with the training and instructions received or 3464
the worker acts in a manner that constitutes wanton or reckless 3465
misconduct. 3466

(E) A county board of developmental disabilities may 3467
evaluate the authority granted by a family member under this 3468
section to an unlicensed in-home care worker at any time it 3469
considers necessary and shall evaluate the authority on receipt 3470
of a complaint. If the board determines that a family member has 3471
acted in a manner that is inappropriate for the health and 3472
safety of the individual receiving the care, the authorization 3473
granted by the family member to an unlicensed in-home care 3474
worker is void, and the family member may not authorize other 3475
unlicensed in-home care workers to provide the care. In making 3476
such a determination, the board shall use appropriately licensed 3477
health care professionals and shall provide the family member an 3478
opportunity to file a complaint under section 5126.06 of the 3479
Revised Code. 3480

Section 2. That existing sections 2925.02, 2925.03, 3481
2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 3701.048, 3715.872, 3482
3719.06, 3719.12, 3719.121, 3719.81, 3795.01, 4723.01, 4729.01, 3483
4729.51, 4731.054, 4732.01, 4732.17, 4732.20, and 5123.47 of the 3484
Revised Code are hereby repealed. 3485

Section 3. Section 4729.01 of the Revised Code is 3486
presented in this act as a composite of the section as amended 3487
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 3488
Assembly. The General Assembly, applying the principle stated in 3489
division (B) of section 1.52 of the Revised Code that amendments 3490
are to be harmonized if reasonably capable of simultaneous 3491
operation, finds that the composite is the resulting version of 3492
the section in effect prior to the effective date of the section 3493
as presented in this act. 3494