

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 634**

**Representatives Denson, Upchurch**

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**A BILL**

To amend sections 2925.01, 2925.04, and 2925.11 and 1  
to enact sections 2925.042, 2925.043, 2925.111, 2  
and 2953.39 of the Revised Code to allow for the 3  
cultivation and possession of marihuana, to 4  
modify possession and cultivation penalties, and 5  
to allow for expungement of certain marihuana 6  
convictions. 7

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

**Section 1.** That sections 2925.01, 2925.04, and 2925.11 be 8  
amended and sections 2925.042, 2925.043, 2925.111, and 2953.39 9  
of the Revised Code be enacted to read as follows: 10

**Sec. 2925.01.** As used in this chapter: 11

(A) "Administer," "controlled substance," "controlled 12  
substance analog," "dispense," "distribute," "hypodermic," 13  
"manufacturer," "official written order," "person," 14  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 15  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 16  
have the same meanings as in section 3719.01 of the Revised 17  
Code. 18

(B) "Drug dependent person" and "drug of abuse" have the 19

same meanings as in section 3719.011 of the Revised Code. 20

(C) "Drug," "dangerous drug," "licensed health 21  
professional authorized to prescribe drugs," and "prescription" 22  
have the same meanings as in section 4729.01 of the Revised 23  
Code. 24

(D) "Bulk amount" of a controlled substance means any of 25  
the following: 26

(1) For any compound, mixture, preparation, or substance 27  
included in schedule I, schedule II, or schedule III, with the 28  
exception of any controlled substance analog, marihuana, 29  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 30  
hashish and except as provided in division (D) (2), (5), or (6) 31  
of this section, whichever of the following is applicable: 32

(a) An amount equal to or exceeding ten grams or twenty- 33  
five unit doses of a compound, mixture, preparation, or 34  
substance that is or contains any amount of a schedule I opiate 35  
or opium derivative; 36

(b) An amount equal to or exceeding ten grams of a 37  
compound, mixture, preparation, or substance that is or contains 38  
any amount of raw or gum opium; 39

(c) An amount equal to or exceeding thirty grams or ten 40  
unit doses of a compound, mixture, preparation, or substance 41  
that is or contains any amount of a schedule I hallucinogen 42  
other than tetrahydrocannabinol or lysergic acid amide, or a 43  
schedule I stimulant or depressant; 44

(d) An amount equal to or exceeding twenty grams or five 45  
times the maximum daily dose in the usual dose range specified 46  
in a standard pharmaceutical reference manual of a compound, 47  
mixture, preparation, or substance that is or contains any 48

amount of a schedule II opiate or opium derivative; 49

(e) An amount equal to or exceeding five grams or ten unit 50  
doses of a compound, mixture, preparation, or substance that is 51  
or contains any amount of phencyclidine; 52

(f) An amount equal to or exceeding one hundred twenty 53  
grams or thirty times the maximum daily dose in the usual dose 54  
range specified in a standard pharmaceutical reference manual of 55  
a compound, mixture, preparation, or substance that is or 56  
contains any amount of a schedule II stimulant that is in a 57  
final dosage form manufactured by a person authorized by the 58  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 59  
U.S.C.A. 301, as amended, and the federal drug abuse control 60  
laws, as defined in section 3719.01 of the Revised Code, that is 61  
or contains any amount of a schedule II depressant substance or 62  
a schedule II hallucinogenic substance; 63

(g) An amount equal to or exceeding three grams of a 64  
compound, mixture, preparation, or substance that is or contains 65  
any amount of a schedule II stimulant, or any of its salts or 66  
isomers, that is not in a final dosage form manufactured by a 67  
person authorized by the Federal Food, Drug, and Cosmetic Act 68  
and the federal drug abuse control laws. 69

(2) An amount equal to or exceeding one hundred twenty 70  
grams or thirty times the maximum daily dose in the usual dose 71  
range specified in a standard pharmaceutical reference manual of 72  
a compound, mixture, preparation, or substance that is or 73  
contains any amount of a schedule III or IV substance other than 74  
an anabolic steroid or a schedule III opiate or opium 75  
derivative; 76

(3) An amount equal to or exceeding twenty grams or five 77

times the maximum daily dose in the usual dose range specified 78  
in a standard pharmaceutical reference manual of a compound, 79  
mixture, preparation, or substance that is or contains any 80  
amount of a schedule III opiate or opium derivative; 81

(4) An amount equal to or exceeding two hundred fifty 82  
milliliters or two hundred fifty grams of a compound, mixture, 83  
preparation, or substance that is or contains any amount of a 84  
schedule V substance; 85

(5) An amount equal to or exceeding two hundred solid 86  
dosage units, sixteen grams, or sixteen milliliters of a 87  
compound, mixture, preparation, or substance that is or contains 88  
any amount of a schedule III anabolic steroid; 89

(6) For any compound, mixture, preparation, or substance 90  
that is a combination of a fentanyl-related compound and any 91  
other compound, mixture, preparation, or substance included in 92  
schedule III, schedule IV, or schedule V, if the defendant is 93  
charged with a violation of section 2925.11 of the Revised Code 94  
and the sentencing provisions set forth in divisions (C) ~~(10)~~ (8) 95  
(b) and (C) ~~(11)~~ (9) of that section will not apply regarding the 96  
defendant and the violation, the bulk amount of the controlled 97  
substance for purposes of the violation is the amount specified 98  
in division (D) (1), (2), (3), (4), or (5) of this section for 99  
the other schedule III, IV, or V controlled substance that is 100  
combined with the fentanyl-related compound. 101

(E) "Unit dose" means an amount or unit of a compound, 102  
mixture, or preparation containing a controlled substance that 103  
is separately identifiable and in a form that indicates that it 104  
is the amount or unit by which the controlled substance is 105  
separately administered to or taken by an individual. 106

(F) "Cultivate" includes planting, watering, fertilizing,	107
or tilling.	108
(G) "Drug abuse offense" means any of the following:	109
(1) A violation of division (A) of section 2913.02 that	110
constitutes theft of drugs, or a violation of section 2925.02,	111
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	112
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	113
or 2925.37 of the Revised Code;	114
(2) A violation of an existing or former law of this or	115
any other state or of the United States that is substantially	116
equivalent to any section listed in division (G) (1) of this	117
section;	118
(3) An offense under an existing or former law of this or	119
any other state, or of the United States, of which planting,	120
cultivating, harvesting, processing, making, manufacturing,	121
producing, shipping, transporting, delivering, acquiring,	122
possessing, storing, distributing, dispensing, selling, inducing	123
another to use, administering to another, using, or otherwise	124
dealing with a controlled substance is an element;	125
(4) A conspiracy to commit, attempt to commit, or	126
complicity in committing or attempting to commit any offense	127
under division (G) (1), (2), or (3) of this section.	128
(H) "Felony drug abuse offense" means any drug abuse	129
offense that would constitute a felony under the laws of this	130
state, any other state, or the United States.	131
(I) "Harmful intoxicant" does not include beer or	132
intoxicating liquor but means any of the following:	133
(1) Any compound, mixture, preparation, or substance the	134

gas, fumes, or vapor of which when inhaled can induce 135  
intoxication, excitement, giddiness, irrational behavior, 136  
depression, stupefaction, paralysis, unconsciousness, 137  
asphyxiation, or other harmful physiological effects, and 138  
includes, but is not limited to, any of the following: 139

(a) Any volatile organic solvent, plastic cement, model 140  
cement, fingernail polish remover, lacquer thinner, cleaning 141  
fluid, gasoline, or other preparation containing a volatile 142  
organic solvent; 143

(b) Any aerosol propellant; 144

(c) Any fluorocarbon refrigerant; 145

(d) Any anesthetic gas. 146

(2) Gamma Butyrolactone; 147

(3) 1,4 Butanediol. 148

(J) "Manufacture" means to plant, cultivate, harvest, 149  
process, make, prepare, or otherwise engage in any part of the 150  
production of a drug, by propagation, extraction, chemical 151  
synthesis, or compounding, or any combination of the same, and 152  
includes packaging, repackaging, labeling, and other activities 153  
incident to production. 154

(K) "Possess" or "possession" means having control over a 155  
thing or substance, but may not be inferred solely from mere 156  
access to the thing or substance through ownership or occupation 157  
of the premises upon which the thing or substance is found. 158

(L) "Sample drug" means a drug or pharmaceutical 159  
preparation that would be hazardous to health or safety if used 160  
without the supervision of a licensed health professional 161  
authorized to prescribe drugs, or a drug of abuse, and that, at 162

one time, had been placed in a container plainly marked as a 163  
sample by a manufacturer. 164

(M) "Standard pharmaceutical reference manual" means the 165  
current edition, with cumulative changes if any, of references 166  
that are approved by the state board of pharmacy. 167

(N) "Juvenile" means a person under eighteen years of age. 168

(O) "Counterfeit controlled substance" means any of the 169  
following: 170

(1) Any drug that bears, or whose container or label 171  
bears, a trademark, trade name, or other identifying mark used 172  
without authorization of the owner of rights to that trademark, 173  
trade name, or identifying mark; 174

(2) Any unmarked or unlabeled substance that is 175  
represented to be a controlled substance manufactured, 176  
processed, packed, or distributed by a person other than the 177  
person that manufactured, processed, packed, or distributed it; 178

(3) Any substance that is represented to be a controlled 179  
substance but is not a controlled substance or is a different 180  
controlled substance; 181

(4) Any substance other than a controlled substance that a 182  
reasonable person would believe to be a controlled substance 183  
because of its similarity in shape, size, and color, or its 184  
markings, labeling, packaging, distribution, or the price for 185  
which it is sold or offered for sale. 186

(P) An offense is "committed in the vicinity of a school" 187  
if the offender commits the offense on school premises, in a 188  
school building, or within one thousand feet of the boundaries 189  
of any school premises, regardless of whether the offender knows 190

the offense is being committed on school premises, in a school 191  
building, or within one thousand feet of the boundaries of any 192  
school premises. 193

(Q) "School" means any school operated by a board of 194  
education, any community school established under Chapter 3314. 195  
of the Revised Code, or any nonpublic school for which the state 196  
board of education prescribes minimum standards under section 197  
3301.07 of the Revised Code, whether or not any instruction, 198  
extracurricular activities, or training provided by the school 199  
is being conducted at the time a criminal offense is committed. 200

(R) "School premises" means either of the following: 201

(1) The parcel of real property on which any school is 202  
situated, whether or not any instruction, extracurricular 203  
activities, or training provided by the school is being 204  
conducted on the premises at the time a criminal offense is 205  
committed; 206

(2) Any other parcel of real property that is owned or 207  
leased by a board of education of a school, the governing 208  
authority of a community school established under Chapter 3314. 209  
of the Revised Code, or the governing body of a nonpublic school 210  
for which the state board of education prescribes minimum 211  
standards under section 3301.07 of the Revised Code and on which 212  
some of the instruction, extracurricular activities, or training 213  
of the school is conducted, whether or not any instruction, 214  
extracurricular activities, or training provided by the school 215  
is being conducted on the parcel of real property at the time a 216  
criminal offense is committed. 217

(S) "School building" means any building in which any of 218  
the instruction, extracurricular activities, or training 219



provided by a school is conducted, whether or not any 220  
instruction, extracurricular activities, or training provided by 221  
the school is being conducted in the school building at the time 222  
a criminal offense is committed. 223

(T) "Disciplinary counsel" means the disciplinary counsel 224  
appointed by the board of commissioners on grievances and 225  
discipline of the supreme court under the Rules for the 226  
Government of the Bar of Ohio. 227

(U) "Certified grievance committee" means a duly 228  
constituted and organized committee of the Ohio state bar 229  
association or of one or more local bar associations of the 230  
state of Ohio that complies with the criteria set forth in Rule 231  
V, section 6 of the Rules for the Government of the Bar of Ohio. 232

(V) "Professional license" means any license, permit, 233  
certificate, registration, qualification, admission, temporary 234  
license, temporary permit, temporary certificate, or temporary 235  
registration that is described in divisions (W) (1) to (37) of 236  
this section and that qualifies a person as a professionally 237  
licensed person. 238

(W) "Professionally licensed person" means any of the 239  
following: 240

(1) A person who has received a certificate or temporary 241  
certificate as a certified public accountant or who has 242  
registered as a public accountant under Chapter 4701. of the 243  
Revised Code and who holds an Ohio permit issued under that 244  
chapter; 245

(2) A person who holds a certificate of qualification to 246  
practice architecture issued or renewed and registered under 247  
Chapter 4703. of the Revised Code; 248

(3) A person who is registered as a landscape architect	249
under Chapter 4703. of the Revised Code or who holds a permit as	250
a landscape architect issued under that chapter;	251
(4) A person licensed under Chapter 4707. of the Revised	252
Code;	253
(5) A person who has been issued a certificate of	254
registration as a registered barber under Chapter 4709. of the	255
Revised Code;	256
(6) A person licensed and regulated to engage in the	257
business of a debt pooling company by a legislative authority,	258
under authority of Chapter 4710. of the Revised Code;	259
(7) A person who has been issued a cosmetologist's	260
license, hair designer's license, manicurist's license,	261
esthetician's license, natural hair stylist's license, advanced	262
cosmetologist's license, advanced hair designer's license,	263
advanced manicurist's license, advanced esthetician's license,	264
advanced natural hair stylist's license, cosmetology	265
instructor's license, hair design instructor's license,	266
manicurist instructor's license, esthetics instructor's license,	267
natural hair style instructor's license, independent	268
contractor's license, or tanning facility permit under Chapter	269
4713. of the Revised Code;	270
(8) A person who has been issued a license to practice	271
dentistry, a general anesthesia permit, a conscious sedation	272
permit, a limited resident's license, a limited teaching	273
license, a dental hygienist's license, or a dental hygienist's	274
teacher's certificate under Chapter 4715. of the Revised Code;	275
(9) A person who has been issued an embalmer's license, a	276
funeral director's license, a funeral home license, or a	277

crematory license, or who has been registered for an embalmer's	278
or funeral director's apprenticeship under Chapter 4717. of the	279
Revised Code;	280
(10) A person who has been licensed as a registered nurse	281
or practical nurse, or who has been issued a certificate for the	282
practice of nurse-midwifery under Chapter 4723. of the Revised	283
Code;	284
(11) A person who has been licensed to practice optometry	285
or to engage in optical dispensing under Chapter 4725. of the	286
Revised Code;	287
(12) A person licensed to act as a pawnbroker under	288
Chapter 4727. of the Revised Code;	289
(13) A person licensed to act as a precious metals dealer	290
under Chapter 4728. of the Revised Code;	291
(14) A person licensed under Chapter 4729. of the Revised	292
Code as a pharmacist or pharmacy intern or registered under that	293
chapter as a registered pharmacy technician, certified pharmacy	294
technician, or pharmacy technician trainee;	295
(15) A person licensed under Chapter 4729. of the Revised	296
Code as a manufacturer of dangerous drugs, outsourcing facility,	297
third-party logistics provider, repackager of dangerous drugs,	298
wholesale distributor of dangerous drugs, or terminal	299
distributor of dangerous drugs;	300
(16) A person who is authorized to practice as a physician	301
assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a license to practice	303
medicine and surgery, osteopathic medicine and surgery, or	304
podiatric medicine and surgery under Chapter 4731. of the	305

Revised Code or has been issued a certificate to practice a	306
limited branch of medicine under that chapter;	307
(18) A person licensed as a psychologist or school	308
psychologist under Chapter 4732. of the Revised Code;	309
(19) A person registered to practice the profession of	310
engineering or surveying under Chapter 4733. of the Revised	311
Code;	312
(20) A person who has been issued a license to practice	313
chiropractic under Chapter 4734. of the Revised Code;	314
(21) A person licensed to act as a real estate broker or	315
real estate salesperson under Chapter 4735. of the Revised Code;	316
(22) A person registered as a registered sanitarian under	317
Chapter 4736. of the Revised Code;	318
(23) A person licensed to operate or maintain a junkyard	319
under Chapter 4737. of the Revised Code;	320
(24) A person who has been issued a motor vehicle salvage	321
dealer's license under Chapter 4738. of the Revised Code;	322
(25) A person who has been licensed to act as a steam	323
engineer under Chapter 4739. of the Revised Code;	324
(26) A person who has been issued a license or temporary	325
permit to practice veterinary medicine or any of its branches,	326
or who is registered as a graduate animal technician under	327
Chapter 4741. of the Revised Code;	328
(27) A person who has been issued a hearing aid dealer's	329
or fitter's license or trainee permit under Chapter 4747. of the	330
Revised Code;	331
(28) A person who has been issued a class A, class B, or	332

class C license or who has been registered as an investigator or	333
security guard employee under Chapter 4749. of the Revised Code;	334
(29) A person licensed and registered to practice as a	335
nursing home administrator under Chapter 4751. of the Revised	336
Code;	337
(30) A person licensed to practice as a speech-language	338
pathologist or audiologist under Chapter 4753. of the Revised	339
Code;	340
(31) A person issued a license as an occupational	341
therapist or physical therapist under Chapter 4755. of the	342
Revised Code;	343
(32) A person who is licensed as a licensed professional	344
clinical counselor, licensed professional counselor, social	345
worker, independent social worker, independent marriage and	346
family therapist, or marriage and family therapist, or	347
registered as a social work assistant under Chapter 4757. of the	348
Revised Code;	349
(33) A person issued a license to practice dietetics under	350
Chapter 4759. of the Revised Code;	351
(34) A person who has been issued a license or limited	352
permit to practice respiratory therapy under Chapter 4761. of	353
the Revised Code;	354
(35) A person who has been issued a real estate appraiser	355
certificate under Chapter 4763. of the Revised Code;	356
(36) A person who has been issued a home inspector license	357
under Chapter 4764. of the Revised Code;	358
(37) A person who has been admitted to the bar by order of	359
the supreme court in compliance with its prescribed and	360

published rules. 361

(X) "Cocaine" means any of the following: 362

(1) A cocaine salt, isomer, or derivative, a salt of a 363  
cocaine isomer or derivative, or the base form of cocaine; 364

(2) Coca leaves or a salt, compound, derivative, or 365  
preparation of coca leaves, including ecgonine, a salt, isomer, 366  
or derivative of ecgonine, or a salt of an isomer or derivative 367  
of ecgonine; 368

(3) A salt, compound, derivative, or preparation of a 369  
substance identified in division (X) (1) or (2) of this section 370  
that is chemically equivalent to or identical with any of those 371  
substances, except that the substances shall not include 372  
decocainized coca leaves or extraction of coca leaves if the 373  
extractions do not contain cocaine or ecgonine. 374

(Y) "L.S.D." means lysergic acid diethylamide. 375

(Z) "Hashish" means the resin or a preparation of the 376  
resin contained in marihuana, whether in solid form or in a 377  
liquid concentrate, liquid extract, or liquid distillate form. 378

(AA) "Marihuana" has the same meaning as in section 379  
3719.01 of the Revised Code, except that it does not include 380  
hashish. 381

(BB) An offense is "committed in the vicinity of a 382  
juvenile" if the offender commits the offense within one hundred 383  
feet of a juvenile or within the view of a juvenile, regardless 384  
of whether the offender knows the age of the juvenile, whether 385  
the offender knows the offense is being committed within one 386  
hundred feet of or within view of the juvenile, or whether the 387  
juvenile actually views the commission of the offense. 388

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

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

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

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

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

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

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

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

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

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

2913.01 of the Revised Code.	417
(KK) "Fentanyl-related compound" means any of the	418
following:	419
(1) Fentanyl;	420
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	421
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-	422
phenylethyl)-4-(N-propanilido) piperidine);	423
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	424
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	425
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	426
piperidinyl]-N-phenylpropanamide);	427
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	428
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	429
phenylpropanamide);	430
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	431
piperidyl]-N- phenylpropanamide);	432
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	433
(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	434
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	435
phenethyl)-4-piperidinyl]propanamide;	436
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	437
piperidinyl]-propanamide;	438
(10) Alfentanil;	439
(11) Carfentanil;	440
(12) Remifentanil;	441
(13) Sufentanil;	442



- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 443  
444
- (15) Any compound that meets all of the following fentanyl 445  
pharmacophore requirements to bind at the mu receptor, as 446  
identified by a report from an established forensic laboratory, 447  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 448  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 449  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 450  
fluorofentanyl: 451
- (a) A chemical scaffold consisting of both of the 452  
following: 453
- (i) A five, six, or seven member ring structure containing 454  
a nitrogen, whether or not further substituted; 455
- (ii) An attached nitrogen to the ring, whether or not that 456  
nitrogen is enclosed in a ring structure, including an attached 457  
aromatic ring or other lipophilic group to that nitrogen. 458
- (b) A polar functional group attached to the chemical 459  
scaffold, including but not limited to a hydroxyl, ketone, 460  
amide, or ester; 461
- (c) An alkyl or aryl substitution off the ring nitrogen of 462  
the chemical scaffold; and 463
- (d) The compound has not been approved for medical use by 464  
the United States food and drug administration. 465
- (LL) "First degree felony mandatory prison term" means one 466  
of the definite prison terms prescribed in division (A) (1) (b) of 467  
section 2929.14 of the Revised Code for a felony of the first 468  
degree, except that if the violation for which sentence is being 469  
imposed is committed on or after the effective date of this 470

amendment, it means one of the minimum prison terms prescribed 471  
in division (A) (1) (a) of that section for a felony of the first 472  
degree. 473

(MM) "Second degree felony mandatory prison term" means 474  
one of the definite prison terms prescribed in division (A) (2) 475  
(b) of section 2929.14 of the Revised Code for a felony of the 476  
second degree, except that if the violation for which sentence 477  
is being imposed is committed on or after the effective date of 478  
this amendment, it means one of the minimum prison terms 479  
prescribed in division (A) (2) (a) of that section for a felony of 480  
the second degree. 481

(NN) "Maximum first degree felony mandatory prison term" 482  
means the maximum definite prison term prescribed in division 483  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 484  
the first degree, except that if the violation for which 485  
sentence is being imposed is committed on or after the effective 486  
date of this amendment, it means the longest minimum prison term 487  
prescribed in division (A) (1) (a) of that section for a felony of 488  
the first degree. 489

(OO) "Maximum second degree felony mandatory prison term" 490  
means the maximum definite prison term prescribed in division 491  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 492  
the second degree, except that if the violation for which 493  
sentence is being imposed is committed on or after the effective 494  
date of this amendment, it means the longest minimum prison term 495  
prescribed in division (A) (2) (a) of that section for a felony of 496  
the second degree. 497

**Sec. 2925.04.** (A) No person shall knowingly ~~cultivate~~ 498  
~~marihuana or knowingly manufacture or otherwise~~ engage in any 499  
part of the production of a controlled substance. 500

(B) This section does not apply to the cultivation of marihuana or to any person listed in division (B) (1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions. 501  
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(C) (1) ~~Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.~~ 505  
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(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 510  
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If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, and if the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 518  
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(3) If the drug involved in the violation of division (A) of this section is methamphetamine, the penalty for the violation shall be determined as follows: 526  
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(a) Except as otherwise provided in division (C) (3) (b) of 529

this section, if the drug involved in the violation is 530  
methamphetamine, illegal manufacture of drugs is a felony of the 531  
second degree, and, subject to division (E) of this section, the 532  
court shall impose a mandatory prison term on the offender 533  
determined in accordance with this division. Except as otherwise 534  
provided in this division, the court shall impose as a mandatory 535  
prison term a second degree felony mandatory prison term that is 536  
not less than three years. If the offender previously has been 537  
convicted of or pleaded guilty to a violation of division (A) of 538  
this section, a violation of division (B) (6) of section 2919.22 539  
of the Revised Code, or a violation of division (A) of section 540  
2925.041 of the Revised Code, the court shall impose as a 541  
mandatory prison term a second degree felony mandatory prison 542  
term that is not less than five years. 543

(b) If the drug involved in the violation is 544  
methamphetamine and if the offense was committed in the vicinity 545  
of a juvenile, in the vicinity of a school, or on public 546  
premises, illegal manufacture of drugs is a felony of the first 547  
degree, and, subject to division (E) of this section, the court 548  
shall impose a mandatory prison term on the offender determined 549  
in accordance with this division. Except as otherwise provided 550  
in this division, the court shall impose as a mandatory prison 551  
term a first degree felony mandatory prison term that is not 552  
less than four years. If the offender previously has been 553  
convicted of or pleaded guilty to a violation of division (A) of 554  
this section, a violation of division (B) (6) of section 2919.22 555  
of the Revised Code, or a violation of division (A) of section 556  
2925.041 of the Revised Code, the court shall impose as a 557  
mandatory prison term a first degree felony mandatory prison 558  
term that is not less than five years. 559

(4) If the drug involved in the violation of division (A) 560

of this section is any compound, mixture, preparation, or 561  
substance included in schedule III, IV, or V, illegal 562  
manufacture of drugs is a felony of the third degree or, if the 563  
offense was committed in the vicinity of a school or in the 564  
vicinity of a juvenile, a felony of the second degree, and there 565  
is a presumption for a prison term for the offense. 566

~~(5) If the drug involved in the violation is marihuana,~~ 567  
~~the penalty for the offense shall be determined as follows:~~ 568

~~(a) Except as otherwise provided in division (C) (5) (b),~~ 569  
~~(c), (d), (e), or (f) of this section, illegal cultivation of~~ 570  
~~marihuana is a minor misdemeanor or, if the offense was~~ 571  
~~committed in the vicinity of a school or in the vicinity of a~~ 572  
~~juvenile, a misdemeanor of the fourth degree.~~ 573

~~(b) If the amount of marihuana involved equals or exceeds~~ 574  
~~one hundred grams but is less than two hundred grams, illegal~~ 575  
~~cultivation of marihuana is a misdemeanor of the fourth degree~~ 576  
~~or, if the offense was committed in the vicinity of a school or~~ 577  
~~in the vicinity of a juvenile, a misdemeanor of the third~~ 578  
~~degree.~~ 579

~~(c) If the amount of marihuana involved equals or exceeds~~ 580  
~~two hundred grams but is less than one thousand grams, illegal~~ 581  
~~cultivation of marihuana is a felony of the fifth degree or, if~~ 582  
~~the offense was committed in the vicinity of a school or in the~~ 583  
~~vicinity of a juvenile, a felony of the fourth degree, and~~ 584  
~~division (B) of section 2929.13 of the Revised Code applies in~~ 585  
~~determining whether to impose a prison term on the offender.~~ 586

~~(d) If the amount of marihuana involved equals or exceeds~~ 587  
~~one thousand grams but is less than five thousand grams, illegal~~ 588  
~~cultivation of marihuana is a felony of the third degree or, if~~ 589

~~the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

~~(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.~~

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

(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 may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code.

However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section 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. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

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

(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the

violation of division (A) of this section involves the sale, 650  
offer to sell, or possession of a schedule I or II controlled 651  
substance, with the exception of marihuana, and if the court 652  
imposing sentence upon the offender finds that the offender as a 653  
result of the violation is a major drug offender and is guilty 654  
of a specification of the type described in division (A) of 655  
section 2941.1410 of the Revised Code, the court, in lieu of the 656  
prison term otherwise authorized or required, shall impose upon 657  
the offender the mandatory prison term specified in division (B) 658  
(3) of section 2929.14 of the Revised Code. 659

~~(F) It is an affirmative defense, as provided in section 660  
2901.05 of the Revised Code, to a charge under this section for 661  
a fifth degree felony violation of illegal cultivation of 662  
marihuana that the marihuana that gave rise to the charge is in 663  
an amount, is in a form, is prepared, compounded, or mixed with 664  
substances that are not controlled substances in a manner, or is 665  
possessed or cultivated under any other circumstances that 666  
indicate that the marihuana was solely for personal use. 667~~

~~Notwithstanding any contrary provision of division (F) of 668  
this section, if, in accordance with section 2901.05 of the 669  
Revised Code, a person who is charged with a violation of 670  
illegal cultivation of marihuana that is a felony of the fifth- 671  
degree sustains the burden of going forward with evidence of and 672  
establishes by a preponderance of the evidence the affirmative 673  
defense described in this division, the person may be prosecuted 674  
for and may be convicted of or plead guilty to a misdemeanor 675  
violation of illegal cultivation of marihuana. 676~~

~~(G) Arrest or conviction for a minor misdemeanor violation 677  
of this section does not constitute a criminal record and need 678  
not be reported by the person so arrested or convicted in 679~~



~~response to any inquiries about the person's criminal record,~~ 680  
~~including any inquiries contained in an application for~~ 681  
~~employment, a license, or any other right or privilege or made~~ 682  
~~in connection with the person's appearance as a witness.~~ 683

~~(H)~~(1) If the sentencing court suspends the offender's 684  
driver's or commercial driver's license or permit under this 685  
section in accordance with division (G) of section 2925.03 of 686  
the Revised Code, the offender may request termination of, and 687  
the court may terminate, the suspension of the offender in 688  
accordance with that division. 689

(2) Any offender who received a mandatory suspension of 690  
the offender's driver's or commercial driver's license or permit 691  
under this section prior to September 13, 2016, may file a 692  
motion with the sentencing court requesting the termination of 693  
the suspension. However, an offender who pleaded guilty to or 694  
was convicted of a violation of section 4511.19 of the Revised 695  
Code or a substantially similar municipal ordinance or law of 696  
another state or the United States that arose out of the same 697  
set of circumstances as the violation for which the offender's 698  
license or permit was suspended under this section shall not 699  
file such a motion. 700

Upon the filing of a motion under division ~~(H)~~(F) (2) of 701  
this section, the sentencing court, in its discretion, may 702  
terminate the suspension. 703

Sec. 2925.042. (A) No person shall knowingly cultivate 704  
more than twelve marihuana plants. 705

(B) A person who violates this section is guilty of 706  
illegal cultivation of marihuana. Except as provided in division 707  
(C), (D), (E), or (F) of this section, illegal cultivation of 708

marihuana is a misdemeanor of the second degree. 709

(C) If the offender has previously pleaded guilty or been convicted of a violation of this section, except as provided in divisions (D), (E), or (F) of this section, illegal cultivation of marihuana is a felony of the fifth degree. 710  
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(D) If the offense involves more than thirty marihuana plants, except as provided in division (E) or (F) of this section, illegal cultivation of marihuana is a felony of the fourth degree. 714  
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(E) If the offense involves more than fifty marihuana plants, except as provided in division (F) of this section, illegal cultivation of marihuana is a felony of the third degree and notwithstanding division (A) (3) of section 2929.28 of the Revised Code, the offender may be fined up to ten thousand dollars. 718  
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(F) If the offense involves more than one hundred marihuana plants, illegal cultivation of marihuana is a felony of the first degree and notwithstanding division (A) (3) of section 2929.28 of the Revised Code, the offender may be fined up to two hundred fifty thousand dollars. 724  
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**Sec. 2925.043.** (A) No person shall knowingly cultivate marihuana under any of the following circumstances: 729  
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(1) On property not owned by the cultivator and without the written consent of the owner of the property; 731  
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(2) In a place that is open to public view; 733

(3) In a place that is not secured against access by persons under twenty-one years of age or persons who do not have the cultivator's permission to access the place. 734  
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(B) Violation of this section is a minor misdemeanor, and 737  
notwithstanding division (A) (2) of section 2929.28 of the 738  
Revised Code, the court may fine the offender up to one hundred 739  
dollars for the first offense, and up to two hundred dollars for 740  
any subsequent offense. 741

(C) Arrest or conviction for a minor misdemeanor violation 742  
of this section does not constitute a criminal record and need 743  
not be reported by the person so arrested or convicted in 744  
response to any inquiries about the person's criminal record, 745  
including any inquiries contained in an application for 746  
employment, a license, or any other right or privilege or made 747  
in connection with the person's appearance as a witness. 748

**Sec. 2925.11.** (A) No person shall knowingly obtain, 749  
possess, or use a controlled substance or a controlled substance 750  
analog. 751

(B) (1) This section does not apply to any of the 752  
following: 753

(a) Manufacturers, licensed health professionals 754  
authorized to prescribe drugs, pharmacists, owners of 755  
pharmacies, and other persons whose conduct was in accordance 756  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 757  
4741. of the Revised Code; 758

(b) If the offense involves an anabolic steroid, any 759  
person who is conducting or participating in a research project 760  
involving the use of an anabolic steroid if the project has been 761  
approved by the United States food and drug administration; 762

(c) Any person who sells, offers for sale, prescribes, 763  
dispenses, or administers for livestock or other nonhuman 764  
species an anabolic steroid that is expressly intended for 765

administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act;

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

(e) Obtaining, possession, or use of marihuana or hashish.

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

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

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

(ii) "Community control sanction" and "drug treatment program" have the same meanings as in section 2929.01 of the Revised Code.

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

(iv) "Minor drug possession offense" means a violation of this section or section 2925.111 of the Revised Code that is a misdemeanor or a felony of the fifth degree.

(v) "Post-release control sanction" has the same meaning

as in section 2967.28 of the Revised Code. 794

(vi) "Peace officer" has the same meaning as in section 795  
2935.01 of the Revised Code. 796

(vii) "Public agency" has the same meaning as in section 797  
2930.01 of the Revised Code. 798

(viii) "Qualified individual" means a person who is not on 799  
community control or post-release control and is a person acting 800  
in good faith who seeks or obtains medical assistance for 801  
another person who is experiencing a drug overdose, a person who 802  
experiences a drug overdose and who seeks medical assistance for 803  
that overdose, or a person who is the subject of another person 804  
seeking or obtaining medical assistance for that overdose as 805  
described in division (B) (2) (b) of this section. 806

(ix) "Seek or obtain medical assistance" includes, but is 807  
not limited to making a 9-1-1 call, contacting in person or by 808  
telephone call an on-duty peace officer, or transporting or 809  
presenting a person to a health care facility. 810

(b) Subject to division (B) (2) (f) of this section, a 811  
qualified individual shall not be arrested, charged, prosecuted, 812  
convicted, or penalized pursuant to this chapter for a minor 813  
drug possession offense if all of the following apply: 814

(i) The evidence of the obtaining, possession, or use of 815  
the controlled substance or controlled substance analog that 816  
would be the basis of the offense was obtained as a result of 817  
the qualified individual seeking the medical assistance or 818  
experiencing an overdose and needing medical assistance. 819

(ii) Subject to division (B) (2) (g) of this section, within 820  
thirty days after seeking or obtaining the medical assistance, 821  
the qualified individual seeks and obtains a screening and 822

receives a referral for treatment from a community addiction 823  
services provider or a properly credentialed addiction treatment 824  
professional. 825

(iii) Subject to division (B) (2) (g) of this section, the 826  
qualified individual who obtains a screening and receives a 827  
referral for treatment under division (B) (2) (b) (ii) of this 828  
section, upon the request of any prosecuting attorney, submits 829  
documentation to the prosecuting attorney that verifies that the 830  
qualified individual satisfied the requirements of that 831  
division. The documentation shall be limited to the date and 832  
time of the screening obtained and referral received. 833

(c) If a person is found to be in violation of any 834  
community control sanction and if the violation is a result of 835  
either of the following, the court shall first consider ordering 836  
the person's participation or continued participation in a drug 837  
treatment program or mitigating the penalty specified in section 838  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 839  
applicable, after which the court has the discretion either to 840  
order the person's participation or continued participation in a 841  
drug treatment program or to impose the penalty with the 842  
mitigating factor specified in any of those applicable sections: 843

(i) Seeking or obtaining medical assistance in good faith 844  
for another person who is experiencing a drug overdose; 845

(ii) Experiencing a drug overdose and seeking medical 846  
assistance for that overdose or being the subject of another 847  
person seeking or obtaining medical assistance for that overdose 848  
as described in division (B) (2) (b) of this section. 849

(d) If a person is found to be in violation of any post- 850  
release control sanction and if the violation is a result of 851

either of the following, the court or the parole board shall 852  
first consider ordering the person's participation or continued 853  
participation in a drug treatment program or mitigating the 854  
penalty specified in section 2929.141 or 2967.28 of the Revised 855  
Code, whichever is applicable, after which the court or the 856  
parole board has the discretion either to order the person's 857  
participation or continued participation in a drug treatment 858  
program or to impose the penalty with the mitigating factor 859  
specified in either of those applicable sections: 860

(i) Seeking or obtaining medical assistance in good faith 861  
for another person who is experiencing a drug overdose; 862

(ii) Experiencing a drug overdose and seeking medical 863  
assistance for that emergency or being the subject of another 864  
person seeking or obtaining medical assistance for that overdose 865  
as described in division (B) (2) (b) of this section. 866

(e) Nothing in division (B) (2) (b) of this section shall be 867  
construed to do any of the following: 868

(i) Limit the admissibility of any evidence in connection 869  
with the investigation or prosecution of a crime with regards to 870  
a defendant who does not qualify for the protections of division 871  
(B) (2) (b) of this section or with regards to any crime other 872  
than a minor drug possession offense committed by a person who 873  
qualifies for protection pursuant to division (B) (2) (b) of this 874  
section for a minor drug possession offense; 875

(ii) Limit any seizure of evidence or contraband otherwise 876  
permitted by law; 877

(iii) Limit or abridge the authority of a peace officer to 878  
detain or take into custody a person in the course of an 879  
investigation or to effectuate an arrest for any offense except 880

as provided in that division; 881

(iv) Limit, modify, or remove any immunity from liability 882  
available pursuant to law in effect prior to September 13, 2016, 883  
to any public agency or to an employee of any public agency. 884

(f) Division (B) (2) (b) of this section does not apply to 885  
any person who twice previously has been granted an immunity 886  
under division (B) (2) (b) of this section. No person shall be 887  
granted an immunity under division (B) (2) (b) of this section 888  
more than two times. 889

(g) Nothing in this section shall compel any qualified 890  
individual to disclose protected health information in a way 891  
that conflicts with the requirements of the "Health Insurance 892  
Portability and Accountability Act of 1996," 104 Pub. L. No. 893  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 894  
regulations promulgated by the United States department of 895  
health and human services to implement the act or the 896  
requirements of 42 C.F.R. Part 2. 897

(C) Whoever violates division (A) of this section is 898  
guilty of one of the following: 899

(1) If the drug involved in the violation is a compound, 900  
mixture, preparation, or substance included in schedule I or II, 901  
with the exception of marihuana, cocaine, L.S.D., heroin, any 902  
fentanyl-related compound, hashish, and any controlled substance 903  
analog, whoever violates division (A) of this section is guilty 904  
of aggravated possession of drugs. The penalty for the offense 905  
shall be determined as follows: 906

(a) Except as otherwise provided in division (C) (1) (b), 907  
(c), (d), or (e) of this section, aggravated possession of drugs 908  
is a felony of the fifth degree, and division (B) of section 909



2929.13 of the Revised Code applies in determining whether to 910  
impose a prison term on the offender. 911

(b) If the amount of the drug involved equals or exceeds 912  
the bulk amount but is less than five times the bulk amount, 913  
aggravated possession of drugs is a felony of the third degree, 914  
and there is a presumption for a prison term for the offense. 915

(c) If the amount of the drug involved equals or exceeds 916  
five times the bulk amount but is less than fifty times the bulk 917  
amount, aggravated possession of drugs is a felony of the second 918  
degree, and the court shall impose as a mandatory prison term a 919  
second degree felony mandatory prison term. 920

(d) If the amount of the drug involved equals or exceeds 921  
fifty times the bulk amount but is less than one hundred times 922  
the bulk amount, aggravated possession of drugs is a felony of 923  
the first degree, and the court shall impose as a mandatory 924  
prison term a first degree felony mandatory prison term. 925

(e) If the amount of the drug involved equals or exceeds 926  
one hundred times the bulk amount, aggravated possession of 927  
drugs is a felony of the first degree, the offender is a major 928  
drug offender, and the court shall impose as a mandatory prison 929  
term a maximum first degree felony mandatory prison term. 930

(2) If the drug involved in the violation is a compound, 931  
mixture, preparation, or substance included in schedule III, IV, 932  
or V, whoever violates division (A) of this section is guilty of 933  
possession of drugs. The penalty for the offense shall be 934  
determined as follows: 935

(a) Except as otherwise provided in division (C) (2) (b), 936  
(c), or (d) of this section, possession of drugs is a 937  
misdemeanor of the first degree or, if the offender previously 938

has been convicted of a drug abuse offense, a felony of the 939  
fifth degree. 940

(b) If the amount of the drug involved equals or exceeds 941  
the bulk amount but is less than five times the bulk amount, 942  
possession of drugs is a felony of the fourth degree, and 943  
division (C) of section 2929.13 of the Revised Code applies in 944  
determining whether to impose a prison term on the offender. 945

(c) If the amount of the drug involved equals or exceeds 946  
five times the bulk amount but is less than fifty times the bulk 947  
amount, possession of drugs is a felony of the third degree, and 948  
there is a presumption for a prison term for the offense. 949

(d) If the amount of the drug involved equals or exceeds 950  
fifty times the bulk amount, possession of drugs is a felony of 951  
the second degree, and the court shall impose upon the offender 952  
as a mandatory prison term a second degree felony mandatory 953  
prison term. 954

~~(3) If the drug involved in the violation is marihuana or 955  
a compound, mixture, preparation, or substance containing 956  
marihuana other than hashish, whoever violates division (A) of 957  
this section is guilty of possession of marihuana. The penalty 958  
for the offense shall be determined as follows: 959~~

~~(a) Except as otherwise provided in division (C) (3) (b), 960  
(c), (d), (e), (f), or (g) of this section, possession of 961  
marihuana is a minor misdemeanor. 962~~

~~(b) If the amount of the drug involved equals or exceeds 963  
one hundred grams but is less than two hundred grams, possession 964  
of marihuana is a misdemeanor of the fourth degree. 965~~

~~(c) If the amount of the drug involved equals or exceeds 966  
two hundred grams but is less than one thousand grams, 967~~

~~possession of marihuana is a felony of the fifth degree, and 968  
division (B) of section 2929.13 of the Revised Code applies in 969  
determining whether to impose a prison term on the offender. 970~~

~~(d) If the amount of the drug involved equals or exceeds 971  
one thousand grams but is less than five thousand grams, 972  
possession of marihuana is a felony of the third degree, and 973  
division (C) of section 2929.13 of the Revised Code applies in 974  
determining whether to impose a prison term on the offender. 975~~

~~(e) If the amount of the drug involved equals or exceeds 976  
five thousand grams but is less than twenty thousand grams, 977  
possession of marihuana is a felony of the third degree, and 978  
there is a presumption that a prison term shall be imposed for 979  
the offense. 980~~

~~(f) If the amount of the drug involved equals or exceeds 981  
twenty thousand grams but is less than forty thousand grams, 982  
possession of marihuana is a felony of the second degree, and 983  
the court shall impose as a mandatory prison term a second- 984  
degree felony mandatory prison term of five, six, seven, or 985  
eight years. 986~~

~~(g) If the amount of the drug involved equals or exceeds 987  
forty thousand grams, possession of marihuana is a felony of the 988  
second degree, and the court shall impose as a mandatory prison- 989  
term a maximum second degree felony mandatory prison term. 990~~

~~(4) If the drug involved in the violation is cocaine or a 991  
compound, mixture, preparation, or substance containing cocaine, 992  
whoever violates division (A) of this section is guilty of 993  
possession of cocaine. The penalty for the offense shall be 994  
determined as follows: 995~~

~~(a) Except as otherwise provided in division (C) ~~(4)~~ (3)(b), 996~~

(c), (d), (e), or (f) of this section, possession of cocaine is 997  
a felony of the fifth degree, and division (B) of section 998  
2929.13 of the Revised Code applies in determining whether to 999  
impose a prison term on the offender. 1000

(b) If the amount of the drug involved equals or exceeds 1001  
five grams but is less than ten grams of cocaine, possession of 1002  
cocaine is a felony of the fourth degree, and division (B) of 1003  
section 2929.13 of the Revised Code applies in determining 1004  
whether to impose a prison term on the offender. 1005

(c) If the amount of the drug involved equals or exceeds 1006  
ten grams but is less than twenty grams of cocaine, possession 1007  
of cocaine is a felony of the third degree, and, except as 1008  
otherwise provided in this division, there is a presumption for 1009  
a prison term for the offense. If possession of cocaine is a 1010  
felony of the third degree under this division and if the 1011  
offender two or more times previously has been convicted of or 1012  
pleaded guilty to a felony drug abuse offense, the court shall 1013  
impose as a mandatory prison term one of the prison terms 1014  
prescribed for a felony of the third degree. 1015

(d) If the amount of the drug involved equals or exceeds 1016  
twenty grams but is less than twenty-seven grams of cocaine, 1017  
possession of cocaine is a felony of the second degree, and the 1018  
court shall impose as a mandatory prison term a second degree 1019  
felony mandatory prison term. 1020

(e) If the amount of the drug involved equals or exceeds 1021  
twenty-seven grams but is less than one hundred grams of 1022  
cocaine, possession of cocaine is a felony of the first degree, 1023  
and the court shall impose as a mandatory prison term a first 1024  
degree felony mandatory prison term. 1025

(f) If the amount of the drug involved equals or exceeds 1026  
one hundred grams of cocaine, possession of cocaine is a felony 1027  
of the first degree, the offender is a major drug offender, and 1028  
the court shall impose as a mandatory prison term a maximum 1029  
first degree felony mandatory prison term. 1030

~~(5)~~(4) If the drug involved in the violation is L.S.D., 1031  
whoever violates division (A) of this section is guilty of 1032  
possession of L.S.D. The penalty for the offense shall be 1033  
determined as follows: 1034

(a) Except as otherwise provided in division (C) ~~(5)~~(4) (b), 1035  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1036  
felony of the fifth degree, and division (B) of section 2929.13 1037  
of the Revised Code applies in determining whether to impose a 1038  
prison term on the offender. 1039

(b) If the amount of L.S.D. involved equals or exceeds ten 1040  
unit doses but is less than fifty unit doses of L.S.D. in a 1041  
solid form or equals or exceeds one gram but is less than five 1042  
grams of L.S.D. in a liquid concentrate, liquid extract, or 1043  
liquid distillate form, possession of L.S.D. is a felony of the 1044  
fourth degree, and division (C) of section 2929.13 of the 1045  
Revised Code applies in determining whether to impose a prison 1046  
term on the offender. 1047

(c) If the amount of L.S.D. involved equals or exceeds 1048  
fifty unit doses, but is less than two hundred fifty unit doses 1049  
of L.S.D. in a solid form or equals or exceeds five grams but is 1050  
less than twenty-five grams of L.S.D. in a liquid concentrate, 1051  
liquid extract, or liquid distillate form, possession of L.S.D. 1052  
is a felony of the third degree, and there is a presumption for 1053  
a prison term for the offense. 1054

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

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

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

~~(6)~~(5) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) ~~(6)~~(5) (b), (c), (d), (e), or (f) of this section, possession of heroin is a

felony of the fifth degree, and division (B) of section 2929.13 1085  
of the Revised Code applies in determining whether to impose a 1086  
prison term on the offender. 1087

(b) If the amount of the drug involved equals or exceeds 1088  
ten unit doses but is less than fifty unit doses or equals or 1089  
exceeds one gram but is less than five grams, possession of 1090  
heroin is a felony of the fourth degree, and division (C) of 1091  
section 2929.13 of the Revised Code applies in determining 1092  
whether to impose a prison term on the offender. 1093

(c) If the amount of the drug involved equals or exceeds 1094  
fifty unit doses but is less than one hundred unit doses or 1095  
equals or exceeds five grams but is less than ten grams, 1096  
possession of heroin is a felony of the third degree, and there 1097  
is a presumption for a prison term for the offense. 1098

(d) If the amount of the drug involved equals or exceeds 1099  
one hundred unit doses but is less than five hundred unit doses 1100  
or equals or exceeds ten grams but is less than fifty grams, 1101  
possession of heroin is a felony of the second degree, and the 1102  
court shall impose as a mandatory prison term a second degree 1103  
felony mandatory prison term. 1104

(e) If the amount of the drug involved equals or exceeds 1105  
five hundred unit doses but is less than one thousand unit doses 1106  
or equals or exceeds fifty grams but is less than one hundred 1107  
grams, possession of heroin is a felony of the first degree, and 1108  
the court shall impose as a mandatory prison term a first degree 1109  
felony mandatory prison term. 1110

(f) If the amount of the drug involved equals or exceeds 1111  
one thousand unit doses or equals or exceeds one hundred grams, 1112  
possession of heroin is a felony of the first degree, the 1113

offender is a major drug offender, and the court shall impose as 1114  
a mandatory prison term a maximum first degree felony mandatory 1115  
prison term. 1116

~~(7) If the drug involved in the violation is hashish or a 1117  
compound, mixture, preparation, or substance containing hashish, 1118  
whoever violates division (A) of this section is guilty of 1119  
possession of hashish. The penalty for the offense shall be 1120  
determined as follows: 1121~~

~~(a) Except as otherwise provided in division (C) (7) (b), 1122  
(c), (d), (e), (f), or (g) of this section, possession of 1123  
hashish is a minor misdemeanor. 1124~~

~~(b) If the amount of the drug involved equals or exceeds 1125  
five grams but is less than ten grams of hashish in a solid form 1126  
or equals or exceeds one gram but is less than two grams of 1127  
hashish in a liquid concentrate, liquid extract, or liquid 1128  
distillate form, possession of hashish is a misdemeanor of the 1129  
fourth degree. 1130~~

~~(c) If the amount of the drug involved equals or exceeds 1131  
ten grams but is less than fifty grams of hashish in a solid 1132  
form or equals or exceeds two grams but is less than ten grams 1133  
of hashish in a liquid concentrate, liquid extract, or liquid 1134  
distillate form, possession of hashish is a felony of the fifth 1135  
degree, and division (B) of section 2929.13 of the Revised Code 1136  
applies in determining whether to impose a prison term on the 1137  
offender. 1138~~

~~(d) If the amount of the drug involved equals or exceeds 1139  
fifty grams but is less than two hundred fifty grams of hashish 1140  
in a solid form or equals or exceeds ten grams but is less than 1141  
fifty grams of hashish in a liquid concentrate, liquid extract, 1142~~



~~or liquid distillate form, possession of hashish 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.~~ 1143  
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~~(e) If the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 1147  
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~~(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 1154  
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~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 1163  
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~~(8)~~ (6) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates 1170  
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division (A) of this section is guilty of possession of a 1173  
controlled substance analog. The penalty for the offense shall 1174  
be determined as follows: 1175

(a) Except as otherwise provided in division (C) ~~(8)~~ (6) (b), 1176  
(c), (d), (e), or (f) of this section, possession of a 1177  
controlled substance analog is a felony of the fifth degree, and 1178  
division (B) of section 2929.13 of the Revised Code applies in 1179  
determining whether to impose a prison term on the offender. 1180

(b) If the amount of the drug involved equals or exceeds 1181  
ten grams but is less than twenty grams, possession of a 1182  
controlled substance analog is a felony of the fourth degree, 1183  
and there is a presumption for a prison term for the offense. 1184

(c) If the amount of the drug involved equals or exceeds 1185  
twenty grams but is less than thirty grams, possession of a 1186  
controlled substance analog is a felony of the third degree, and 1187  
there is a presumption for a prison term for the offense. 1188

(d) If the amount of the drug involved equals or exceeds 1189  
thirty grams but is less than forty grams, possession of a 1190  
controlled substance analog is a felony of the second degree, 1191  
and the court shall impose as a mandatory prison term a second 1192  
degree felony mandatory prison term. 1193

(e) If the amount of the drug involved equals or exceeds 1194  
forty grams but is less than fifty grams, possession of a 1195  
controlled substance analog is a felony of the first degree, and 1196  
the court shall impose as a mandatory prison term a first degree 1197  
felony mandatory prison term. 1198

(f) If the amount of the drug involved equals or exceeds 1199  
fifty grams, possession of a controlled substance analog is a 1200  
felony of the first degree, the offender is a major drug 1201

offender, and the court shall impose as a mandatory prison term 1202  
a maximum first degree felony mandatory prison term. 1203

~~(9)~~(7) If the drug involved in the violation is a 1204  
compound, mixture, preparation, or substance that is a 1205  
combination of a fentanyl-related compound and marihuana, one of 1206  
the following applies: 1207

(a) Except as otherwise provided in division (C) ~~(9)~~(7) (b) 1208  
of this section, the offender is guilty of possession of 1209  
~~marihuana and shall be punished as provided in division (C) (3)~~ 1210  
~~of this section. Except as otherwise provided in division (C) (9)~~ 1211  
~~(b) of this section, the offender is not guilty of possession of~~ 1212  
a fentanyl-related compound under division (C) ~~(11)~~(9) of this 1213  
section and shall not be charged with, convicted of, or punished 1214  
under division (C) ~~(11)~~(9) of this section for possession of a 1215  
fentanyl-related compound. 1216

(b) If the offender knows or has reason to know that the 1217  
compound, mixture, preparation, or substance that is the drug 1218  
involved contains a fentanyl-related compound, the offender is 1219  
guilty of possession of a fentanyl-related compound and shall be 1220  
punished under division (C) ~~(11)~~(9) of this section. 1221

~~(10)~~(8) If the drug involved in the violation is a 1222  
compound, mixture, preparation, or substance that is a 1223  
combination of a fentanyl-related compound and any schedule III, 1224  
schedule IV, or schedule V controlled substance that is not a 1225  
fentanyl-related compound, one of the following applies: 1226

(a) Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1227  
of this section, the offender is guilty of possession of drugs 1228  
and shall be punished as provided in division (C) (2) of this 1229  
section. Except as otherwise provided in division (C) ~~(10)~~(8) (b) 1230

of this section, the offender is not guilty of possession of a 1231  
fentanyl-related compound under division (C) ~~(11)~~ (9) of this 1232  
section and shall not be charged with, convicted of, or punished 1233  
under division (C) ~~(11)~~ (9) of this section for possession of a 1234  
fentanyl-related compound. 1235

(b) If the offender knows or has reason to know that the 1236  
compound, mixture, preparation, or substance that is the drug 1237  
involved contains a fentanyl-related compound, the offender is 1238  
guilty of possession of a fentanyl-related compound and shall be 1239  
punished under division (C) ~~(11)~~ (9) of this section. 1240

~~(11)~~ (9) If the drug involved in the violation is a 1241  
fentanyl-related compound and neither division (C) ~~(9)~~ (7) (a) nor 1242  
division (C) ~~(10)~~ (8) (a) of this section applies to the drug 1243  
involved, or is a compound, mixture, preparation, or substance 1244  
that contains a fentanyl-related compound or is a combination of 1245  
a fentanyl-related compound and any other controlled substance 1246  
and neither division (C) ~~(9)~~ (7) (a) nor division (C) ~~(10)~~ (8) (a) of 1247  
this section applies to the drug involved, whoever violates 1248  
division (A) of this section is guilty of possession of a 1249  
fentanyl-related compound. The penalty for the offense shall be 1250  
determined as follows: 1251

(a) Except as otherwise provided in division (C) ~~(11)~~ (9) 1252  
(b), (c), (d), (e), (f), or (g) of this section, possession of a 1253  
fentanyl-related compound is a felony of the fifth degree, and 1254  
division (B) of section 2929.13 of the Revised Code applies in 1255  
determining whether to impose a prison term on the offender. 1256

(b) If the amount of the drug involved equals or exceeds 1257  
ten unit doses but is less than fifty unit doses or equals or 1258  
exceeds one gram but is less than five grams, possession of a 1259  
fentanyl-related compound is a felony of the fourth degree, and 1260

division (C) of section 2929.13 of the Revised Code applies in 1261  
determining whether to impose a prison term on the offender. 1262

(c) If the amount of the drug involved equals or exceeds 1263  
fifty unit doses but is less than one hundred unit doses or 1264  
equals or exceeds five grams but is less than ten grams, 1265  
possession of a fentanyl-related compound is a felony of the 1266  
third degree, and there is a presumption for a prison term for 1267  
the offense. 1268

(d) If the amount of the drug involved equals or exceeds 1269  
one hundred unit doses but is less than two hundred unit doses 1270  
or equals or exceeds ten grams but is less than twenty grams, 1271  
possession of a fentanyl-related compound is a felony of the 1272  
second degree, and the court shall impose as a mandatory prison 1273  
term one of the prison terms prescribed for a felony of the 1274  
second degree. 1275

(e) If the amount of the drug involved equals or exceeds 1276  
two hundred unit doses but is less than five hundred unit doses 1277  
or equals or exceeds twenty grams but is less than fifty grams, 1278  
possession of a fentanyl-related compound is a felony of the 1279  
first degree, and the court shall impose as a mandatory prison 1280  
term one of the prison terms prescribed for a felony of the 1281  
first degree. 1282

(f) If the amount of the drug involved equals or exceeds 1283  
five hundred unit doses but is less than one thousand unit doses 1284  
or equals or exceeds fifty grams but is less than one hundred 1285  
grams, possession of a fentanyl-related compound is a felony of 1286  
the first degree, and the court shall impose as a mandatory 1287  
prison term the maximum prison term prescribed for a felony of 1288  
the first degree. 1289

(g) If the amount of the drug involved equals or exceeds 1290  
one thousand unit doses or equals or exceeds one hundred grams, 1291  
possession of a fentanyl-related compound is a felony of the 1292  
first degree, the offender is a major drug offender, and the 1293  
court shall impose as a mandatory prison term the maximum prison 1294  
term prescribed for a felony of the first degree. 1295

(D) Arrest or conviction for a minor misdemeanor violation 1296  
of this section as it existed prior to the effective date of 1297  
this amendment does not constitute a criminal record and need 1298  
not be reported by the person so arrested or convicted in 1299  
response to any inquiries about the person's criminal record, 1300  
including any inquiries contained in any application for 1301  
employment, license, or other right or privilege, or made in 1302  
connection with the person's appearance as a witness. 1303

(E) In addition to any prison term or jail term authorized 1304  
or required by division (C) of this section and sections 1305  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1306  
Code and in addition to any other sanction that is imposed for 1307  
the offense under this section, sections 2929.11 to 2929.18, or 1308  
sections 2929.21 to 2929.28 of the Revised Code, the court that 1309  
sentences an offender who is convicted of or pleads guilty to a 1310  
violation of division (A) of this section may suspend the 1311  
offender's driver's or commercial driver's license or permit for 1312  
not more than five years. However, if the offender pleaded 1313  
guilty to or was convicted of a violation of section 4511.19 of 1314  
the Revised Code or a substantially similar municipal ordinance 1315  
or the law of another state or the United States arising out of 1316  
the same set of circumstances as the violation, the court shall 1317  
suspend the offender's driver's or commercial driver's license 1318  
or permit for not more than five years. If applicable, the court 1319  
also shall do the following: 1320

(1) (a) If the violation is a felony of the first, second, 1321  
or third degree, the court shall impose upon the offender the 1322  
mandatory fine specified for the offense under division (B) (1) 1323  
of section 2929.18 of the Revised Code unless, as specified in 1324  
that division, the court determines that the offender is 1325  
indigent. 1326

(b) Notwithstanding any contrary provision of section 1327  
3719.21 of the Revised Code, the clerk of the court shall pay a 1328  
mandatory fine or other fine imposed for a violation of this 1329  
section pursuant to division (A) of section 2929.18 of the 1330  
Revised Code in accordance with and subject to the requirements 1331  
of division (F) of section 2925.03 of the Revised Code. The 1332  
agency that receives the fine shall use the fine as specified in 1333  
division (F) of section 2925.03 of the Revised Code. 1334

(c) If a person is charged with a violation of this 1335  
section that is a felony of the first, second, or third degree, 1336  
posts bail, and forfeits the bail, the clerk shall pay the 1337  
forfeited bail pursuant to division (E) (1) (b) of this section as 1338  
if it were a mandatory fine imposed under division (E) (1) (a) of 1339  
this section. 1340

(2) If the offender is a professionally licensed person, 1341  
in addition to any other sanction imposed for a violation of 1342  
this section, the court immediately shall comply with section 1343  
2925.38 of the Revised Code. 1344

(F) It is an affirmative defense, as provided in section 1345  
2901.05 of the Revised Code, to a charge of a fourth degree 1346  
felony violation under this section that the controlled 1347  
substance that gave rise to the charge is in an amount, is in a 1348  
form, is prepared, compounded, or mixed with substances that are 1349  
not controlled substances in a manner, or is possessed under any 1350

other circumstances, that indicate that the substance was 1351  
possessed solely for personal use. Notwithstanding any contrary 1352  
provision of this section, if, in accordance with section 1353  
2901.05 of the Revised Code, an accused who is charged with a 1354  
fourth degree felony violation of division (C) (2), (3), (4), or 1355  
(5), ~~or (6)~~ of this section sustains the burden of going forward 1356  
with evidence of and establishes by a preponderance of the 1357  
evidence the affirmative defense described in this division, the 1358  
accused may be prosecuted for and may plead guilty to or be 1359  
convicted of a misdemeanor violation of division (C) (2) of this 1360  
section or a fifth degree felony violation of division (C) (3), 1361  
(4), or (5), ~~or (6)~~ of this section respectively. 1362

(G) When a person is charged with possessing a bulk amount 1363  
or multiple of a bulk amount, division (E) of section 2925.03 of 1364  
the Revised Code applies regarding the determination of the 1365  
amount of the controlled substance involved at the time of the 1366  
offense. 1367

(H) It is an affirmative defense to a charge of possession 1368  
of a controlled substance analog under division (C) ~~(8)~~ (6) of 1369  
this section that the person charged with violating that offense 1370  
obtained, possessed, or used one of the following items that are 1371  
excluded from the meaning of "controlled substance analog" under 1372  
section 3719.01 of the Revised Code: 1373

(1) A controlled substance; 1374

(2) Any substance for which there is an approved new drug 1375  
application; 1376

(3) With respect to a particular person, any substance if 1377  
an exemption is in effect for investigational use for that 1378  
person pursuant to federal law to the extent that conduct with 1379



respect to that substance is pursuant to that exemption. 1380

(I) Any offender who received a mandatory suspension of 1381  
the offender's driver's or commercial driver's license or permit 1382  
under this section prior to September 13, 2016, may file a 1383  
motion with the sentencing court requesting the termination of 1384  
the suspension. However, an offender who pleaded guilty to or 1385  
was convicted of a violation of section 4511.19 of the Revised 1386  
Code or a substantially similar municipal ordinance or law of 1387  
another state or the United States that arose out of the same 1388  
set of circumstances as the violation for which the offender's 1389  
license or permit was suspended under this section shall not 1390  
file such a motion. 1391

Upon the filing of a motion under division (I) of this 1392  
section, the sentencing court, in its discretion, may terminate 1393  
the suspension. 1394

Sec. 2925.111. (A) Except as provided in division (I) of 1395  
this section, no person shall knowingly obtain or possess more 1396  
than one hundred grams of marihuana or ten grams of hashish. 1397

(B) Whoever violates division (A) of this section is 1398  
guilty of possession of marihuana or hashish. Except as provided 1399  
in divisions (C), (D), (E), (F), (G), or (H) of this section, 1400  
possession of marihuana or hashish is a misdemeanor of the 1401  
fourth degree. 1402

(C) If the offense involves more than two hundred grams of 1403  
marihuana or more than twenty grams of hashish, except as 1404  
provided in division (D), (E), (F), (G), or (H) of this section, 1405  
possession of marihuana or hashish is a misdemeanor of the 1406  
second degree. 1407

(D) If the offender has previously pleaded guilty or been 1408

convicted of a violation of this section, except as provided in 1409  
divisions (E), (F), (G), or (H) of this section, possession of 1410  
marihuana or hashish is a felony of the fifth degree. 1411

(E) If the offense involves more than one thousand grams 1412  
of marihuana or more than fifty grams of hashish, except as 1413  
provided in divisions (F), (G), or (H) of this section, 1414  
possession of marihuana or hashish is a felony of the fourth 1415  
degree. 1416

(F) If the offense involves more than five thousand grams 1417  
of marihuana or more than one thousand five hundred grams of 1418  
hashish, except as provided in division (G) or (H) of this 1419  
section, possession of marihuana or hashish is a felony of the 1420  
third degree and notwithstanding division (A) (3) of section 1421  
2929.28 of the Revised Code, the offender may be fined up to ten 1422  
thousand dollars. 1423

(G) If the offense involves more than twenty thousand 1424  
grams of marihuana, except as provided in division (H) of this 1425  
section, possession of marihuana or hashish is a felony of the 1426  
first degree, and notwithstanding division (A) (3) of section 1427  
2929.18 of the Revised Code, the offender may be fined up to two 1428  
hundred fifty thousand dollars for the offense. 1429

(H) Amounts cultivated, harvested, and stored in 1430  
accordance with sections 2925.042 and 2925.043 of the Revised 1431  
Code shall not be used for purposes of determining the amount of 1432  
marihuana involved in a violation of this section. 1433

**Sec. 2953.39. (A) As used in this section:** 1434

(1) "Expunge" means to destroy, delete, or erase a record 1435  
as appropriate for the record's physical or electronic form or 1436  
characteristic so that the record is permanently irretrievable. 1437

- (2) "Official records" has the same meaning as in section 2953.51 of the Revised Code. 1438  
1439
- (3) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code. 1440  
1441
- (4) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense. 1442  
1443
- (5) "Qualified marihuana offense" means either of the following: 1444  
1445
- (a) A violation of section 2925.11 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the obtaining, possession, or use of one hundred grams of marihuana or less, or that involved the obtaining, possession, or use of ten grams of hashish or less; 1446  
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- (b) A violation of section 2925.04 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the cultivation of twelve or fewer marihuana plants. 1451  
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- (B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a qualified marihuana offense may file an application under this section for the expungement of the record of conviction. The person may file the application at any time on or after the effective date of this act. The application shall do all of the following: 1455  
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- (1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered. 1461  
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- (2) Include evidence that the offense was a qualified 1465

marihuana offense. 1466

(3) Include a request for expungement of the record of conviction of that offense under this section. 1467  
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(C) Upon the filing of an application under division (B) of this section and the payment of the fee described in division (G) of this section, if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall hold the hearing scheduled under this division. 1469  
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(D) (1) At the hearing held under division (C) of this section, the court shall do each of the following: 1479  
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(a) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 1481  
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(b) Determine whether the applicant has been convicted of or pleaded guilty to a qualified marihuana offense. 1485  
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(E) If the court determines at the hearing held under division (D) of this section that an offense that is the subject of an application under this section is a qualified marihuana offense, the court shall order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record 1487  
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pertaining to the case. 1495

(F) The proceedings in the case that is the subject of an 1496  
order issued under division (E) of this section shall be 1497  
considered not to have occurred and the conviction or guilty 1498  
plea of the person who is the subject of the proceedings shall 1499  
be expunged. The record of the conviction shall not be used for 1500  
any purpose, including, but not limited to, a criminal records 1501  
check under section 109.572 of the Revised Code or a 1502  
determination under section 2923.125 or 2923.1213 of the Revised 1503  
Code of eligibility for a concealed handgun license. The 1504  
applicant may, and the court shall, reply that no record exists 1505  
with respect to the applicant upon any inquiry into the matter. 1506

(G) Upon the filing of an application under this section, 1507  
the applicant, unless indigent, shall pay a fee of fifty 1508  
dollars. The court shall pay thirty dollars of the fee into the 1509  
state treasury and shall pay twenty dollars of the fee into the 1510  
county general revenue fund. 1511

**Section 2.** That existing sections 2925.01, 2925.04, and 1512  
2925.11 of the Revised Code are hereby repealed. 1513

**Section 3.** Section 2925.01 of the Revised Code is 1514  
presented in this act as a composite of the section as amended 1515  
by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. 1516  
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd 1517  
General Assembly. The General Assembly, applying the principle 1518  
stated in division (B) of section 1.52 of the Revised Code that 1519  
amendments are to be harmonized if reasonably capable of 1520  
simultaneous operation, finds that the composite is the 1521  
resulting version of the section in effect prior to the 1522  
effective date of the section as presented in this act. Section 1523  
2925.04 of the Revised Code is presented in this act as a 1524

composite of the section as amended by both Am. Sub. S.B. 1 and 1525  
Am. Sub. S.B. 201 of the 132nd General Assembly. The General 1526  
Assembly, applying the principle stated in division (B) of 1527  
section 1.52 of the Revised Code that amendments are to be 1528  
harmonized if reasonably capable of simultaneous operation, 1529  
finds that the composite is the resulting version of the section 1530  
in effect prior to the effective date of the section as 1531  
presented in this act. 1532

Section 2925.11 of the Revised Code is presented in this 1533  
act as a composite of the section as amended by Am. Sub. S.B. 1, 1534  
Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd General 1535  
Assembly. The General Assembly, applying the principle stated in 1536  
division (B) of section 1.52 of the Revised Code that amendments 1537  
are to be harmonized if reasonably capable of simultaneous 1538  
operation, finds that the composite is the resulting version of 1539  
the section in effect prior to the effective date of the section 1540  
as presented in this act. 1541