

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**S. B. No. 37**

**Senators Blessing, Ingram**



**A BILL**

To amend sections 2923.01, 2925.02, 2925.03, 1  
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3  
2925.31, 2925.32, 2925.36, 2925.37, 3123.56, 4  
3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 5  
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, 6  
and 4510.17 and to repeal section 4510.32 of the 7  
Revised Code to make changes to the laws 8  
governing driver's license suspensions for 9  
certain drug offenses and failure to pay child 10  
support and to the laws governing penalties for 11  
failure to provide proof of financial 12  
responsibility. 13

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

**Section 1.** That sections 2923.01, 2925.02, 2925.03, 14  
2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 2925.14, 15  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 16  
3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 17  
4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 18  
the Revised Code be amended to read as follows: 19

**Sec. 2923.01.** (A) No person, with purpose to commit or to 20  
promote or facilitate the commission of aggravated murder, 21  
murder, kidnapping, abduction, compelling prostitution, 22  
promoting prostitution, trafficking in persons, aggravated 23  
arson, arson, aggravated robbery, robbery, aggravated burglary, 24  
burglary, trespassing in a habitation when a person is present 25  
or likely to be present, engaging in a pattern of corrupt 26  
activity, corrupting another with drugs, a felony drug 27  
trafficking, manufacturing, processing, or possession offense, 28  
theft of drugs, or illegal processing of drug documents, the 29  
commission of a felony offense of unauthorized use of a vehicle, 30  
illegally transmitting multiple commercial electronic mail 31  
messages or unauthorized access of a computer in violation of 32  
section 2923.421 of the Revised Code, or the commission of a 33  
violation of any provision of Chapter 3734. of the Revised Code, 34  
other than section 3734.18 of the Revised Code, that relates to 35  
hazardous wastes, shall do either of the following: 36

(1) With another person or persons, plan or aid in 37  
planning the commission of any of the specified offenses; 38

(2) Agree with another person or persons that one or more 39  
of them will engage in conduct that facilitates the commission 40  
of any of the specified offenses. 41

(B) No person shall be convicted of conspiracy unless a 42  
substantial overt act in furtherance of the conspiracy is 43  
alleged and proved to have been done by the accused or a person 44  
with whom the accused conspired, subsequent to the accused's 45  
entrance into the conspiracy. For purposes of this section, an 46  
overt act is substantial when it is of a character that 47  
manifests a purpose on the part of the actor that the object of 48  
the conspiracy should be completed. 49

(C) When the offender knows or has reasonable cause to believe that a person with whom the offender conspires also has conspired or is conspiring with another to commit the same offense, the offender is guilty of conspiring with that other person, even though the other person's identity may be unknown to the offender.

(D) It is no defense to a charge under this section that, in retrospect, commission of the offense that was the object of the conspiracy was impossible under the circumstances.

(E) A conspiracy terminates when the offense or offenses that are its objects are committed or when it is abandoned by all conspirators. In the absence of abandonment, it is no defense to a charge under this section that no offense that was the object of the conspiracy was committed.

(F) A person who conspires to commit more than one offense is guilty of only one conspiracy, when the offenses are the object of the same agreement or continuous conspiratorial relationship.

(G) When a person is convicted of committing or attempting to commit a specific offense or of complicity in the commission of or attempt to commit the specific offense, the person shall not be convicted of conspiracy involving the same offense.

(H) (1) No person shall be convicted of conspiracy upon the testimony of a person with whom the defendant conspired, unsupported by other evidence.

(2) If a person with whom the defendant allegedly has conspired testifies against the defendant in a case in which the defendant is charged with conspiracy and if the testimony is supported by other evidence, the court, when it charges the

jury, shall state substantially the following: 79

"The testimony of an accomplice that is supported by other 80  
evidence does not become inadmissible because of the 81  
accomplice's complicity, moral turpitude, or self-interest, but 82  
the admitted or claimed complicity of a witness may affect the 83  
witness' credibility and make the witness' testimony subject to 84  
grave suspicion, and require that it be weighed with great 85  
caution. 86

It is for you, as jurors, in the light of all the facts 87  
presented to you from the witness stand, to evaluate such 88  
testimony and to determine its quality and worth or its lack of 89  
quality and worth." 90

(3) "Conspiracy," as used in division (H)(1) of this 91  
section, does not include any conspiracy that results in an 92  
attempt to commit an offense or in the commission of an offense. 93

(I) The following are affirmative defenses to a charge of 94  
conspiracy: 95

(1) After conspiring to commit an offense, the actor 96  
thwarted the success of the conspiracy under circumstances 97  
manifesting a complete and voluntary renunciation of the actor's 98  
criminal purpose. 99

(2) After conspiring to commit an offense, the actor 100  
abandoned the conspiracy prior to the commission of or attempt 101  
to commit any offense that was the object of the conspiracy, 102  
either by advising all other conspirators of the actor's 103  
abandonment, or by informing any law enforcement authority of 104  
the existence of the conspiracy and of the actor's participation 105  
in the conspiracy. 106

(J) Whoever violates this section is guilty of conspiracy, 107

which is one of the following:	108
(1) A felony of the first degree, when one of the objects	109
of the conspiracy is aggravated murder, murder, or an offense	110
for which the maximum penalty is imprisonment for life;	111
(2) A felony of the next lesser degree than the most	112
serious offense that is the object of the conspiracy, when the	113
most serious offense that is the object of the conspiracy is a	114
felony of the first, second, third, or fourth degree;	115
(3) A felony punishable by a fine of not more than twenty-	116
five thousand dollars or imprisonment for not more than eighteen	117
months, or both, when the offense that is the object of the	118
conspiracy is a violation of any provision of Chapter 3734. of	119
the Revised Code, other than section 3734.18 of the Revised	120
Code, that relates to hazardous wastes;	121
(4) A misdemeanor of the first degree, when the most	122
serious offense that is the object of the conspiracy is a felony	123
of the fifth degree.	124
(K) This section does not define a separate conspiracy	125
offense or penalty where conspiracy is defined as an offense by	126
one or more sections of the Revised Code, other than this	127
section. In such a case, however:	128
(1) With respect to the offense specified as the object of	129
the conspiracy in the other section or sections, division (A) of	130
this section defines the voluntary act or acts and culpable	131
mental state necessary to constitute the conspiracy;	132
(2) Divisions (B) to (I) of this section are incorporated	133
by reference in the conspiracy offense defined by the other	134
section or sections of the Revised Code.	135

(L) (1) In addition to the penalties that otherwise are 136  
imposed for conspiracy, a person who is found guilty of 137  
conspiracy to engage in a pattern of corrupt activity is subject 138  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 139  
section 2981.04, and division (D) of section 2981.06 of the 140  
Revised Code. 141

(2) If a person is convicted of or pleads guilty to 142  
conspiracy and if the most serious offense that is the object of 143  
the conspiracy is a felony drug trafficking, manufacturing, 144  
processing, or possession offense, in addition to the penalties 145  
or sanctions that may be imposed for the conspiracy under 146  
division (J) (2) or (4) of this section and Chapter 2929. of the 147  
Revised Code, both of the following apply: 148

(a) The provisions of divisions (D) ~~and (F) and (G)~~ of 149  
section 2925.03, division (D) of section 2925.04, division (D) 150  
of section 2925.05, division (D) of section 2925.06, and 151  
division (E) of section 2925.11 of the Revised Code that pertain 152  
to mandatory and additional fines, ~~driver's or commercial~~ 153  
~~driver's license or permit suspensions,~~ and professionally 154  
licensed persons and that would apply under the appropriate 155  
provisions of those divisions to a person who is convicted of or 156  
pleads guilty to the felony drug trafficking, manufacturing, 157  
processing, or possession offense that is the most serious 158  
offense that is the basis of the conspiracy shall apply to the 159  
person who is convicted of or pleads guilty to the conspiracy as 160  
if the person had been convicted of or pleaded guilty to the 161  
felony drug trafficking, manufacturing, processing, or 162  
possession offense that is the most serious offense that is the 163  
basis of the conspiracy. 164

(b) The court that imposes sentence upon the person who is 165

convicted of or pleads guilty to the conspiracy shall comply 166  
with the provisions identified as being applicable under 167  
division (L) (2) of this section, in addition to any other 168  
penalty or sanction that it imposes for the conspiracy under 169  
division (J) (2) or (4) of this section and Chapter 2929. of the 170  
Revised Code. 171

(M) As used in this section: 172

(1) "Felony drug trafficking, manufacturing, processing, 173  
or possession offense" means any of the following that is a 174  
felony: 175

(a) A violation of section 2925.03, 2925.04, 2925.05, or 176  
2925.06 of the Revised Code; 177

(b) A violation of section 2925.11 of the Revised Code 178  
that is not a minor drug possession offense. 179

(2) "Minor drug possession offense" has the same meaning 180  
as in section 2925.01 of the Revised Code. 181

**Sec. 2925.02.** (A) No person shall knowingly do any of the 182  
following: 183

(1) By force, threat, or deception, administer to another 184  
or induce or cause another to use a controlled substance; 185

(2) By any means, administer or furnish to another or 186  
induce or cause another to use a controlled substance with 187  
purpose to cause serious physical harm to the other person, or 188  
with purpose to cause the other person to become drug dependent; 189

(3) By any means, administer or furnish to another or 190  
induce or cause another to use a controlled substance, and 191  
thereby cause serious physical harm to the other person, or 192  
cause the other person to become drug dependent; 193

(4) By any means, do any of the following:	194
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	195 196 197 198
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	199 200 201 202
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	203 204 205 206
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	207 208 209 210 211 212
(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.	213 214 215 216
(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code.	217 218 219 220 221 222



(C) Whoever violates this section is guilty of corrupting 223  
another with drugs. The penalty for the offense shall be 224  
determined as follows: 225

(1) If the offense is a violation of division (A) (1), (2), 226  
(3), or (4) of this section and the drug involved is any 227  
compound, mixture, preparation, or substance included in 228  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 229  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 230  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 231  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 232  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 233  
offender shall be punished as follows: 234

(a) Except as otherwise provided in division (C) (1) (b) of 235  
this section, corrupting another with drugs committed in those 236  
circumstances is a felony of the second degree and, subject to 237  
division (E) of this section, the court shall impose as a 238  
mandatory prison term a second degree felony mandatory prison 239  
term. 240

(b) If the offense was committed in the vicinity of a 241  
school, corrupting another with drugs committed in those 242  
circumstances is a felony of the first degree, and, subject to 243  
division (E) of this section, the court shall impose as a 244  
mandatory prison term a first degree felony mandatory prison 245  
term. 246

(2) If the offense is a violation of division (A) (1), (2), 247  
(3), or (4) of this section and the drug involved is any 248  
compound, mixture, preparation, or substance included in 249  
schedule III, IV, or V, the offender shall be punished as 250  
follows: 251

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

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

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

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

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances 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.

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the

exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 281  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 282  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 283  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 284  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 285  
felony of the first degree and, subject to division (E) of this 286  
section, the court shall impose as a mandatory prison term a 287  
first degree felony mandatory prison term. 288

(5) If the offense is a violation of division (A) (5) of 289  
this section and the drug involved is any compound, mixture, 290  
preparation, or substance included in schedule III, IV, or V, 291  
corrupting another with drugs is a felony of the second degree 292  
and the court shall impose as a mandatory prison term a second 293  
degree felony mandatory prison term. 294

(6) If the offense is a violation of division (A) (5) of 295  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 296  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 297  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 298  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 299  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 300  
corrupting another with drugs is a felony of the third degree 301  
and division (C) of section 2929.13 of the Revised Code applies 302  
in determining whether to impose a prison term on the offender. 303

(D) In addition to any prison term authorized or required 304  
by division (C) or (E) of this section and sections 2929.13 and 305  
2929.14 of the Revised Code and in addition to any other 306  
sanction imposed for the offense under this section or sections 307  
2929.11 to 2929.18 of the Revised Code, the court that sentences 308  
an offender who is convicted of or pleads guilty to a violation 309  
of division (A) of this section, if the violation is a felony of 310

the first degree, may suspend for not more than five years the 311  
offender's driver's or commercial driver's license or permit. 312  
However, if the offender pleaded guilty to or was convicted of a 313  
violation of section 4511.19 of the Revised Code or a 314  
substantially similar municipal ordinance or the law of another 315  
state or the United States arising out of the same set of 316  
circumstances as the first degree felony violation, the court 317  
shall suspend the offender's driver's or commercial driver's 318  
license or permit for not more than five years. The court also 319  
shall do all of the following that are applicable regarding the 320  
offender: 321

(1) (a) If the violation is a felony of the first, second, 322  
or third degree, the court shall impose upon the offender the 323  
mandatory fine specified for the offense under division (B) (1) 324  
of section 2929.18 of the Revised Code unless, as specified in 325  
that division, the court determines that the offender is 326  
indigent. 327

(b) Notwithstanding any contrary provision of section 328  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 329  
to division (D) (1) (a) of this section and any fine imposed for a 330  
violation of this section pursuant to division (A) of section 331  
2929.18 of the Revised Code shall be paid by the clerk of the 332  
court in accordance with and subject to the requirements of, and 333  
shall be used as specified in, division (F) of section 2925.03 334  
of the Revised Code. 335

(c) If a person is charged with any violation of this 336  
section that is a felony of the first, second, or third degree, 337  
posts bail, and forfeits the bail, the forfeited bail shall be 338  
paid by the clerk of the court pursuant to division (D) (1) (b) of 339  
this section as if it were a fine imposed for a violation of 340

this section. 341

(2) If the offender is a professionally licensed person, 342  
in addition to any other sanction imposed for a violation of 343  
this section, the court immediately shall comply with section 344  
2925.38 of the Revised Code. 345

(E) Notwithstanding the prison term otherwise authorized 346  
or required for the offense under division (C) of this section 347  
and sections 2929.13 and 2929.14 of the Revised Code, if the 348  
violation of division (A) of this section involves the sale, 349  
offer to sell, or possession of a schedule I or II controlled 350  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 351  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 352  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 353  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 354  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 355  
if the court imposing sentence upon the offender finds that the 356  
offender as a result of the violation is a major drug offender 357  
and is guilty of a specification of the type described in 358  
division (A) of section 2941.1410 of the Revised Code, the 359  
court, in lieu of the prison term that otherwise is authorized 360  
or required, shall impose upon the offender the mandatory prison 361  
term specified in division (B) (3) (a) of section 2929.14 of the 362  
Revised Code. 363

(F) (1) If the sentencing court suspends the offender's 364  
driver's or commercial driver's license or permit under division 365  
(D) of this section, the offender, at any time after the 366  
expiration of two years from the day on which the offender's 367  
sentence was imposed or from the day on which the offender 368  
finally was released from a prison term under the sentence, 369  
whichever is later, may file a motion with the sentencing court 370

requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.

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

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

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

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

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

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

(1) Manufacturers, licensed health professionals

authorized to prescribe drugs, pharmacists, owners of 400  
pharmacies, and other persons whose conduct is in accordance 401  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 402  
4741. of the Revised Code; 403

(2) If the offense involves an anabolic steroid, any 404  
person who is conducting or participating in a research project 405  
involving the use of an anabolic steroid if the project has been 406  
approved by the United States food and drug administration; 407

(3) Any person who sells, offers for sale, prescribes, 408  
dispenses, or administers for livestock or other nonhuman 409  
species an anabolic steroid that is expressly intended for 410  
administration through implants to livestock or other nonhuman 411  
species and approved for that purpose under the "Federal Food, 412  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 413  
as amended, and is sold, offered for sale, prescribed, 414  
dispensed, or administered for that purpose in accordance with 415  
that act. 416

(C) Whoever violates division (A) of this section is 417  
guilty of one of the following: 418

(1) If the drug involved in the violation is any compound, 419  
mixture, preparation, or substance included in schedule I or 420  
schedule II, with the exception of marihuana, cocaine, L.S.D., 421  
heroin, any fentanyl-related compound, hashish, and any 422  
controlled substance analog, whoever violates division (A) of 423  
this section is guilty of aggravated trafficking in drugs. The 424  
penalty for the offense shall be determined as follows: 425

(a) Except as otherwise provided in division (C) (1) (b), 426  
(c), (d), (e), or (f) of this section, aggravated trafficking in 427  
drugs is a felony of the fourth degree, and division (C) of 428

section 2929.13 of the Revised Code applies in determining 429  
whether to impose a prison term on the offender. 430

(b) Except as otherwise provided in division (C)(1)(c), 431  
(d), (e), or (f) of this section, if the offense was committed 432  
in the vicinity of a school, in the vicinity of a juvenile, or 433  
in the vicinity of a substance addiction services provider or a 434  
recovering addict, aggravated trafficking in drugs is a felony 435  
of the third degree, and division (C) of section 2929.13 of the 436  
Revised Code applies in determining whether to impose a prison 437  
term on the offender. 438

(c) Except as otherwise provided in this division, if the 439  
amount of the drug involved equals or exceeds the bulk amount 440  
but is less than five times the bulk amount, aggravated 441  
trafficking in drugs is a felony of the third degree, and, 442  
except as otherwise provided in this division, there is a 443  
presumption for a prison term for the offense. If aggravated 444  
trafficking in drugs is a felony of the third degree under this 445  
division and if the offender two or more times previously has 446  
been convicted of or pleaded guilty to a felony drug abuse 447  
offense, the court shall impose as a mandatory prison term one 448  
of the prison terms prescribed for a felony of the third degree. 449  
If the amount of the drug involved is within that range and if 450  
the offense was committed in the vicinity of a school, in the 451  
vicinity of a juvenile, or in the vicinity of a substance 452  
addiction services provider or a recovering addict, aggravated 453  
trafficking in drugs is a felony of the second degree, and the 454  
court shall impose as a mandatory prison term a second degree 455  
felony mandatory prison term. 456

(d) Except as otherwise provided in this division, if the 457  
amount of the drug involved equals or exceeds five times the 458



bulk amount but is less than fifty times the bulk amount, 459  
aggravated trafficking in drugs is a felony of the second 460  
degree, and the court shall impose as a mandatory prison term a 461  
second degree felony mandatory prison term. If the amount of the 462  
drug involved is within that range and if the offense was 463  
committed in the vicinity of a school, in the vicinity of a 464  
juvenile, or in the vicinity of a substance addiction services 465  
provider or a recovering addict, aggravated trafficking in drugs 466  
is a felony of the first degree, and the court shall impose as a 467  
mandatory prison term a first degree felony mandatory prison 468  
term. 469

(e) If the amount of the drug involved equals or exceeds 470  
fifty times the bulk amount but is less than one hundred times 471  
the bulk amount and regardless of whether the offense was 472  
committed in the vicinity of a school, in the vicinity of a 473  
juvenile, or in the vicinity of a substance addiction services 474  
provider or a recovering addict, aggravated trafficking in drugs 475  
is a felony of the first degree, and the court shall impose as a 476  
mandatory prison term a first degree felony mandatory prison 477  
term. 478

(f) If the amount of the drug involved equals or exceeds 479  
one hundred times the bulk amount and regardless of whether the 480  
offense was committed in the vicinity of a school, in the 481  
vicinity of a juvenile, or in the vicinity of a substance 482  
addiction services provider or a recovering addict, aggravated 483  
trafficking in drugs is a felony of the first degree, the 484  
offender is a major drug offender, and the court shall impose as 485  
a mandatory prison term a maximum first degree felony mandatory 486  
prison term. 487

(2) If the drug involved in the violation is any compound, 488

mixture, preparation, or substance included in schedule III, IV, 489  
or V, whoever violates division (A) of this section is guilty of 490  
trafficking in drugs. The penalty for the offense shall be 491  
determined as follows: 492

(a) Except as otherwise provided in division (C) (2) (b), 493  
(c), (d), or (e) of this section, trafficking in drugs is a 494  
felony of the fifth degree, and division (B) of section 2929.13 495  
of the Revised Code applies in determining whether to impose a 496  
prison term on the offender. 497

(b) Except as otherwise provided in division (C) (2) (c), 498  
(d), or (e) of this section, if the offense was committed in the 499  
vicinity of a school or in the vicinity of a juvenile, 500  
trafficking in drugs is a felony of the fourth degree, and 501  
division (C) of section 2929.13 of the Revised Code applies in 502  
determining whether to impose a prison term on the offender. 503

(c) Except as otherwise provided in this division, if the 504  
amount of the drug involved equals or exceeds the bulk amount 505  
but is less than five times the bulk amount, trafficking in 506  
drugs is a felony of the fourth degree, and division (B) of 507  
section 2929.13 of the Revised Code applies in determining 508  
whether to impose a prison term for the offense. If the amount 509  
of the drug involved is within that range and if the offense was 510  
committed in the vicinity of a school or in the vicinity of a 511  
juvenile, trafficking in drugs is a felony of the third degree, 512  
and there is a presumption for a prison term for the offense. 513

(d) Except as otherwise provided in this division, if the 514  
amount of the drug involved equals or exceeds five times the 515  
bulk amount but is less than fifty times the bulk amount, 516  
trafficking in drugs is a felony of the third degree, and there 517  
is a presumption for a prison term for the offense. If the 518

amount of the drug involved is within that range and if the 519  
offense was committed in the vicinity of a school or in the 520  
vicinity of a juvenile, trafficking in drugs is a felony of the 521  
second degree, and there is a presumption for a prison term for 522  
the offense. 523

(e) Except as otherwise provided in this division, if the 524  
amount of the drug involved equals or exceeds fifty times the 525  
bulk amount, trafficking in drugs is a felony of the second 526  
degree, and the court shall impose as a mandatory prison term a 527  
second degree felony mandatory prison term. If the amount of the 528  
drug involved equals or exceeds fifty times the bulk amount and 529  
if the offense was committed in the vicinity of a school or in 530  
the vicinity of a juvenile, trafficking in drugs is a felony of 531  
the first degree, and the court shall impose as a mandatory 532  
prison term a first degree felony mandatory prison term. 533

(3) If the drug involved in the violation is marihuana or 534  
a compound, mixture, preparation, or substance containing 535  
marihuana other than hashish, whoever violates division (A) of 536  
this section is guilty of trafficking in marihuana. The penalty 537  
for the offense shall be determined as follows: 538

(a) Except as otherwise provided in division (C) (3) (b), 539  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 540  
marihuana is a felony of the fifth degree, and division (B) of 541  
section 2929.13 of the Revised Code applies in determining 542  
whether to impose a prison term on the offender. 543

(b) Except as otherwise provided in division (C) (3) (c), 544  
(d), (e), (f), (g), or (h) of this section, if the offense was 545  
committed in the vicinity of a school or in the vicinity of a 546  
juvenile, trafficking in marihuana is a felony of the fourth 547  
degree, and division (B) of section 2929.13 of the Revised Code 548

applies in determining whether to impose a prison term on the 549  
offender. 550

(c) Except as otherwise provided in this division, if the 551  
amount of the drug involved equals or exceeds two hundred grams 552  
but is less than one thousand grams, trafficking in marihuana is 553  
a felony of the fourth degree, and division (B) of section 554  
2929.13 of the Revised Code applies in determining whether to 555  
impose a prison term on the offender. If the amount of the drug 556  
involved is within that range and if the offense was committed 557  
in the vicinity of a school or in the vicinity of a juvenile, 558  
trafficking in marihuana is a felony of the third degree, and 559  
division (C) of section 2929.13 of the Revised Code applies in 560  
determining whether to impose a prison term on the offender. 561

(d) Except as otherwise provided in this division, if the 562  
amount of the drug involved equals or exceeds one thousand grams 563  
but is less than five thousand grams, trafficking in marihuana 564  
is a felony of the third degree, and division (C) of section 565  
2929.13 of the Revised Code applies in determining whether to 566  
impose a prison term on the offender. If the amount of the drug 567  
involved is within that range and if the offense was committed 568  
in the vicinity of a school or in the vicinity of a juvenile, 569  
trafficking in marihuana is a felony of the second degree, and 570  
there is a presumption that a prison term shall be imposed for 571  
the offense. 572

(e) Except as otherwise provided in this division, if the 573  
amount of the drug involved equals or exceeds five thousand 574  
grams but is less than twenty thousand grams, trafficking in 575  
marihuana is a felony of the third degree, and there is a 576  
presumption that a prison term shall be imposed for the offense. 577  
If the amount of the drug involved is within that range and if 578

the offense was committed in the vicinity of a school or in the 579  
vicinity of a juvenile, trafficking in marihuana is a felony of 580  
the second degree, and there is a presumption that a prison term 581  
shall be imposed for the offense. 582

(f) Except as otherwise provided in this division, if the 583  
amount of the drug involved equals or exceeds twenty thousand 584  
grams but is less than forty thousand grams, trafficking in 585  
marihuana is a felony of the second degree, and the court shall 586  
impose as a mandatory prison term a second degree felony 587  
mandatory prison term of five, six, seven, or eight years. If 588  
the amount of the drug involved is within that range and if the 589  
offense was committed in the vicinity of a school or in the 590  
vicinity of a juvenile, trafficking in marihuana is a felony of 591  
the first degree, and the court shall impose as a mandatory 592  
prison term a maximum first degree felony mandatory prison term. 593

(g) Except as otherwise provided in this division, if the 594  
amount of the drug involved equals or exceeds forty thousand 595  
grams, trafficking in marihuana is a felony of the second 596  
degree, and the court shall impose as a mandatory prison term a 597  
maximum second degree felony mandatory prison term. If the 598  
amount of the drug involved equals or exceeds forty thousand 599  
grams and if the offense was committed in the vicinity of a 600  
school or in the vicinity of a juvenile, trafficking in 601  
marihuana is a felony of the first degree, and the court shall 602  
impose as a mandatory prison term a maximum first degree felony 603  
mandatory prison term. 604

(h) Except as otherwise provided in this division, if the 605  
offense involves a gift of twenty grams or less of marihuana, 606  
trafficking in marihuana is a minor misdemeanor upon a first 607  
offense and a misdemeanor of the third degree upon a subsequent 608

offense. If the offense involves a gift of twenty grams or less 609  
of marihuana and if the offense was committed in the vicinity of 610  
a school or in the vicinity of a juvenile, trafficking in 611  
marihuana is a misdemeanor of the third degree. 612

(4) If the drug involved in the violation is cocaine or a 613  
compound, mixture, preparation, or substance containing cocaine, 614  
whoever violates division (A) of this section is guilty of 615  
trafficking in cocaine. The penalty for the offense shall be 616  
determined as follows: 617

(a) Except as otherwise provided in division (C) (4) (b), 618  
(c), (d), (e), (f), or (g) of this section, trafficking in 619  
cocaine is a felony of the fifth degree, and division (B) of 620  
section 2929.13 of the Revised Code applies in determining 621  
whether to impose a prison term on the offender. 622

(b) Except as otherwise provided in division (C) (4) (c), 623  
(d), (e), (f), or (g) of this section, if the offense was 624  
committed in the vicinity of a school, in the vicinity of a 625  
juvenile, or in the vicinity of a substance addiction services 626  
provider or a recovering addict, trafficking in cocaine is a 627  
felony of the fourth degree, and division (C) of section 2929.13 628  
of the Revised Code applies in determining whether to impose a 629  
prison term on the offender. 630

(c) Except as otherwise provided in this division, if the 631  
amount of the drug involved equals or exceeds five grams but is 632  
less than ten grams of cocaine, trafficking in cocaine is a 633  
felony of the fourth degree, and division (B) of section 2929.13 634  
of the Revised Code applies in determining whether to impose a 635  
prison term for the offense. If the amount of the drug involved 636  
is within that range and if the offense was committed in the 637  
vicinity of a school, in the vicinity of a juvenile, or in the 638

vicinity of a substance addiction services provider or a 639  
recovering addict, trafficking in cocaine is a felony of the 640  
third degree, and there is a presumption for a prison term for 641  
the offense. 642

(d) Except as otherwise provided in this division, if the 643  
amount of the drug involved equals or exceeds ten grams but is 644  
less than twenty grams of cocaine, trafficking in cocaine is a 645  
felony of the third degree, and, except as otherwise provided in 646  
this division, there is a presumption for a prison term for the 647  
offense. If trafficking in cocaine is a felony of the third 648  
degree under this division and if the offender two or more times 649  
previously has been convicted of or pleaded guilty to a felony 650  
drug abuse offense, the court shall impose as a mandatory prison 651  
term one of the prison terms prescribed for a felony of the 652  
third degree. If the amount of the drug involved is within that 653  
range and if the offense was committed in the vicinity of a 654  
school, in the vicinity of a juvenile, or in the vicinity of a 655  
substance addiction services provider or a recovering addict, 656  
trafficking in cocaine is a felony of the second degree, and the 657  
court shall impose as a mandatory prison term a second degree 658  
felony mandatory prison term. 659

(e) Except as otherwise provided in this division, if the 660  
amount of the drug involved equals or exceeds twenty grams but 661  
is less than twenty-seven grams of cocaine, trafficking in 662  
cocaine is a felony of the second degree, and the court shall 663  
impose as a mandatory prison term a second degree felony 664  
mandatory prison term. If the amount of the drug involved is 665  
within that range and if the offense was committed in the 666  
vicinity of a school, in the vicinity of a juvenile, or in the 667  
vicinity of a substance addiction services provider or a 668  
recovering addict, trafficking in cocaine is a felony of the 669

first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 670  
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(f) If the amount of the drug involved equals or exceeds twenty-seven grams but is less than one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in cocaine is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 672  
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(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term. 680  
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(5) If the drug involved in the violation is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., whoever violates division (A) of this section is guilty of trafficking in L.S.D. The penalty for the offense shall be determined as follows: 688  
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(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), (f), or (g) of this section, trafficking in L.S.D. is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 693  
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(b) Except as otherwise provided in division (C) (5) (c), 698



(d), (e), (f), or (g) of this section, if the offense was 699  
committed in the vicinity of a school, in the vicinity of a 700  
juvenile, or in the vicinity of a substance addiction services 701  
provider or a recovering addict, trafficking in L.S.D. is a 702  
felony of the fourth degree, and division (C) of section 2929.13 703  
of the Revised Code applies in determining whether to impose a 704  
prison term on the offender. 705

(c) Except as otherwise provided in this division, if the 706  
amount of the drug involved equals or exceeds ten unit doses but 707  
is less than fifty unit doses of L.S.D. in a solid form or 708  
equals or exceeds one gram but is less than five grams of L.S.D. 709  
in a liquid concentrate, liquid extract, or liquid distillate 710  
form, trafficking in L.S.D. is a felony of the fourth degree, 711  
and division (B) of section 2929.13 of the Revised Code applies 712  
in determining whether to impose a prison term for the offense. 713  
If the amount of the drug involved is within that range and if 714  
the offense was committed in the vicinity of a school, in the 715  
vicinity of a juvenile, or in the vicinity of a substance 716  
addiction services provider or a recovering addict, trafficking 717  
in L.S.D. is a felony of the third degree, and there is a 718  
presumption for a prison term for the offense. 719

(d) Except as otherwise provided in this division, if the 720  
amount of the drug involved equals or exceeds fifty unit doses 721  
but is less than two hundred fifty unit doses of L.S.D. in a 722  
solid form or equals or exceeds five grams but is less than 723  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 724  
extract, or liquid distillate form, trafficking in L.S.D. is a 725  
felony of the third degree, and, except as otherwise provided in 726  
this division, there is a presumption for a prison term for the 727  
offense. If trafficking in L.S.D. is a felony of the third 728  
degree under this division and if the offender two or more times 729

previously has been convicted of or pleaded guilty to a felony 730  
drug abuse offense, the court shall impose as a mandatory prison 731  
term one of the prison terms prescribed for a felony of the 732  
third degree. If the amount of the drug involved is within that 733  
range and if the offense was committed in the vicinity of a 734  
school, in the vicinity of a juvenile, or in the vicinity of a 735  
substance addiction services provider or a recovering addict, 736  
trafficking in L.S.D. is a felony of the second degree, and the 737  
court shall impose as a mandatory prison term a second degree 738  
felony mandatory prison term. 739

(e) Except as otherwise provided in this division, if the 740  
amount of the drug involved equals or exceeds two hundred fifty 741  
unit doses but is less than one thousand unit doses of L.S.D. in 742  
a solid form or equals or exceeds twenty-five grams but is less 743  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 744  
extract, or liquid distillate form, trafficking in L.S.D. is a 745  
felony of the second degree, and the court shall impose as a 746  
mandatory prison term a second degree felony mandatory prison 747  
term. If the amount of the drug involved is within that range 748  
and if the offense was committed in the vicinity of a school, in 749  
the vicinity of a juvenile, or in the vicinity of a substance 750  
addiction services provider or a recovering addict, trafficking 751  
in L.S.D. is a felony of the first degree, and the court shall 752  
impose as a mandatory prison term a first degree felony 753  
mandatory prison term. 754

(f) If the amount of the drug involved equals or exceeds 755  
one thousand unit doses but is less than five thousand unit 756  
doses of L.S.D. in a solid form or equals or exceeds one hundred 757  
grams but is less than five hundred grams of L.S.D. in a liquid 758  
concentrate, liquid extract, or liquid distillate form and 759  
regardless of whether the offense was committed in the vicinity 760

of a school, in the vicinity of a juvenile, or in the vicinity 761  
of a substance addiction services provider or a recovering 762  
addict, trafficking in L.S.D. is a felony of the first degree, 763  
and the court shall impose as a mandatory prison term a first 764  
degree felony mandatory prison term. 765

(g) If the amount of the drug involved equals or exceeds 766  
five thousand unit doses of L.S.D. in a solid form or equals or 767  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 768  
liquid extract, or liquid distillate form and regardless of 769  
whether the offense was committed in the vicinity of a school, 770  
in the vicinity of a juvenile, or in the vicinity of a substance 771  
addiction services provider or a recovering addict, trafficking 772  
in L.S.D. is a felony of the first degree, the offender is a 773  
major drug offender, and the court shall impose as a mandatory 774  
prison term a maximum first degree felony mandatory prison term. 775

(6) If the drug involved in the violation is heroin or a 776  
compound, mixture, preparation, or substance containing heroin, 777  
whoever violates division (A) of this section is guilty of 778  
trafficking in heroin. The penalty for the offense shall be 779  
determined as follows: 780

(a) Except as otherwise provided in division (C) (6) (b), 781  
(c), (d), (e), (f), or (g) of this section, trafficking in 782  
heroin is a felony of the fifth degree, and division (B) of 783  
section 2929.13 of the Revised Code applies in determining 784  
whether to impose a prison term on the offender. 785

(b) Except as otherwise provided in division (C) (6) (c), 786  
(d), (e), (f), or (g) of this section, if the offense was 787  
committed in the vicinity of a school, in the vicinity of a 788  
juvenile, or in the vicinity of a substance addiction services 789  
provider or a recovering addict, trafficking in heroin is a 790

felony of the fourth degree, and division (C) of section 2929.13 791  
of the Revised Code applies in determining whether to impose a 792  
prison term on the offender. 793

(c) Except as otherwise provided in this division, if the 794  
amount of the drug involved equals or exceeds ten unit doses but 795  
is less than fifty unit doses or equals or exceeds one gram but 796  
is less than five grams, trafficking in heroin is a felony of 797  
the fourth degree, and division (B) of section 2929.13 of the 798  
Revised Code applies in determining whether to impose a prison 799  
term for the offense. If the amount of the drug involved is 800  
within that range and if the offense was committed in the 801  
vicinity of a school, in the vicinity of a juvenile, or in the 802  
vicinity of a substance addiction services provider or a 803  
recovering addict, trafficking in heroin is a felony of the 804  
third degree, and there is a presumption for a prison term for 805  
the offense. 806

(d) Except as otherwise provided in this division, if the 807  
amount of the drug involved equals or exceeds fifty unit doses 808  
but is less than one hundred unit doses or equals or exceeds 809  
five grams but is less than ten grams, trafficking in heroin is 810  
a felony of the third degree, and there is a presumption for a 811  
prison term for the offense. If the amount of the drug involved 812  
is within that range and if the offense was committed in the 813  
vicinity of a school, in the vicinity of a juvenile, or in the 814  
vicinity of a substance addiction services provider or a 815  
recovering addict, trafficking in heroin is a felony of the 816  
second degree, and there is a presumption for a prison term for 817  
the offense. 818

(e) Except as otherwise provided in this division, if the 819  
amount of the drug involved equals or exceeds one hundred unit 820

doses but is less than five hundred unit doses or equals or 821  
exceeds ten grams but is less than fifty grams, trafficking in 822  
heroin is a felony of the second degree, and the court shall 823  
impose as a mandatory prison term a second degree felony 824  
mandatory prison term. If the amount of the drug involved is 825  
within that range and if the offense was committed in the 826  
vicinity of a school, in the vicinity of a juvenile, or in the 827  
vicinity of a substance addiction services provider or a 828  
recovering addict, trafficking in heroin is a felony of the 829  
first degree, and the court shall impose as a mandatory prison 830  
term a first degree felony mandatory prison term. 831

(f) If the amount of the drug involved equals or exceeds 832  
five hundred unit doses but is less than one thousand unit doses 833  
or equals or exceeds fifty grams but is less than one hundred 834  
grams and regardless of whether the offense was committed in the 835  
vicinity of a school, in the vicinity of a juvenile, or in the 836  
vicinity of a substance addiction services provider or a 837  
recovering addict, trafficking in heroin is a felony of the 838  
first degree, and the court shall impose as a mandatory prison 839  
term a first degree felony mandatory prison term. 840

(g) If the amount of the drug involved equals or exceeds 841  
one thousand unit doses or equals or exceeds one hundred grams 842  
and regardless of whether the offense was committed in the 843  
vicinity of a school, in the vicinity of a juvenile, or in the 844  
vicinity of a substance addiction services provider or a 845  
recovering addict, trafficking in heroin is a felony of the 846  
first degree, the offender is a major drug offender, and the 847  
court shall impose as a mandatory prison term a maximum first 848  
degree felony mandatory prison term. 849

(7) If the drug involved in the violation is hashish or a 850

compound, mixture, preparation, or substance containing hashish, 851  
whoever violates division (A) of this section is guilty of 852  
trafficking in hashish. The penalty for the offense shall be 853  
determined as follows: 854

(a) Except as otherwise provided in division (C) (7) (b), 855  
(c), (d), (e), (f), or (g) of this section, trafficking in 856  
hashish is a felony of the fifth degree, and division (B) of 857  
section 2929.13 of the Revised Code applies in determining 858  
whether to impose a prison term on the offender. 859

(b) Except as otherwise provided in division (C) (7) (c), 860  
(d), (e), (f), or (g) of this section, if the offense was 861  
committed in the vicinity of a school, in the vicinity of a 862  
juvenile, or in the vicinity of a substance addiction services 863  
provider or a recovering addict, trafficking in hashish is a 864  
felony of the fourth degree, and division (B) of section 2929.13 865  
of the Revised Code applies in determining whether to impose a 866  
prison term on the offender. 867

(c) Except as otherwise provided in this division, if the 868  
amount of the drug involved equals or exceeds ten grams but is 869  
less than fifty grams of hashish in a solid form or equals or 870  
exceeds two grams but is less than ten grams of hashish in a 871  
liquid concentrate, liquid extract, or liquid distillate form, 872  
trafficking in hashish is a felony of the fourth degree, and 873  
division (B) of section 2929.13 of the Revised Code applies in 874  
determining whether to impose a prison term on the offender. If 875  
the amount of the drug involved is within that range and if the 876  
offense was committed in the vicinity of a school, in the 877  
vicinity of a juvenile, or in the vicinity of a substance 878  
addiction services provider or a recovering addict, trafficking 879  
in hashish is a felony of the third degree, and division (C) of 880

section 2929.13 of the Revised Code applies in determining 881  
whether to impose a prison term on the offender. 882

(d) Except as otherwise provided in this division, if the 883  
amount of the drug involved equals or exceeds fifty grams but is 884  
less than two hundred fifty grams of hashish in a solid form or 885  
equals or exceeds ten grams but is less than fifty grams of 886  
hashish in a liquid concentrate, liquid extract, or liquid 887  
distillate form, trafficking in hashish is a felony of the third 888  
degree, and division (C) of section 2929.13 of the Revised Code 889  
applies in determining whether to impose a prison term on the 890  
offender. If the amount of the drug involved is within that 891  
range and if the offense was committed in the vicinity of a 892  
school, in the vicinity of a juvenile, or in the vicinity of a 893  
substance addiction services provider or a recovering addict, 894  
trafficking in hashish is a felony of the second degree, and 895  
there is a presumption that a prison term shall be imposed for 896  
the offense. 897

(e) Except as otherwise provided in this division, if the 898  
amount of the drug involved equals or exceeds two hundred fifty 899  
grams but is less than one thousand grams of hashish in a solid 900  
form or equals or exceeds fifty grams but is less than two 901  
hundred grams of hashish in a liquid concentrate, liquid 902  
extract, or liquid distillate form, trafficking in hashish is a 903  
felony of the third degree, and there is a presumption that a 904  
prison term shall be imposed for the offense. If the amount of 905  
the drug involved is within that range and if the offense was 906  
committed in the vicinity of a school, in the vicinity of a 907  
juvenile, or in the vicinity of a substance addiction services 908  
provider or a recovering addict, trafficking in hashish is a 909  
felony of the second degree, and there is a presumption that a 910  
prison term shall be imposed for the offense. 911

(f) Except as otherwise provided in this division, 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, trafficking in 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. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in hashish 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.

(g) Except as otherwise provided in this division, 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, trafficking in 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. 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 and if the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in hashish is a felony of the first degree, and the court shall impose as a



mandatory prison term a maximum first degree felony mandatory 943  
prison term. 944

(8) If the drug involved in the violation is a controlled 945  
substance analog or compound, mixture, preparation, or substance 946  
that contains a controlled substance analog, whoever violates 947  
division (A) of this section is guilty of trafficking in a 948  
controlled substance analog. The penalty for the offense shall 949  
be determined as follows: 950

(a) Except as otherwise provided in division (C) (8) (b), 951  
(c), (d), (e), (f), or (g) of this section, trafficking in a 952  
controlled substance analog is a felony of the fifth degree, and 953  
division (C) of section 2929.13 of the Revised Code applies in 954  
determining whether to impose a prison term on the offender. 955

(b) Except as otherwise provided in division (C) (8) (c), 956  
(d), (e), (f), or (g) of this section, if the offense was 957  
committed in the vicinity of a school, in the vicinity of a 958  
juvenile, or in the vicinity of a substance addiction services 959  
provider or a recovering addict, trafficking in a controlled 960  
substance analog is a felony of the fourth degree, and division 961  
(C) of section 2929.13 of the Revised Code applies in 962  
determining whether to impose a prison term on the offender. 963

(c) Except as otherwise provided in this division, if the 964  
amount of the drug involved equals or exceeds ten grams but is 965  
less than twenty grams, trafficking in a controlled substance 966  
analog is a felony of the fourth degree, and division (B) of 967  
section 2929.13 of the Revised Code applies in determining 968  
whether to impose a prison term for the offense. If the amount 969  
of the drug involved is within that range and if the offense was 970  
committed in the vicinity of a school, in the vicinity of a 971  
juvenile, or in the vicinity of a substance addiction services 972

provider or a recovering addict, trafficking in a controlled 973  
substance analog is a felony of the third degree, and there is a 974  
presumption for a prison term for the offense. 975

(d) Except as otherwise provided in this division, if the 976  
amount of the drug involved equals or exceeds twenty grams but 977  
is less than thirty grams, trafficking in a controlled substance 978  
analog is a felony of the third degree, and there is a 979  
presumption for a prison term for the offense. If the amount of 980  
the drug involved is within that range and if the offense was 981  
committed in the vicinity of a school, in the vicinity of a 982  
juvenile, or in the vicinity of a substance addiction services 983  
provider or a recovering addict, trafficking in a controlled 984  
substance analog is a felony of the second degree, and there is 985  
a presumption for a prison term for the offense. 986

(e) Except as otherwise provided in this division, if the 987  
amount of the drug involved equals or exceeds thirty grams but 988  
is less than forty grams, trafficking in a controlled substance 989  
analog is a felony of the second degree, and the court shall 990  
impose as a mandatory prison term a second degree felony 991  
mandatory prison term. If the amount of the drug involved is 992  
within that range and if the offense was committed in the 993  
vicinity of a school, in the vicinity of a juvenile, or in the 994  
vicinity of a substance addiction services provider or a 995  
recovering addict, trafficking in a controlled substance analog 996  
is a felony of the first degree, and the court shall impose as a 997  
mandatory prison term a first degree felony mandatory prison 998  
term. 999

(f) If the amount of the drug involved equals or exceeds 1000  
forty grams but is less than fifty grams and regardless of 1001  
whether the offense was committed in the vicinity of a school, 1002

in the vicinity of a juvenile, or in the vicinity of a substance 1003  
addiction services provider or a recovering addict, trafficking 1004  
in a controlled substance analog is a felony of the first 1005  
degree, and the court shall impose as a mandatory prison term a 1006  
first degree felony mandatory prison term. 1007

(g) If the amount of the drug involved equals or exceeds 1008  
fifty grams and regardless of whether the offense was committed 1009  
in the vicinity of a school, in the vicinity of a juvenile, or 1010  
in the vicinity of a substance addiction services provider or a 1011  
recovering addict, trafficking in a controlled substance analog 1012  
is a felony of the first degree, the offender is a major drug 1013  
offender, and the court shall impose as a mandatory prison term 1014  
a maximum first degree felony mandatory prison term. 1015

(9) If the drug involved in the violation is a fentanyl- 1016  
related compound or a compound, mixture, preparation, or 1017  
substance containing a fentanyl-related compound and division 1018  
(C)(10)(a) of this section does not apply to the drug involved, 1019  
whoever violates division (A) of this section is guilty of 1020  
trafficking in a fentanyl-related compound. The penalty for the 1021  
offense shall be determined as follows: 1022

(a) Except as otherwise provided in division (C)(9)(b), 1023  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1024  
a fentanyl-related compound is a felony of the fifth degree, and 1025  
division (B) of section 2929.13 of the Revised Code applies in 1026  
determining whether to impose a prison term on the offender. 1027

(b) Except as otherwise provided in division (C)(9)(c), 1028  
(d), (e), (f), (g), or (h) of this section, if the offense was 1029  
committed in the vicinity of a school, in the vicinity of a 1030  
juvenile, or in the vicinity of a substance addiction services 1031  
provider or a recovering addict, trafficking in a fentanyl- 1032

related compound is a felony of the fourth degree, and division 1033  
(C) of section 2929.13 of the Revised Code applies in 1034  
determining whether to impose a prison term on the offender. 1035

(c) Except as otherwise provided in this division, if the 1036  
amount of the drug involved equals or exceeds ten unit doses but 1037  
is less than fifty unit doses or equals or exceeds one gram but 1038  
is less than five grams, trafficking in a fentanyl-related 1039  
compound is a felony of the fourth degree, and division (B) of 1040  
section 2929.13 of the Revised Code applies in determining 1041  
whether to impose a prison term for the offense. If the amount 1042  
of the drug involved is within that range and if the offense was 1043  
committed in the vicinity of a school, in the vicinity of a 1044  
juvenile, or in the vicinity of a substance addiction services 1045  
provider or a recovering addict, trafficking in a fentanyl- 1046  
related compound is a felony of the third degree, and there is a 1047  
presumption for a prison term for the offense. 1048

(d) Except as otherwise provided in this division, if the 1049  
amount of the drug involved equals or exceeds fifty unit doses 1050  
but is less than one hundred unit doses or equals or exceeds 1051  
five grams but is less than ten grams, trafficking in a 1052  
fentanyl-related compound is a felony of the third degree, and 1053  
there is a presumption for a prison term for the offense. If the 1054  
amount of the drug involved is within that range and if the 1055  
offense was committed in the vicinity of a school, in the 1056  
vicinity of a juvenile, or in the vicinity of a substance 1057  
addiction services provider or a recovering addict, trafficking 1058  
in a fentanyl-related compound is a felony of the second degree, 1059  
and there is a presumption for a prison term for the offense. 1060

(e) Except as otherwise provided in this division, if the 1061  
amount of the drug involved equals or exceeds one hundred unit 1062

doses but is less than two hundred unit doses or equals or 1063  
exceeds ten grams but is less than twenty grams, trafficking in 1064  
a fentanyl-related compound is a felony of the second degree, 1065  
and the court shall impose as a mandatory prison term one of the 1066  
prison terms prescribed for a felony of the second degree. If 1067  
the amount of the drug involved is within that range and if the 1068  
offense was committed in the vicinity of a school, in the 1069  
vicinity of a juvenile, or in the vicinity of a substance 1070  
addiction services provider or a recovering addict, trafficking 1071  
in a fentanyl-related compound is a felony of the first degree, 1072  
and the court shall impose as a mandatory prison term one of the 1073  
prison terms prescribed for a felony of the first degree. 1074

(f) If the amount of the drug involved equals or exceeds 1075  
two hundred unit doses but is less than five hundred unit doses 1076  
or equals or exceeds twenty grams but is less than fifty grams 1077  
and regardless of whether the offense was committed in the 1078  
vicinity of a school, in the vicinity of a juvenile, or in the 1079  
vicinity of a substance addiction services provider or a 1080  
recovering addict, trafficking in a fentanyl-related compound is 1081  
a felony of the first degree, and the court shall impose as a 1082  
mandatory prison term one of the prison terms prescribed for a 1083  
felony of the first degree. 1084

(g) If the amount of the drug involved equals or exceeds 1085  
five hundred unit doses but is less than one thousand unit doses 1086  
or equals or exceeds fifty grams but is less than one hundred 1087  
grams and regardless of whether the offense was committed in the 1088  
vicinity of a school, in the vicinity of a juvenile, or in the 1089  
vicinity of a substance addiction services provider or a 1090  
recovering addict, trafficking in a fentanyl-related compound is 1091  
a felony of the first degree, and the court shall impose as a 1092  
mandatory prison term the maximum prison term prescribed for a 1093

felony of the first degree. 1094

(h) If the amount of the drug involved equals or exceeds 1095  
one thousand unit doses or equals or exceeds one hundred grams 1096  
and regardless of whether the offense was committed in the 1097  
vicinity of a school, in the vicinity of a juvenile, or in the 1098  
vicinity of a substance addiction services provider or a 1099  
recovering addict, trafficking in a fentanyl-related compound is 1100  
a felony of the first degree, the offender is a major drug 1101  
offender, and the court shall impose as a mandatory prison term 1102  
the maximum prison term prescribed for a felony of the first 1103  
degree. 1104

(10) If the drug involved in the violation is a compound, 1105  
mixture, preparation, or substance that is a combination of a 1106  
fentanyl-related compound and marihuana, one of the following 1107  
applies: 1108

(a) Except as otherwise provided in division (C) (10) (b) of 1109  
this section, the offender is guilty of trafficking in marihuana 1110  
and shall be punished under division (C) (3) of this section. The 1111  
offender is not guilty of trafficking in a fentanyl-related 1112  
compound and shall not be charged with, convicted of, or 1113  
punished under division (C) (9) of this section for trafficking 1114  
in a fentanyl-related compound. 1115

(b) If the offender knows or has reason to know that the 1116  
compound, mixture, preparation, or substance that is the drug 1117  
involved contains a fentanyl-related compound, the offender is 1118  
guilty of trafficking in a fentanyl-related compound and shall 1119  
be punished under division (C) (9) of this section. 1120

(D) In addition to any prison term authorized or required 1121  
by division (C) of this section and sections 2929.13 and 2929.14 1122

of the Revised Code, and in addition to any other sanction 1123  
imposed for the offense under this section or sections 2929.11 1124  
to 2929.18 of the Revised Code, the court that sentences an 1125  
offender who is convicted of or pleads guilty to a violation of 1126  
division (A) of this section, if the violation is a felony of 1127  
the first degree, may suspend the driver's or commercial 1128  
driver's license or permit of the offender in accordance with 1129  
division (G) of this section. However, if the offender pleaded 1130  
guilty to or was convicted of a violation of section 4511.19 of 1131  
the Revised Code or a substantially similar municipal ordinance 1132  
or the law of another state or the United States arising out of 1133  
the same set of circumstances as the first degree felony 1134  
violation, the court shall suspend the offender's driver's or 1135  
commercial driver's license or permit in accordance with 1136  
division (G) of this section. If applicable, the court also 1137  
shall do the following: 1138

(1) If the violation of division (A) of this section is a 1139  
felony of the first, second, or third degree, the court shall 1140  
impose upon the offender the mandatory fine specified for the 1141  
offense under division (B)(1) of section 2929.18 of the Revised 1142  
Code unless, as specified in that division, the court determines 1143  
that the offender is indigent. Except as otherwise provided in 1144  
division (H)(1) of this section, a mandatory fine or any other 1145  
fine imposed for a violation of this section is subject to 1146  
division (F) of this section. If a person is charged with a 1147  
violation of this section that is a felony of the first, second, 1148  
or third degree, posts bail, and forfeits the bail, the clerk of 1149  
the court shall pay the forfeited bail pursuant to divisions (D) 1150  
(1) and (F) of this section, as if the forfeited bail was a fine 1151  
imposed for a violation of this section. If any amount of the 1152  
forfeited bail remains after that payment and if a fine is 1153

imposed under division (H) (1) of this section, the clerk of the 1154  
court shall pay the remaining amount of the forfeited bail 1155  
pursuant to divisions (H) (2) and (3) of this section, as if that 1156  
remaining amount was a fine imposed under division (H) (1) of 1157  
this section. 1158

(2) If the offender is a professionally licensed person, 1159  
the court immediately shall comply with section 2925.38 of the 1160  
Revised Code. 1161

(E) When a person is charged with the sale of or offer to 1162  
sell a bulk amount or a multiple of a bulk amount of a 1163  
controlled substance, the jury, or the court trying the accused, 1164  
shall determine the amount of the controlled substance involved 1165  
at the time of the offense and, if a guilty verdict is returned, 1166  
shall return the findings as part of the verdict. In any such 1167  
case, it is unnecessary to find and return the exact amount of 1168  
the controlled substance involved, and it is sufficient if the 1169  
finding and return is to the effect that the amount of the 1170  
controlled substance involved is the requisite amount, or that 1171  
the amount of the controlled substance involved is less than the 1172  
requisite amount. 1173

(F) (1) Notwithstanding any contrary provision of section 1174  
3719.21 of the Revised Code and except as provided in division 1175  
(H) of this section, the clerk of the court shall pay any 1176  
mandatory fine imposed pursuant to division (D) (1) of this 1177  
section and any fine other than a mandatory fine that is imposed 1178  
for a violation of this section pursuant to division (A) or (B) 1179  
(5) of section 2929.18 of the Revised Code to the county, 1180  
township, municipal corporation, park district, as created 1181  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1182  
state law enforcement agencies in this state that primarily were 1183



responsible for or involved in making the arrest of, and in 1184  
prosecuting, the offender. However, the clerk shall not pay a 1185  
mandatory fine so imposed to a law enforcement agency unless the 1186  
agency has adopted a written internal control policy under 1187  
division (F) (2) of this section that addresses the use of the 1188  
fine moneys that it receives. Each agency shall use the 1189  
mandatory fines so paid to subsidize the agency's law 1190  
enforcement efforts that pertain to drug offenses, in accordance 1191  
with the written internal control policy adopted by the 1192  
recipient agency under division (F) (2) of this section. 1193

(2) Prior to receiving any fine moneys under division (F) 1194  
(1) of this section or division (B) of section 2925.42 of the 1195  
Revised Code, a law enforcement agency shall adopt a written 1196  
internal control policy that addresses the agency's use and 1197  
disposition of all fine moneys so received and that provides for 1198  
the keeping of detailed financial records of the receipts of 1199  
those fine moneys, the general types of expenditures made out of 1200  
those fine moneys, and the specific amount of each general type 1201  
of expenditure. The policy shall not provide for or permit the 1202  
identification of any specific expenditure that is made in an 1203  
ongoing investigation. All financial records of the receipts of 1204  
those fine moneys, the general types of expenditures made out of 1205  
those fine moneys, and the specific amount of each general type 1206  
of expenditure by an agency are public records open for 1207  
inspection under section 149.43 of the Revised Code. 1208  
Additionally, a written internal control policy adopted under 1209  
this division is such a public record, and the agency that 1210  
adopted it shall comply with it. 1211

(3) As used in division (F) of this section: 1212

(a) "Law enforcement agencies" includes, but is not 1213

limited to, the state board of pharmacy and the office of a 1214  
prosecutor. 1215

(b) "Prosecutor" has the same meaning as in section 1216  
2935.01 of the Revised Code. 1217

(G) (1) If the sentencing court suspends the offender's 1218  
driver's or commercial driver's license or permit under division 1219  
(D) of this section or any other provision of this chapter, the 1220  
court shall suspend the license, by order, for not more than 1221  
five years. If an offender's driver's or commercial driver's 1222  
license or permit is suspended pursuant to this division, the 1223  
offender, at any time after the expiration of two years from the 1224  
day on which the offender's sentence was imposed or from the day 1225  
on which the offender finally was released from a prison term 1226  
under the sentence, whichever is later, may file a motion with 1227  
the sentencing court requesting termination of the suspension; 1228  
upon the filing of such a motion and the court's finding of good 1229  
cause for the termination, the court may terminate the 1230  
suspension. 1231

(2) Any offender who received a mandatory suspension of 1232  
the offender's driver's or commercial driver's license or permit 1233  
under this section prior to September 13, 2016, may file a 1234  
motion with the sentencing court requesting the termination of 1235  
the suspension. However, an offender who pleaded guilty to or 1236  
was convicted of a violation of section 4511.19 of the Revised 1237  
Code or a substantially similar municipal ordinance or law of 1238  
another state or the United States that arose out of the same 1239  
set of circumstances as the violation for which the offender's 1240  
license or permit was suspended under this section shall not 1241  
file such a motion. 1242

Upon the filing of a motion under division (G) (2) of this 1243

section, the sentencing court, in its discretion, may terminate 1244  
the suspension. 1245

(H) (1) In addition to any prison term authorized or 1246  
required by division (C) of this section and sections 2929.13 1247  
and 2929.14 of the Revised Code, in addition to any other 1248  
penalty or sanction imposed for the offense under this section 1249  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1250  
addition to the forfeiture of property in connection with the 1251  
offense as prescribed in Chapter 2981. of the Revised Code, the 1252  
court that sentences an offender who is convicted of or pleads 1253  
guilty to a violation of division (A) of this section may impose 1254  
upon the offender an additional fine specified for the offense 1255  
in division (B) (4) of section 2929.18 of the Revised Code. A 1256  
fine imposed under division (H) (1) of this section is not 1257  
subject to division (F) of this section and shall be used solely 1258  
for the support of one or more eligible community addiction 1259  
services providers in accordance with divisions (H) (2) and (3) 1260  
of this section. 1261

(2) The court that imposes a fine under division (H) (1) of 1262  
this section shall specify in the judgment that imposes the fine 1263  
one or more eligible community addiction services providers for 1264  
the support of which the fine money is to be used. No community 1265  
addiction services provider shall receive or use money paid or 1266  
collected in satisfaction of a fine imposed under division (H) 1267  
(1) of this section unless the services provider is specified in 1268  
the judgment that imposes the fine. No community addiction 1269  
services provider shall be specified in the judgment unless the 1270  
services provider is an eligible community addiction services 1271  
provider and, except as otherwise provided in division (H) (2) of 1272  
this section, unless the services provider is located in the 1273  
county in which the court that imposes the fine is located or in 1274

a county that is immediately contiguous to the county in which 1275  
that court is located. If no eligible community addiction 1276  
services provider is located in any of those counties, the 1277  
judgment may specify an eligible community addiction services 1278  
provider that is located anywhere within this state. 1279

(3) Notwithstanding any contrary provision of section 1280  
3719.21 of the Revised Code, the clerk of the court shall pay 1281  
any fine imposed under division (H) (1) of this section to the 1282  
eligible community addiction services provider specified 1283  
pursuant to division (H) (2) of this section in the judgment. The 1284  
eligible community addiction services provider that receives the 1285  
fine moneys shall use the moneys only for the alcohol and drug 1286  
addiction services identified in the application for 1287  
certification of services under section 5119.36 of the Revised 1288  
Code or in the application for a license under section 5119.37 1289  
of the Revised Code filed with the department of mental health 1290  
and addiction services by the community addiction services 1291  
provider specified in the judgment. 1292

(4) Each community addiction services provider that 1293  
receives in a calendar year any fine moneys under division (H) 1294  
(3) of this section shall file an annual report covering that 1295  
calendar year with the court of common pleas and the board of 1296  
county commissioners of the county in which the services 1297  
provider is located, with the court of common pleas and the 1298  
board of county commissioners of each county from which the 1299  
services provider received the moneys if that county is 1300  
different from the county in which the services provider is 1301  
located, and with the attorney general. The community addiction 1302  
services provider shall file the report no later than the first 1303  
day of March in the calendar year following the calendar year in 1304  
which the services provider received the fine moneys. The report 1305

shall include statistics on the number of persons served by the 1306  
community addiction services provider, identify the types of 1307  
alcohol and drug addiction services provided to those persons, 1308  
and include a specific accounting of the purposes for which the 1309  
fine moneys received were used. No information contained in the 1310  
report shall identify, or enable a person to determine the 1311  
identity of, any person served by the community addiction 1312  
services provider. Each report received by a court of common 1313  
pleas, a board of county commissioners, or the attorney general 1314  
is a public record open for inspection under section 149.43 of 1315  
the Revised Code. 1316

(5) As used in divisions (H) (1) to (5) of this section: 1317

(a) "Community addiction services provider" and "alcohol 1318  
and drug addiction services" have the same meanings as in 1319  
section 5119.01 of the Revised Code. 1320

(b) "Eligible community addiction services provider" means 1321  
a community addiction services provider, including a community 1322  
addiction services provider that operates an opioid treatment 1323  
program licensed under section 5119.37 of the Revised Code. 1324

(I) As used in this section, "drug" includes any substance 1325  
that is represented to be a drug. 1326

(J) It is an affirmative defense to a charge of 1327  
trafficking in a controlled substance analog under division (C) 1328  
(8) of this section that the person charged with violating that 1329  
offense sold or offered to sell, or prepared for shipment, 1330  
shipped, transported, delivered, prepared for distribution, or 1331  
distributed one of the following items that are excluded from 1332  
the meaning of "controlled substance analog" under section 1333  
3719.01 of the Revised Code: 1334

(1) A controlled substance;	1335
(2) Any substance for which there is an approved new drug application;	1336 1337
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	1338 1339 1340 1341
<b>Sec. 2925.04.</b> (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.	1342 1343 1344
(B) This section does not apply 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.	1345 1346 1347 1348
(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.	1349 1350 1351 1352 1353
(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.	1354 1355 1356 1357 1358 1359 1360 1361
If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II,	1362 1363

with the exception of methamphetamine or marihuana, and if the 1364  
offense was committed in the vicinity of a juvenile or in the 1365  
vicinity of a school, illegal manufacture of drugs is a felony 1366  
of the first degree, and, subject to division (E) of this 1367  
section, the court shall impose as a mandatory prison term a 1368  
first degree felony mandatory prison term. 1369

(3) If the drug involved in the violation of division (A) 1370  
of this section is methamphetamine, the penalty for the 1371  
violation shall be determined as follows: 1372

(a) Except as otherwise provided in division (C) (3) (b) of 1373  
this section, if the drug involved in the violation is 1374  
methamphetamine, illegal manufacture of drugs is a felony of the 1375  
second degree, and, subject to division (E) of this section, the 1376  
court shall impose a mandatory prison term on the offender 1377  
determined in accordance with this division. Except as otherwise 1378  
provided in this division, the court shall impose as a mandatory 1379  
prison term a second degree felony mandatory prison term that is 1380  
not less than three years. If the offender previously has been 1381  
convicted of or pleaded guilty to a violation of division (A) of 1382  
this section, a violation of division (B) (6) of section 2919.22 1383  
of the Revised Code, or a violation of division (A) of section 1384  
2925.041 of the Revised Code, the court shall impose as a 1385  
mandatory prison term a second degree felony mandatory prison 1386  
term that is not less than five years. 1387

(b) If the drug involved in the violation is 1388  
methamphetamine and if the offense was committed in the vicinity 1389  
of a juvenile, in the vicinity of a school, or on public 1390  
premises, illegal manufacture of drugs is a felony of the first 1391  
degree, and, subject to division (E) of this section, the court 1392  
shall impose a mandatory prison term on the offender determined 1393

in accordance with this division. Except as otherwise provided 1394  
in this division, the court shall impose as a mandatory prison 1395  
term a first degree felony mandatory prison term that is not 1396  
less than four years. If the offender previously has been 1397  
convicted of or pleaded guilty to a violation of division (A) of 1398  
this section, a violation of division (B) (6) of section 2919.22 1399  
of the Revised Code, or a violation of division (A) of section 1400  
2925.041 of the Revised Code, the court shall impose as a 1401  
mandatory prison term a first degree felony mandatory prison 1402  
term that is not less than five years. 1403

(4) If the drug involved in the violation of division (A) 1404  
of this section is any compound, mixture, preparation, or 1405  
substance included in schedule III, IV, or V, illegal 1406  
manufacture of drugs is a felony of the third degree or, if the 1407  
offense was committed in the vicinity of a school or in the 1408  
vicinity of a juvenile, a felony of the second degree, and there 1409  
is a presumption for a prison term for the offense. 1410

(5) If the drug involved in the violation is marihuana, 1411  
the penalty for the offense shall be determined as follows: 1412

(a) Except as otherwise provided in division (C) (5) (b), 1413  
(c), (d), (e), or (f) of this section, illegal cultivation of 1414  
marihuana is a minor misdemeanor or, if the offense was 1415  
committed in the vicinity of a school or in the vicinity of a 1416  
juvenile, a misdemeanor of the fourth degree. 1417

(b) If the amount of marihuana involved equals or exceeds 1418  
one hundred grams but is less than two hundred grams, illegal 1419  
cultivation of marihuana is a misdemeanor of the fourth degree 1420  
or, if the offense was committed in the vicinity of a school or 1421  
in the vicinity of a juvenile, a misdemeanor of the third 1422  
degree. 1423



(c) If the amount of marihuana involved equals or exceeds 1424  
two hundred grams but is less than one thousand grams, illegal 1425  
cultivation of marihuana is a felony of the fifth degree or, if 1426  
the offense was committed in the vicinity of a school or in the 1427  
vicinity of a juvenile, a felony of the fourth degree, and 1428  
division (B) of section 2929.13 of the Revised Code applies in 1429  
determining whether to impose a prison term on the offender. 1430

(d) If the amount of marihuana involved equals or exceeds 1431  
one thousand grams but is less than five thousand grams, illegal 1432  
cultivation of marihuana is a felony of the third degree or, if 1433  
the offense was committed in the vicinity of a school or in the 1434  
vicinity of a juvenile, a felony of the second degree, and 1435  
division (C) of section 2929.13 of the Revised Code applies in 1436  
determining whether to impose a prison term on the offender. 1437

(e) If the amount of marihuana involved equals or exceeds 1438  
five thousand grams but is less than twenty thousand grams, 1439  
illegal cultivation of marihuana is a felony of the third degree 1440  
or, if the offense was committed in the vicinity of a school or 1441  
in the vicinity of a juvenile, a felony of the second degree, 1442  
and there is a presumption for a prison term for the offense. 1443

(f) Except as otherwise provided in this division, if the 1444  
amount of marihuana involved equals or exceeds twenty thousand 1445  
grams, illegal cultivation of marihuana is a felony of the 1446  
second degree, and the court shall impose as a mandatory prison 1447  
term a maximum second degree felony mandatory prison term. If 1448  
the amount of the drug involved equals or exceeds twenty 1449  
thousand grams and if the offense was committed in the vicinity 1450  
of a school or in the vicinity of a juvenile, illegal 1451  
cultivation of marihuana is a felony of the first degree, and 1452  
the court shall impose as a mandatory prison term a maximum 1453

first degree felony mandatory prison term. 1454

(D) In addition to any prison term authorized or required 1455  
by division (C) or (E) of this section and sections 2929.13 and 1456  
2929.14 of the Revised Code and in addition to any other 1457  
sanction imposed for the offense under this section or sections 1458  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1459  
an offender who is convicted of or pleads guilty to a violation 1460  
of division (A) of this section, if the violation is a felony of 1461  
the first degree, may suspend the offender's driver's or 1462  
commercial driver's license or permit in accordance with 1463  
division (G) of section 2925.03 of the Revised Code. However, if 1464  
the offender pleaded guilty to or was convicted of a violation 1465  
of section 4511.19 of the Revised Code or a substantially 1466  
similar municipal ordinance or the law of another state or the 1467  
United States arising out of the same set of circumstances as 1468  
the first degree felony violation, the court shall suspend the 1469  
offender's driver's or commercial driver's license or permit in 1470  
accordance with division (G) of section 2925.03 of the Revised 1471  
Code. If applicable, the court also shall do the following: 1472

(1) If the violation of division (A) of this section is a 1473  
felony of the first, second, or third degree, the court shall 1474  
impose upon the offender the mandatory fine specified for the 1475  
offense under division (B)(1) of section 2929.18 of the Revised 1476  
Code unless, as specified in that division, the court determines 1477  
that the offender is indigent. The clerk of the court shall pay 1478  
a mandatory fine or other fine imposed for a violation of this 1479  
section pursuant to division (A) of section 2929.18 of the 1480  
Revised Code in accordance with and subject to the requirements 1481  
of division (F) of section 2925.03 of the Revised Code. The 1482  
agency that receives the fine shall use the fine as specified in 1483  
division (F) of section 2925.03 of the Revised Code. If a person 1484

is charged with a violation of this section that is a felony of 1485  
the first, second, or third degree, posts bail, and forfeits the 1486  
bail, the clerk shall pay the forfeited bail as if the forfeited 1487  
bail were a fine imposed for a violation of this section. 1488

(2) If the offender is a professionally licensed person, 1489  
the court immediately shall comply with section 2925.38 of the 1490  
Revised Code. 1491

(E) Notwithstanding the prison term otherwise authorized 1492  
or required for the offense under division (C) of this section 1493  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1494  
violation of division (A) of this section involves the sale, 1495  
offer to sell, or possession of a schedule I or II controlled 1496  
substance, with the exception of marihuana, and if the court 1497  
imposing sentence upon the offender finds that the offender as a 1498  
result of the violation is a major drug offender and is guilty 1499  
of a specification of the type described in division (A) of 1500  
section 2941.1410 of the Revised Code, the court, in lieu of the 1501  
prison term otherwise authorized or required, shall impose upon 1502  
the offender the mandatory prison term specified in division (B) 1503  
(3) of section 2929.14 of the Revised Code. 1504

(F) It is an affirmative defense, as provided in section 1505  
2901.05 of the Revised Code, to a charge under this section for 1506  
a fifth degree felony violation of illegal cultivation of 1507  
marihuana that the marihuana that gave rise to the charge is in 1508  
an amount, is in a form, is prepared, compounded, or mixed with 1509  
substances that are not controlled substances in a manner, or is 1510  
possessed or cultivated under any other circumstances that 1511  
indicate that the marihuana was solely for personal use. 1512

Notwithstanding any contrary provision of division (F) of 1513  
this section, if, in accordance with section 2901.05 of the 1514

Revised Code, a person who is charged with a violation of 1515  
illegal cultivation of marihuana that is a felony of the fifth 1516  
degree sustains the burden of going forward with evidence of and 1517  
establishes by a preponderance of the evidence the affirmative 1518  
defense described in this division, the person may be prosecuted 1519  
for and may be convicted of or plead guilty to a misdemeanor 1520  
violation of illegal cultivation of marihuana. 1521

(G) Arrest or conviction for a minor misdemeanor violation 1522  
of this section does not constitute a criminal record and need 1523  
not be reported by the person so arrested or convicted in 1524  
response to any inquiries about the person's criminal record, 1525  
including any inquiries contained in an application for 1526  
employment, a license, or any other right or privilege or made 1527  
in connection with the person's appearance as a witness. 1528

(H) (1) If the sentencing court suspends the offender's 1529  
driver's or commercial driver's license or permit under this 1530  
section in accordance with division (G) of section 2925.03 of 1531  
the Revised Code, the offender may request termination of, and 1532  
the court may terminate, the suspension of the offender in 1533  
accordance with that division. 1534

(2) Any offender who received a mandatory suspension of 1535  
the offender's driver's or commercial driver's license or permit 1536  
under this section prior to September 13, 2016, may file a 1537  
motion with the sentencing court requesting the termination of 1538  
the suspension. However, an offender who pleaded guilty to or 1539  
was convicted of a violation of section 4511.19 of the Revised 1540  
Code or a substantially similar municipal ordinance or law of 1541  
another state or the United States that arose out of the same 1542  
set of circumstances as the violation for which the offender's 1543  
license or permit was suspended under this section shall not 1544

file such a motion. 1545

Upon the filing of a motion under division (H) (2) of this 1546  
section, the sentencing court, in its discretion, may terminate 1547  
the suspension. 1548

**Sec. 2925.041.** (A) No person shall knowingly assemble or 1549  
possess one or more chemicals that may be used to manufacture a 1550  
controlled substance in schedule I or II with the intent to 1551  
manufacture a controlled substance in schedule I or II in 1552  
violation of section 2925.04 of the Revised Code. 1553

(B) In a prosecution under this section, it is not 1554  
necessary to allege or prove that the offender assembled or 1555  
possessed all chemicals necessary to manufacture a controlled 1556  
substance in schedule I or II. The assembly or possession of a 1557  
single chemical that may be used in the manufacture of a 1558  
controlled substance in schedule I or II, with the intent to 1559  
manufacture a controlled substance in either schedule, is 1560  
sufficient to violate this section. 1561

(C) Whoever violates this section is guilty of illegal 1562  
assembly or possession of chemicals for the manufacture of 1563  
drugs. Except as otherwise provided in this division, illegal 1564  
assembly or possession of chemicals for the manufacture of drugs 1565  
is a felony of the third degree, and, except as otherwise 1566  
provided in division (C) (1) or (2) of this section, division (C) 1567  
of section 2929.13 of the Revised Code applies in determining 1568  
whether to impose a prison term on the offender. If the offense 1569  
was committed in the vicinity of a juvenile or in the vicinity 1570  
of a school, illegal assembly or possession of chemicals for the 1571  
manufacture of drugs is a felony of the second degree, and, 1572  
except as otherwise provided in division (C) (1) or (2) of this 1573  
section, division (C) of section 2929.13 of the Revised Code 1574

applies in determining whether to impose a prison term on the 1575  
offender. If the violation of division (A) of this section is a 1576  
felony of the third degree under this division and if the 1577  
chemical or chemicals assembled or possessed in violation of 1578  
division (A) of this section may be used to manufacture 1579  
methamphetamine, there either is a presumption for a prison term 1580  
for the offense or the court shall impose a mandatory prison 1581  
term on the offender, determined as follows: 1582

(1) Except as otherwise provided in this division, there 1583  
is a presumption for a prison term for the offense. If the 1584  
offender two or more times previously has been convicted of or 1585  
pleaded guilty to a felony drug abuse offense, except as 1586  
otherwise provided in this division, the court shall impose as a 1587  
mandatory prison term one of the prison terms prescribed for a 1588  
felony of the third degree that is not less than two years. If 1589  
the offender two or more times previously has been convicted of 1590  
or pleaded guilty to a felony drug abuse offense and if at least 1591  
one of those previous convictions or guilty pleas was to a 1592  
violation of division (A) of this section, a violation of 1593  
division (B) (6) of section 2919.22 of the Revised Code, or a 1594  
violation of division (A) of section 2925.04 of the Revised 1595  
Code, the court shall impose as a mandatory prison term one of 1596  
the prison terms prescribed for a felony of the third degree 1597  
that is not less than five years. 1598

(2) If the violation of division (A) of this section is a 1599  
felony of the second degree under division (C) of this section 1600  
and the chemical or chemicals assembled or possessed in 1601  
committing the violation may be used to manufacture 1602  
methamphetamine, the court shall impose as a mandatory prison 1603  
term a second degree felony mandatory prison term that is not 1604  
less than three years. If the violation of division (A) of this 1605

section is a felony of the second degree under division (C) of 1606  
this section, if the chemical or chemicals assembled or 1607  
possessed in committing the violation may be used to manufacture 1608  
methamphetamine, and if the offender previously has been 1609  
convicted of or pleaded guilty to a violation of division (A) of 1610  
this section, a violation of division (B) (6) of section 2919.22 1611  
of the Revised Code, or a violation of division (A) of section 1612  
2925.04 of the Revised Code, the court shall impose as a 1613  
mandatory prison term a second degree felony mandatory prison 1614  
term that is not less than five years. 1615

(D) In addition to any prison term authorized by division 1616  
(C) of this section and sections 2929.13 and 2929.14 of the 1617  
Revised Code and in addition to any other sanction imposed for 1618  
the offense under this section or sections 2929.11 to 2929.18 of 1619  
the Revised Code, the court that sentences an offender who is 1620  
convicted of or pleads guilty to a violation of this section, if 1621  
the violation is a felony of the second degree, may suspend the 1622  
offender's driver's or commercial driver's license or permit in 1623  
accordance with division (G) of section 2925.03 of the Revised 1624  
Code. However, if the offender pleaded guilty to or was 1625  
convicted of a violation of section 4511.19 of the Revised Code 1626  
or a substantially similar municipal ordinance or the law of 1627  
another state or the United States arising out of the same set 1628  
of circumstances as the second degree felony violation, the 1629  
court shall suspend the offender's driver's or commercial 1630  
driver's license or permit in accordance with division (G) of 1631  
section 2925.03 of the Revised Code. If applicable, the court 1632  
also shall do the following: 1633

(1) The court shall impose upon the offender the mandatory 1634  
fine specified for the offense under division (B) (1) of section 1635  
2929.18 of the Revised Code unless, as specified in that 1636

division, the court determines that the offender is indigent. 1637  
The clerk of the court shall pay a mandatory fine or other fine 1638  
imposed for a violation of this section under division (A) of 1639  
section 2929.18 of the Revised Code in accordance with and 1640  
subject to the requirements of division (F) of section 2925.03 1641  
of the Revised Code. The agency that receives the fine shall use 1642  
the fine as specified in division (F) of section 2925.03 of the 1643  
Revised Code. If a person charged with a violation of this 1644  
section posts bail and forfeits the bail, the clerk shall pay 1645  
the forfeited bail as if the forfeited bail were a fine imposed 1646  
for a violation of this section. 1647

(2) If the offender is a professionally licensed person or 1648  
a person who has been admitted to the bar by order of the 1649  
supreme court in compliance with its prescribed and published 1650  
rules, the court shall comply with section 2925.38 of the 1651  
Revised Code. 1652

(E) (1) If the sentencing court suspends the offender's 1653  
driver's or commercial driver's license or permit under this 1654  
section in accordance with division (G) of section 2925.03 of 1655  
the Revised Code, the offender may request termination of, and 1656  
the court may terminate, the suspension of the offender in 1657  
accordance with that division. 1658

(2) Any offender who received a mandatory suspension of 1659  
the offender's driver's or commercial driver's license or permit 1660  
under this section prior to September 13, 2016, may file a 1661  
motion with the sentencing court requesting the termination of 1662  
the suspension. However, an offender who pleaded guilty to or 1663  
was convicted of a violation of section 4511.19 of the Revised 1664  
Code or a substantially similar municipal ordinance or law of 1665  
another state or the United States that arose out of the same 1666



set of circumstances as the violation for which the offender's 1667  
license or permit was suspended under this section shall not 1668  
file such a motion. 1669

Upon the filing of a motion under division (E)(2) of this 1670  
section, the sentencing court, in its discretion, may terminate 1671  
the suspension. 1672

**Sec. 2925.05.** (A) No person shall knowingly provide money 1673  
or other items of value to another person with the purpose that 1674  
the recipient of the money or items of value use them to obtain 1675  
any controlled substance for the purpose of violating section 1676  
2925.04 of the Revised Code or for the purpose of selling or 1677  
offering to sell the controlled substance in the following 1678  
amount: 1679

(1) If the drug to be sold or offered for sale is any 1680  
compound, mixture, preparation, or substance included in 1681  
schedule I or II, with the exception of marihuana, cocaine, 1682  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1683  
schedule III, IV, or V, an amount of the drug that equals or 1684  
exceeds the bulk amount of the drug; 1685

(2) If the drug to be sold or offered for sale is 1686  
marihuana or a compound, mixture, preparation, or substance 1687  
other than hashish containing marihuana, an amount of the 1688  
marihuana that equals or exceeds two hundred grams; 1689

(3) If the drug to be sold or offered for sale is cocaine 1690  
or a compound, mixture, preparation, or substance containing 1691  
cocaine, an amount of the cocaine that equals or exceeds five 1692  
grams; 1693

(4) If the drug to be sold or offered for sale is L.S.D. 1694  
or a compound, mixture, preparation, or substance containing 1695

L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1696  
doses if the L.S.D. is in a solid form or equals or exceeds one 1697  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1698  
or liquid distillate form; 1699

(5) If the drug to be sold or offered for sale is heroin 1700  
or a fentanyl-related compound, or a compound, mixture, 1701  
preparation, or substance containing heroin or a fentanyl- 1702  
related compound, an amount that equals or exceeds ten unit 1703  
doses or equals or exceeds one gram; 1704

(6) If the drug to be sold or offered for sale is hashish 1705  
or a compound, mixture, preparation, or substance containing 1706  
hashish, an amount of the hashish that equals or exceeds ten 1707  
grams if the hashish is in a solid form or equals or exceeds two 1708  
grams if the hashish is in a liquid concentrate, liquid extract, 1709  
or liquid distillate form. 1710

(B) This section does not apply to any person listed in 1711  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1712  
Code to the extent and under the circumstances described in 1713  
those divisions. 1714

(C) (1) If the drug involved in the violation is any 1715  
compound, mixture, preparation, or substance included in 1716  
schedule I or II, with the exception of marihuana, whoever 1717  
violates division (A) of this section is guilty of aggravated 1718  
funding of drug trafficking, a felony of the first degree, and, 1719  
subject to division (E) of this section, the court shall impose 1720  
as a mandatory prison term a first degree felony mandatory 1721  
prison term. 1722

(2) If the drug involved in the violation is any compound, 1723  
mixture, preparation, or substance included in schedule III, IV, 1724

or V, whoever violates division (A) of this section is guilty of 1725  
funding of drug trafficking, a felony of the second degree, and 1726  
the court shall impose as a mandatory prison term a second 1727  
degree felony mandatory prison term. 1728

(3) If the drug involved in the violation is marihuana, 1729  
whoever violates division (A) of this section is guilty of 1730  
funding of marihuana trafficking, a felony of the third degree, 1731  
and, except as otherwise provided in this division, there is a 1732  
presumption for a prison term for the offense. If funding of 1733  
marihuana trafficking is a felony of the third degree under this 1734  
division and if the offender two or more times previously has 1735  
been convicted of or pleaded guilty to a felony drug abuse 1736  
offense, the court shall impose as a mandatory prison term one 1737  
of the prison terms prescribed for a felony of the third degree. 1738

(D) In addition to any prison term authorized or required 1739  
by division (C) or (E) of this section and sections 2929.13 and 1740  
2929.14 of the Revised Code and in addition to any other 1741  
sanction imposed for the offense under this section or sections 1742  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1743  
an offender who is convicted of or pleads guilty to a violation 1744  
of division (A) of this section, if the violation is a felony of 1745  
the first degree, may suspend the offender's driver's or 1746  
commercial driver's license or permit in accordance with 1747  
division (G) of section 2925.03 of the Revised Code. However, if 1748  
the offender pleaded guilty to or was convicted of a violation 1749  
of section 4511.19 of the Revised Code or a substantially 1750  
similar municipal ordinance or the law of another state or the 1751  
United States arising out of the same set of circumstances as 1752  
the first degree felony violation, the court shall suspend the 1753  
offender's driver's or commercial driver's license or permit in 1754  
accordance with division (G) of section 2925.03 of the Revised 1755

Code. If applicable, the court also shall do the following: 1756

(1) The court shall impose the mandatory fine specified 1757  
for the offense under division (B) (1) of section 2929.18 of the 1758  
Revised Code unless, as specified in that division, the court 1759  
determines that the offender is indigent. The clerk of the court 1760  
shall pay a mandatory fine or other fine imposed for a violation 1761  
of this section pursuant to division (A) of section 2929.18 of 1762  
the Revised Code in accordance with and subject to the 1763  
requirements of division (F) of section 2925.03 of the Revised 1764  
Code. The agency that receives the fine shall use the fine in 1765  
accordance with division (F) of section 2925.03 of the Revised 1766  
Code. If a person is charged with a violation of this section, 1767  
posts bail, and forfeits the bail, the forfeited bail shall be 1768  
paid as if the forfeited bail were a fine imposed for a 1769  
violation of this section. 1770

(2) If the offender is a professionally licensed person, 1771  
the court immediately shall comply with section 2925.38 of the 1772  
Revised Code. 1773

(E) Notwithstanding the prison term otherwise authorized 1774  
or required for the offense under division (C) of this section 1775  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1776  
violation of division (A) of this section involves the sale, 1777  
offer to sell, or possession of a schedule I or II controlled 1778  
substance, with the exception of marihuana, one of the following 1779  
applies: 1780

(1) If the drug involved in the violation is a fentanyl- 1781  
related compound, the offense is a felony of the first degree, 1782  
the offender is a major drug offender, and the court shall 1783  
impose as a mandatory prison term the maximum prison term 1784  
prescribed for a felony of the first degree. 1785

(2) If division (E) (1) of this section does not apply and 1786  
the court imposing sentence upon the offender finds that the 1787  
offender as a result of the violation is a major drug offender 1788  
and is guilty of a specification of the type described in 1789  
division (A) of section 2941.1410 of the Revised Code, the 1790  
court, in lieu of the prison term otherwise authorized or 1791  
required, shall impose upon the offender the mandatory prison 1792  
term specified in division (B) (3) of section 2929.14 of the 1793  
Revised Code. 1794

(F) (1) If the sentencing court suspends the offender's 1795  
driver's or commercial driver's license or permit under this 1796  
section in accordance with division (G) of section 2925.03 of 1797  
the Revised Code, the offender may request termination of, and 1798  
the court may terminate, the suspension in accordance with that 1799  
division. 1800

(2) Any offender who received a mandatory suspension of 1801  
the offender's driver's or commercial driver's license or permit 1802  
under this section prior to September 13, 2016, may file a 1803  
motion with the sentencing court requesting the termination of 1804  
the suspension. However, an offender who pleaded guilty to or 1805  
was convicted of a violation of section 4511.19 of the Revised 1806  
Code or a substantially similar municipal ordinance or law of 1807  
another state or the United States that arose out of the same 1808  
set of circumstances as the violation for which the offender's 1809  
license or permit was suspended under this section shall not 1810  
file such a motion. 1811

Upon the filing of a motion under division (F) (2) of this 1812  
section, the sentencing court, in its discretion, may terminate 1813  
the suspension. 1814

**Sec. 2925.11.** (A) No person shall knowingly obtain, 1815

possess, or use a controlled substance or a controlled substance 1816  
analog. 1817

(B) (1) This section does not apply to any of the 1818  
following: 1819

(a) Manufacturers, licensed health professionals 1820  
authorized to prescribe drugs, pharmacists, owners of 1821  
pharmacies, and other persons whose conduct was in accordance 1822  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1823  
4741. of the Revised Code; 1824

(b) If the offense involves an anabolic steroid, any 1825  
person who is conducting or participating in a research project 1826  
involving the use of an anabolic steroid if the project has been 1827  
approved by the United States food and drug administration; 1828

(c) Any person who sells, offers for sale, prescribes, 1829  
dispenses, or administers for livestock or other nonhuman 1830  
species an anabolic steroid that is expressly intended for 1831  
administration through implants to livestock or other nonhuman 1832  
species and approved for that purpose under the "Federal Food, 1833  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1834  
as amended, and is sold, offered for sale, prescribed, 1835  
dispensed, or administered for that purpose in accordance with 1836  
that act; 1837

(d) Any person who obtained the controlled substance 1838  
pursuant to a prescription issued by a licensed health 1839  
professional authorized to prescribe drugs if the prescription 1840  
was issued for a legitimate medical purpose and not altered, 1841  
forged, or obtained through deception or commission of a theft 1842  
offense. 1843

As used in division (B) (1) (d) of this section, "deception" 1844

and "theft offense" have the same meanings as in section 2913.01 1845  
of the Revised Code. 1846

(2) (a) As used in division (B) (2) of this section: 1847

(i) "Community addiction services provider" has the same 1848  
meaning as in section 5119.01 of the Revised Code. 1849

(ii) "Community control sanction" and "drug treatment 1850  
program" have the same meanings as in section 2929.01 of the 1851  
Revised Code. 1852

(iii) "Health care facility" has the same meaning as in 1853  
section 2919.16 of the Revised Code. 1854

(iv) "Minor drug possession offense" means a violation of 1855  
this section that is a misdemeanor or a felony of the fifth 1856  
degree. 1857

(v) "Post-release control sanction" has the same meaning 1858  
as in section 2967.28 of the Revised Code. 1859

(vi) "Peace officer" has the same meaning as in section 1860  
2935.01 of the Revised Code. 1861

(vii) "Public agency" has the same meaning as in section 1862  
2930.01 of the Revised Code. 1863

(viii) "Qualified individual" means a person who is not on 1864  
community control or post-release control and is a person acting 1865  
in good faith who seeks or obtains medical assistance for 1866  
another person who is experiencing a drug overdose, a person who 1867  
experiences a drug overdose and who seeks medical assistance for 1868  
that overdose, or a person who is the subject of another person 1869  
seeking or obtaining medical assistance for that overdose as 1870  
described in division (B) (2) (b) of this section. 1871

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

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

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

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

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

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of



either of the following, the court shall first consider ordering 1901  
the person's participation or continued participation in a drug 1902  
treatment program or mitigating the penalty specified in section 1903  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1904  
applicable, after which the court has the discretion either to 1905  
order the person's participation or continued participation in a 1906  
drug treatment program or to impose the penalty with the 1907  
mitigating factor specified in any of those applicable sections: 1908

(i) Seeking or obtaining medical assistance in good faith 1909  
for another person who is experiencing a drug overdose; 1910

(ii) Experiencing a drug overdose and seeking medical 1911  
assistance for that overdose or being the subject of another 1912  
person seeking or obtaining medical assistance for that overdose 1913  
as described in division (B) (2) (b) of this section. 1914

(d) If a person is found to be in violation of any post- 1915  
release control sanction and if the violation is a result of 1916  
either of the following, the court or the parole board shall 1917  
first consider ordering the person's participation or continued 1918  
participation in a drug treatment program or mitigating the 1919  
penalty specified in section 2929.141 or 2967.28 of the Revised 1920  
Code, whichever is applicable, after which the court or the 1921  
parole board has the discretion either to order the person's 1922  
participation or continued participation in a drug treatment 1923  
program or to impose the penalty with the mitigating factor 1924  
specified in either of those applicable sections: 1925

(i) Seeking or obtaining medical assistance in good faith 1926  
for another person who is experiencing a drug overdose; 1927

(ii) Experiencing a drug overdose and seeking medical 1928  
assistance for that emergency or being the subject of another 1929

person seeking or obtaining medical assistance for that overdose 1930  
as described in division (B) (2) (b) of this section. 1931

(e) Nothing in division (B) (2) (b) of this section shall be 1932  
construed to do any of the following: 1933

(i) Limit the admissibility of any evidence in connection 1934  
with the investigation or prosecution of a crime with regards to 1935  
a defendant who does not qualify for the protections of division 1936  
(B) (2) (b) of this section or with regards to any crime other 1937  
than a minor drug possession offense committed by a person who 1938  
qualifies for protection pursuant to division (B) (2) (b) of this 1939  
section for a minor drug possession offense; 1940

(ii) Limit any seizure of evidence or contraband otherwise 1941  
permitted by law; 1942

(iii) Limit or abridge the authority of a peace officer to 1943  
detain or take into custody a person in the course of an 1944  
investigation or to effectuate an arrest for any offense except 1945  
as provided in that division; 1946

(iv) Limit, modify, or remove any immunity from liability 1947  
available pursuant to law in effect prior to September 13, 2016, 1948  
to any public agency or to an employee of any public agency. 1949

(f) Division (B) (2) (b) of this section does not apply to 1950  
any person who twice previously has been granted an immunity 1951  
under division (B) (2) (b) of this section. No person shall be 1952  
granted an immunity under division (B) (2) (b) of this section 1953  
more than two times. 1954

(g) Nothing in this section shall compel any qualified 1955  
individual to disclose protected health information in a way 1956  
that conflicts with the requirements of the "Health Insurance 1957  
Portability and Accountability Act of 1996," 104 Pub. L. No. 1958

191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1959  
regulations promulgated by the United States department of 1960  
health and human services to implement the act or the 1961  
requirements of 42 C.F.R. Part 2. 1962

(C) Whoever violates division (A) of this section is 1963  
guilty of one of the following: 1964

(1) If the drug involved in the violation is a compound, 1965  
mixture, preparation, or substance included in schedule I or II, 1966  
with the exception of marihuana, cocaine, L.S.D., heroin, any 1967  
fentanyl-related compound, hashish, and any controlled substance 1968  
analog, whoever violates division (A) of this section is guilty 1969  
of aggravated possession of drugs. The penalty for the offense 1970  
shall be determined as follows: 1971

(a) Except as otherwise provided in division (C) (1) (b), 1972  
(c), (d), or (e) of this section, aggravated possession of drugs 1973  
is a felony of the fifth degree, and division (B) of section 1974  
2929.13 of the Revised Code applies in determining whether to 1975  
impose a prison term on the offender. 1976

(b) If the amount of the drug involved equals or exceeds 1977  
the bulk amount but is less than five times the bulk amount, 1978  
aggravated possession of drugs is a felony of the third degree, 1979  
and there is a presumption for a prison term for the offense. 1980

(c) If the amount of the drug involved equals or exceeds 1981  
five times the bulk amount but is less than fifty times the bulk 1982  
amount, aggravated possession of drugs is a felony of the second 1983  
degree, and the court shall impose as a mandatory prison term a 1984  
second degree felony mandatory prison term. 1985

(d) If the amount of the drug involved equals or exceeds 1986  
fifty times the bulk amount but is less than one hundred times 1987

the bulk amount, aggravated possession of drugs is a felony of 1988  
the first degree, and the court shall impose as a mandatory 1989  
prison term a first degree felony mandatory prison term. 1990

(e) If the amount of the drug involved equals or exceeds 1991  
one hundred times the bulk amount, aggravated possession of 1992  
drugs is a felony of the first degree, the offender is a major 1993  
drug offender, and the court shall impose as a mandatory prison 1994  
term a maximum first degree felony mandatory prison term. 1995

(2) If the drug involved in the violation is a compound, 1996  
mixture, preparation, or substance included in schedule III, IV, 1997  
or V, whoever violates division (A) of this section is guilty of 1998  
possession of drugs. The penalty for the offense shall be 1999  
determined as follows: 2000

(a) Except as otherwise provided in division (C) (2) (b), 2001  
(c), or (d) of this section, possession of drugs is a 2002  
misdemeanor of the first degree or, if the offender previously 2003  
has been convicted of a drug abuse offense, a felony of the 2004  
fifth degree. 2005

(b) If the amount of the drug involved equals or exceeds 2006  
the bulk amount but is less than five times the bulk amount, 2007  
possession of drugs is a felony of the fourth degree, and 2008  
division (C) of section 2929.13 of the Revised Code applies in 2009  
determining whether to impose a prison term on the offender. 2010

(c) If the amount of the drug involved equals or exceeds 2011  
five times the bulk amount but is less than fifty times the bulk 2012  
amount, possession of drugs is a felony of the third degree, and 2013  
there is a presumption for a prison term for the offense. 2014

(d) If the amount of the drug involved equals or exceeds 2015  
fifty times the bulk amount, possession of drugs is a felony of 2016

the second degree, and the court shall impose upon the offender 2017  
as a mandatory prison term a second degree felony mandatory 2018  
prison term. 2019

(3) If the drug involved in the violation is marihuana or 2020  
a compound, mixture, preparation, or substance containing 2021  
marihuana other than hashish, whoever violates division (A) of 2022  
this section is guilty of possession of marihuana. The penalty 2023  
for the offense shall be determined as follows: 2024

(a) Except as otherwise provided in division (C) (3) (b), 2025  
(c), (d), (e), (f), or (g) of this section, possession of 2026  
marihuana is a minor misdemeanor. 2027

(b) If the amount of the drug involved equals or exceeds 2028  
one hundred grams but is less than two hundred grams, possession 2029  
of marihuana is a misdemeanor of the fourth degree. 2030

(c) If the amount of the drug involved equals or exceeds 2031  
two hundred grams but is less than one thousand grams, 2032  
possession of marihuana is a felony of the fifth degree, and 2033  
division (B) of section 2929.13 of the Revised Code applies in 2034  
determining whether to impose a prison term on the offender. 2035

(d) If the amount of the drug involved equals or exceeds 2036  
one thousand grams but is less than five thousand grams, 2037  
possession of marihuana is a felony of the third degree, and 2038  
division (C) of section 2929.13 of the Revised Code applies in 2039  
determining whether to impose a prison term on the offender. 2040

(e) If the amount of the drug involved equals or exceeds 2041  
five thousand grams but is less than twenty thousand grams, 2042  
possession of marihuana is a felony of the third degree, and 2043  
there is a presumption that a prison term shall be imposed for 2044  
the offense. 2045

(f) If the amount of the drug involved equals or exceeds 2046  
twenty thousand grams but is less than forty thousand grams, 2047  
possession of marihuana is a felony of the second degree, and 2048  
the court shall impose as a mandatory prison term a second 2049  
degree felony mandatory prison term of five, six, seven, or 2050  
eight years. 2051

(g) If the amount of the drug involved equals or exceeds 2052  
forty thousand grams, possession of marihuana is a felony of the 2053  
second degree, and the court shall impose as a mandatory prison 2054  
term a maximum second degree felony mandatory prison term. 2055

(4) If the drug involved in the violation is cocaine or a 2056  
compound, mixture, preparation, or substance containing cocaine, 2057  
whoever violates division (A) of this section is guilty of 2058  
possession of cocaine. The penalty for the offense shall be 2059  
determined as follows: 2060

(a) Except as otherwise provided in division (C) (4) (b), 2061  
(c), (d), (e), or (f) of this section, possession of cocaine is 2062  
a felony of the fifth degree, and division (B) of section 2063  
2929.13 of the Revised Code applies in determining whether to 2064  
impose a prison term on the offender. 2065

(b) If the amount of the drug involved equals or exceeds 2066  
five grams but is less than ten grams of cocaine, possession of 2067  
cocaine is a felony of the fourth degree, and division (B) of 2068  
section 2929.13 of the Revised Code applies in determining 2069  
whether to impose a prison term on the offender. 2070

(c) If the amount of the drug involved equals or exceeds 2071  
ten grams but is less than twenty grams of cocaine, possession 2072  
of cocaine is a felony of the third degree, and, except as 2073  
otherwise provided in this division, there is a presumption for 2074

a prison term for the offense. If possession of cocaine is a 2075  
felony of the third degree under this division and if the 2076  
offender two or more times previously has been convicted of or 2077  
pleaded guilty to a felony drug abuse offense, the court shall 2078  
impose as a mandatory prison term one of the prison terms 2079  
prescribed for a felony of the third degree. 2080

(d) If the amount of the drug involved equals or exceeds 2081  
twenty grams but is less than twenty-seven grams of cocaine, 2082  
possession of cocaine is a felony of the second degree, and the 2083  
court shall impose as a mandatory prison term a second degree 2084  
felony mandatory prison term. 2085

(e) If the amount of the drug involved equals or exceeds 2086  
twenty-seven grams but is less than one hundred grams of 2087  
cocaine, possession of cocaine is a felony of the first degree, 2088  
and the court shall impose as a mandatory prison term a first 2089  
degree felony mandatory prison term. 2090

(f) If the amount of the drug involved equals or exceeds 2091  
one hundred grams of cocaine, possession of cocaine is a felony 2092  
of the first degree, the offender is a major drug offender, and 2093  
the court shall impose as a mandatory prison term a maximum 2094  
first degree felony mandatory prison term. 2095

(5) If the drug involved in the violation is L.S.D., 2096  
whoever violates division (A) of this section is guilty of 2097  
possession of L.S.D. The penalty for the offense shall be 2098  
determined as follows: 2099

(a) Except as otherwise provided in division (C) (5) (b), 2100  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2101  
felony of the fifth degree, and division (B) of section 2929.13 2102  
of the Revised Code applies in determining whether to impose a 2103

prison term on the offender. 2104

(b) If the amount of L.S.D. involved equals or exceeds ten 2105  
unit doses but is less than fifty unit doses of L.S.D. in a 2106  
solid form or equals or exceeds one gram but is less than five 2107  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2108  
liquid distillate form, possession of L.S.D. is a felony of the 2109  
fourth degree, and division (C) of section 2929.13 of the 2110  
Revised Code applies in determining whether to impose a prison 2111  
term on the offender. 2112

(c) If the amount of L.S.D. involved equals or exceeds 2113  
fifty unit doses, but is less than two hundred fifty unit doses 2114  
of L.S.D. in a solid form or equals or exceeds five grams but is 2115  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2116  
liquid extract, or liquid distillate form, possession of L.S.D. 2117  
is a felony of the third degree, and there is a presumption for 2118  
a prison term for the offense. 2119

(d) If the amount of L.S.D. involved equals or exceeds two 2120  
hundred fifty unit doses but is less than one thousand unit 2121  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2122  
grams but is less than one hundred grams of L.S.D. in a liquid 2123  
concentrate, liquid extract, or liquid distillate form, 2124  
possession of L.S.D. is a felony of the second degree, and the 2125  
court shall impose as a mandatory prison term a second degree 2126  
felony mandatory prison term. 2127

(e) If the amount of L.S.D. involved equals or exceeds one 2128  
thousand unit doses but is less than five thousand unit doses of 2129  
L.S.D. in a solid form or equals or exceeds one hundred grams 2130  
but is less than five hundred grams of L.S.D. in a liquid 2131  
concentrate, liquid extract, or liquid distillate form, 2132  
possession of L.S.D. is a felony of the first degree, and the 2133



court shall impose as a mandatory prison term a first degree 2134  
felony mandatory prison term. 2135

(f) If the amount of L.S.D. involved equals or exceeds 2136  
five thousand unit doses of L.S.D. in a solid form or equals or 2137  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2138  
liquid extract, or liquid distillate form, possession of L.S.D. 2139  
is a felony of the first degree, the offender is a major drug 2140  
offender, and the court shall impose as a mandatory prison term 2141  
a maximum first degree felony mandatory prison term. 2142

(6) If the drug involved in the violation is heroin or a 2143  
compound, mixture, preparation, or substance containing heroin, 2144  
whoever violates division (A) of this section is guilty of 2145  
possession of heroin. The penalty for the offense shall be 2146  
determined as follows: 2147

(a) Except as otherwise provided in division (C) (6) (b), 2148  
(c), (d), (e), or (f) of this section, possession of heroin is a 2149  
felony of the fifth degree, and division (B) of section 2929.13 2150  
of the Revised Code applies in determining whether to impose a 2151  
prison term on the offender. 2152

(b) If the amount of the drug involved equals or exceeds 2153  
ten unit doses but is less than fifty unit doses or equals or 2154  
exceeds one gram but is less than five grams, possession of 2155  
heroin is a felony of the fourth degree, and division (C) of 2156  
section 2929.13 of the Revised Code applies in determining 2157  
whether to impose a prison term on the offender. 2158

(c) If the amount of the drug involved equals or exceeds 2159  
fifty unit doses but is less than one hundred unit doses or 2160  
equals or exceeds five grams but is less than ten grams, 2161  
possession of heroin is a felony of the third degree, and there 2162

is a presumption for a prison term for the offense. 2163

(d) If the amount of the drug involved equals or exceeds 2164  
one hundred unit doses but is less than five hundred unit doses 2165  
or equals or exceeds ten grams but is less than fifty grams, 2166  
possession of heroin is a felony of the second degree, and the 2167  
court shall impose as a mandatory prison term a second degree 2168  
felony mandatory prison term. 2169

(e) If the amount of the drug involved equals or exceeds 2170  
five hundred unit doses but is less than one thousand unit doses 2171  
or equals or exceeds fifty grams but is less than one hundred 2172  
grams, possession of heroin is a felony of the first degree, and 2173  
the court shall impose as a mandatory prison term a first degree 2174  
felony mandatory prison term. 2175

(f) If the amount of the drug involved equals or exceeds 2176  
one thousand unit doses or equals or exceeds one hundred grams, 2177  
possession of heroin is a felony of the first degree, the 2178  
offender is a major drug offender, and the court shall impose as 2179  
a mandatory prison term a maximum first degree felony mandatory 2180  
prison term. 2181

(7) If the drug involved in the violation is hashish or a 2182  
compound, mixture, preparation, or substance containing hashish, 2183  
whoever violates division (A) of this section is guilty of 2184  
possession of hashish. The penalty for the offense shall be 2185  
determined as follows: 2186

(a) Except as otherwise provided in division (C) (7) (b), 2187  
(c), (d), (e), (f), or (g) of this section, possession of 2188  
hashish is a minor misdemeanor. 2189

(b) If the amount of the drug involved equals or exceeds 2190  
five grams but is less than ten grams of hashish in a solid form 2191

or equals or exceeds one gram but is less than two grams of 2192  
hashish in a liquid concentrate, liquid extract, or liquid 2193  
distillate form, possession of hashish is a misdemeanor of the 2194  
fourth degree. 2195

(c) If the amount of the drug involved equals or exceeds 2196  
ten grams but is less than fifty grams of hashish in a solid 2197  
form or equals or exceeds two grams but is less than ten grams 2198  
of hashish in a liquid concentrate, liquid extract, or liquid 2199  
distillate form, possession of hashish is a felony of the fifth 2200  
degree, and division (B) of section 2929.13 of the Revised Code 2201  
applies in determining whether to impose a prison term on the 2202  
offender. 2203

(d) If the amount of the drug involved equals or exceeds 2204  
fifty grams but is less than two hundred fifty grams of hashish 2205  
in a solid form or equals or exceeds ten grams but is less than 2206  
fifty grams of hashish in a liquid concentrate, liquid extract, 2207  
or liquid distillate form, possession of hashish is a felony of 2208  
the third degree, and division (C) of section 2929.13 of the 2209  
Revised Code applies in determining whether to impose a prison 2210  
term on the offender. 2211

(e) If the amount of the drug involved equals or exceeds 2212  
two hundred fifty grams but is less than one thousand grams of 2213  
hashish in a solid form or equals or exceeds fifty grams but is 2214  
less than two hundred grams of hashish in a liquid concentrate, 2215  
liquid extract, or liquid distillate form, possession of hashish 2216  
is a felony of the third degree, and there is a presumption that 2217  
a prison term shall be imposed for the offense. 2218

(f) If the amount of the drug involved equals or exceeds 2219  
one thousand grams but is less than two thousand grams of 2220  
hashish in a solid form or equals or exceeds two hundred grams 2221

but is less than four hundred grams of hashish in a liquid 2222  
concentrate, liquid extract, or liquid distillate form, 2223  
possession of hashish is a felony of the second degree, and the 2224  
court shall impose as a mandatory prison term a second degree 2225  
felony mandatory prison term of five, six, seven, or eight 2226  
years. 2227

(g) If the amount of the drug involved equals or exceeds 2228  
two thousand grams of hashish in a solid form or equals or 2229  
exceeds four hundred grams of hashish in a liquid concentrate, 2230  
liquid extract, or liquid distillate form, possession of hashish 2231  
is a felony of the second degree, and the court shall impose as 2232  
a mandatory prison term a maximum second degree felony mandatory 2233  
prison term. 2234

(8) If the drug involved is a controlled substance analog 2235  
or compound, mixture, preparation, or substance that contains a 2236  
controlled substance analog, whoever violates division (A) of 2237  
this section is guilty of possession of a controlled substance 2238  
analog. The penalty for the offense shall be determined as 2239  
follows: 2240

(a) Except as otherwise provided in division (C) (8) (b), 2241  
(c), (d), (e), or (f) of this section, possession of a 2242  
controlled substance analog is a felony of the fifth degree, and 2243  
division (B) of section 2929.13 of the Revised Code applies in 2244  
determining whether to impose a prison term on the offender. 2245

(b) If the amount of the drug involved equals or exceeds 2246  
ten grams but is less than twenty grams, possession of a 2247  
controlled substance analog is a felony of the fourth degree, 2248  
and there is a presumption for a prison term for the offense. 2249

(c) If the amount of the drug involved equals or exceeds 2250

twenty grams but is less than thirty grams, possession of a 2251  
controlled substance analog is a felony of the third degree, and 2252  
there is a presumption for a prison term for the offense. 2253

(d) If the amount of the drug involved equals or exceeds 2254  
thirty grams but is less than forty grams, possession of a 2255  
controlled substance analog is a felony of the second degree, 2256  
and the court shall impose as a mandatory prison term a second 2257  
degree felony mandatory prison term. 2258

(e) If the amount of the drug involved equals or exceeds 2259  
forty grams but is less than fifty grams, possession of a 2260  
controlled substance analog is a felony of the first degree, and 2261  
the court shall impose as a mandatory prison term a first degree 2262  
felony mandatory prison term. 2263

(f) If the amount of the drug involved equals or exceeds 2264  
fifty grams, possession of a controlled substance analog is a 2265  
felony of the first degree, the offender is a major drug 2266  
offender, and the court shall impose as a mandatory prison term 2267  
a maximum first degree felony mandatory prison term. 2268

(9) If the drug involved in the violation is a compound, 2269  
mixture, preparation, or substance that is a combination of a 2270  
fentanyl-related compound and marihuana, one of the following 2271  
applies: 2272

(a) Except as otherwise provided in division (C) (9) (b) of 2273  
this section, the offender is guilty of possession of marihuana 2274  
and shall be punished as provided in division (C) (3) of this 2275  
section. Except as otherwise provided in division (C) (9) (b) of 2276  
this section, the offender is not guilty of possession of a 2277  
fentanyl-related compound under division (C) (11) of this section 2278  
and shall not be charged with, convicted of, or punished under 2279

division (C) (11) of this section for possession of a fentanyl- 2280  
related compound. 2281

(b) If the offender knows or has reason to know that the 2282  
compound, mixture, preparation, or substance that is the drug 2283  
involved contains a fentanyl-related compound, the offender is 2284  
guilty of possession of a fentanyl-related compound and shall be 2285  
punished under division (C) (11) of this section. 2286

(10) If the drug involved in the violation is a compound, 2287  
mixture, preparation, or substance that is a combination of a 2288  
fentanyl-related compound and any schedule III, schedule IV, or 2289  
schedule V controlled substance that is not a fentanyl-related 2290  
compound, one of the following applies: 2291

(a) Except as otherwise provided in division (C) (10) (b) of 2292  
this section, the offender is guilty of possession of drugs and 2293  
shall be punished as provided in division (C) (2) of this 2294  
section. Except as otherwise provided in division (C) (10) (b) of 2295  
this section, the offender is not guilty of possession of a 2296  
fentanyl-related compound under division (C) (11) of this section 2297  
and shall not be charged with, convicted of, or punished under 2298  
division (C) (11) of this section for possession of a fentanyl- 2299  
related compound. 2300

(b) If the offender knows or has reason to know that the 2301  
compound, mixture, preparation, or substance that is the drug 2302  
involved contains a fentanyl-related compound, the offender is 2303  
guilty of possession of a fentanyl-related compound and shall be 2304  
punished under division (C) (11) of this section. 2305

(11) If the drug involved in the violation is a fentanyl- 2306  
related compound and neither division (C) (9) (a) nor division (C) 2307  
(10) (a) of this section applies to the drug involved, or is a 2308

compound, mixture, preparation, or substance that contains a 2309  
fentanyl-related compound or is a combination of a fentanyl- 2310  
related compound and any other controlled substance and neither 2311  
division (C) (9) (a) nor division (C) (10) (a) of this section 2312  
applies to the drug involved, whoever violates division (A) of 2313  
this section is guilty of possession of a fentanyl-related 2314  
compound. The penalty for the offense shall be determined as 2315  
follows: 2316

(a) Except as otherwise provided in division (C) (11) (b), 2317  
(c), (d), (e), (f), or (g) of this section, possession of a 2318  
fentanyl-related compound is a felony of the fifth degree, and 2319  
division (B) of section 2929.13 of the Revised Code applies in 2320  
determining whether to impose a prison term on the offender. 2321

(b) If the amount of the drug involved equals or exceeds 2322  
ten unit doses but is less than fifty unit doses or equals or 2323  
exceeds one gram but is less than five grams, possession of a 2324  
fentanyl-related compound is a felony of the fourth degree, and 2325  
division (C) of section 2929.13 of the Revised Code applies in 2326  
determining whether to impose a prison term on the offender. 2327

(c) If the amount of the drug involved equals or exceeds 2328  
fifty unit doses but is less than one hundred unit doses or 2329  
equals or exceeds five grams but is less than ten grams, 2330  
possession of a fentanyl-related compound is a felony of the 2331  
third degree, and there is a presumption for a prison term for 2332  
the offense. 2333

(d) If the amount of the drug involved equals or exceeds 2334  
one hundred unit doses but is less than two hundred unit doses 2335  
or equals or exceeds ten grams but is less than twenty grams, 2336  
possession of a fentanyl-related compound is a felony of the 2337  
second degree, and the court shall impose as a mandatory prison 2338

term one of the prison terms prescribed for a felony of the 2339  
second degree. 2340

(e) If the amount of the drug involved equals or exceeds 2341  
two hundred unit doses but is less than five hundred unit doses 2342  
or equals or exceeds twenty grams but is less than fifty grams, 2343  
possession of a fentanyl-related compound is a felony of the 2344  
first degree, and the court shall impose as a mandatory prison 2345  
term one of the prison terms prescribed for a felony of the 2346  
first degree. 2347

(f) If the amount of the drug involved equals or exceeds 2348  
five hundred unit doses but is less than one thousand unit doses 2349  
or equals or exceeds fifty grams but is less than one hundred 2350  
grams, possession of a fentanyl-related compound is a felony of 2351  
the first degree, and the court shall impose as a mandatory 2352  
prison term the maximum prison term prescribed for a felony of 2353  
the first degree. 2354

(g) If the amount of the drug involved equals or exceeds 2355  
one thousand unit doses or equals or exceeds one hundred grams, 2356  
possession of a fentanyl-related compound is a felony of the 2357  
first degree, the offender is a major drug offender, and the 2358  
court shall impose as a mandatory prison term the maximum prison 2359  
term prescribed for a felony of the first degree. 2360

(D) Arrest or conviction for a minor misdemeanor violation 2361  
of this section does not constitute a criminal record and need 2362  
not be reported by the person so arrested or convicted in 2363  
response to any inquiries about the person's criminal record, 2364  
including any inquiries contained in any application for 2365  
employment, license, or other right or privilege, or made in 2366  
connection with the person's appearance as a witness. 2367



(E) In addition to any prison term or jail term authorized 2368  
or required by division (C) of this section and sections 2369  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2370  
Code and in addition to any other sanction that is imposed for 2371  
the offense under this section, sections 2929.11 to 2929.18, or 2372  
sections 2929.21 to 2929.28 of the Revised Code, the court that 2373  
sentences an offender who is convicted of or pleads guilty to a 2374  
violation of division (A) of this section, if the violation is a 2375  
felony of the first degree, may suspend the offender's driver's 2376  
or commercial driver's license or permit for not more than five 2377  
years. However, if the offender pleaded guilty to or was 2378  
convicted of a violation of section 4511.19 of the Revised Code 2379  
or a substantially similar municipal ordinance or the law of 2380  
another state or the United States arising out of the same set 2381  
of circumstances as the first degree felony violation, the court 2382  
shall suspend the offender's driver's or commercial driver's 2383  
license or permit for not more than five years. If applicable, 2384  
the court also shall do the following: 2385

(1) (a) If the violation is a felony of the first, second, 2386  
or third degree, the court shall impose upon the offender the 2387  
mandatory fine specified for the offense under division (B) (1) 2388  
of section 2929.18 of the Revised Code unless, as specified in 2389  
that division, the court determines that the offender is 2390  
indigent. 2391

(b) Notwithstanding any contrary provision of section 2392  
3719.21 of the Revised Code, the clerk of the court shall pay a 2393  
mandatory fine or other fine imposed for a violation of this 2394  
section pursuant to division (A) of section 2929.18 of the 2395  
Revised Code in accordance with and subject to the requirements 2396  
of division (F) of section 2925.03 of the Revised Code. The 2397  
agency that receives the fine shall use the fine as specified in 2398

division (F) of section 2925.03 of the Revised Code. 2399

(c) If a person is charged with a violation of this 2400  
section that is a felony of the first, second, or third degree, 2401  
posts bail, and forfeits the bail, the clerk shall pay the 2402  
forfeited bail pursuant to division (E)(1)(b) of this section as 2403  
if it were a mandatory fine imposed under division (E)(1)(a) of 2404  
this section. 2405

(2) If the offender is a professionally licensed person, 2406  
in addition to any other sanction imposed for a violation of 2407  
this section, the court immediately shall comply with section 2408  
2925.38 of the Revised Code. 2409

(F) It is an affirmative defense, as provided in section 2410  
2901.05 of the Revised Code, to a charge of a fourth degree 2411  
felony violation under this section that the controlled 2412  
substance that gave rise to the charge is in an amount, is in a 2413  
form, is prepared, compounded, or mixed with substances that are 2414  
not controlled substances in a manner, or is possessed under any 2415  
other circumstances, that indicate that the substance was 2416  
possessed solely for personal use. Notwithstanding any contrary 2417  
provision of this section, if, in accordance with section 2418  
2901.05 of the Revised Code, an accused who is charged with a 2419  
fourth degree felony violation of division (C)(2), (4), (5), or 2420  
(6) of this section sustains the burden of going forward with 2421  
evidence of and establishes by a preponderance of the evidence 2422  
the affirmative defense described in this division, the accused 2423  
may be prosecuted for and may plead guilty to or be convicted of 2424  
a misdemeanor violation of division (C)(2) of this section or a 2425  
fifth degree felony violation of division (C)(4), (5), or (6) of 2426  
this section respectively. 2427

(G) When a person is charged with possessing a bulk amount 2428

or multiple of a bulk amount, division (E) of section 2925.03 of 2429  
the Revised Code applies regarding the determination of the 2430  
amount of the controlled substance involved at the time of the 2431  
offense. 2432

(H) It is an affirmative defense to a charge of possession 2433  
of a controlled substance analog under division (C) (8) of this 2434  
section that the person charged with violating that offense 2435  
obtained, possessed, or used one of the following items that are 2436  
excluded from the meaning of "controlled substance analog" under 2437  
section 3719.01 of the Revised Code: 2438

(1) A controlled substance; 2439

(2) Any substance for which there is an approved new drug 2440  
application; 2441

(3) With respect to a particular person, any substance if 2442  
an exemption is in effect for investigational use for that 2443  
person pursuant to federal law to the extent that conduct with 2444  
respect to that substance is pursuant to that exemption. 2445

(I) Any offender who received a mandatory suspension of 2446  
the offender's driver's or commercial driver's license or permit 2447  
under this section prior to September 13, 2016, may file a 2448  
motion with the sentencing court requesting the termination of 2449  
the suspension. However, an offender who pleaded guilty to or 2450  
was convicted of a violation of section 4511.19 of the Revised 2451  
Code or a substantially similar municipal ordinance or law of 2452  
another state or the United States that arose out of the same 2453  
set of circumstances as the violation for which the offender's 2454  
license or permit was suspended under this section shall not 2455  
file such a motion. 2456

Upon the filing of a motion under division (I) of this 2457

section, the sentencing court, in its discretion, may terminate 2458  
the suspension. 2459

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2460  
possess, or use any instrument, article, or thing the customary 2461  
and primary purpose of which is for the administration or use of 2462  
a dangerous drug, other than marihuana, when the instrument 2463  
involved is a hypodermic or syringe, whether or not of crude or 2464  
extemporized manufacture or assembly, and the instrument, 2465  
article, or thing involved has been used by the offender to 2466  
unlawfully administer or use a dangerous drug, other than 2467  
marihuana, or to prepare a dangerous drug, other than marihuana, 2468  
for unlawful administration or use. 2469

(B) This section does not apply to manufacturers, licensed 2470  
health professionals authorized to prescribe drugs, pharmacists, 2471  
owners of pharmacies, and other persons whose conduct was in 2472  
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2473  
4731., and 4741. of the Revised Code. 2474

(C) Whoever violates this section is guilty of possessing 2475  
drug abuse instruments, a misdemeanor of the second degree. If 2476  
the offender previously has been convicted of a drug abuse 2477  
offense, a violation of this section is a misdemeanor of the 2478  
first degree. 2479

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2480  
~~offender for a violation of this section, the court may suspend~~ 2481  
~~for not more than five years the offender's driver's or~~ 2482  
~~commercial driver's license or permit. However, if the offender~~ 2483  
~~pleaded guilty to or was convicted of a violation of section~~ 2484  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2485  
~~ordinance or the law of another state or the United States~~ 2486  
~~arising out of the same set of circumstances as the violation,~~ 2487

~~the court shall suspend the offender's driver's or commercial-~~ 2488  
~~driver's license or permit for not more than five years.~~ If the 2489  
offender is a professionally licensed person, in addition to any 2490  
other sanction imposed for a violation of this section, the 2491  
court immediately shall comply with section 2925.38 of the 2492  
Revised Code. 2493

(2) Any offender who received a ~~mandatory~~ suspension of 2494  
the offender's driver's or commercial driver's license or permit 2495  
under this section prior to the ~~effective date of this amendment-~~ 2496  
effective date of this amendment may file a motion with the 2497  
sentencing court requesting the termination of the suspension. 2498  
However, an offender who pleaded guilty to or was convicted of a 2499  
violation of section 4511.19 of the Revised Code or a 2500  
substantially similar municipal ordinance or law of another 2501  
state or the United States that arose out of the same set of 2502  
circumstances as the violation for which the offender's license 2503  
or permit was suspended under this section shall not file such a 2504  
motion. 2505

Upon the filing of a motion under division (D)(2) of this 2506  
section, the sentencing court, in its discretion, may terminate 2507  
the suspension. 2508

**Sec. 2925.13.** (A) No person who is the owner, operator, or 2509  
person in charge of a locomotive, watercraft, aircraft, or other 2510  
vehicle, as defined in division (A) of section 4501.01 of the 2511  
Revised Code, shall knowingly permit the vehicle to be used for 2512  
the commission of a felony drug abuse offense. 2513

(B) No person who is the owner, lessee, or occupant, or 2514  
who has custody, control, or supervision, of premises or real 2515  
estate, including vacant land, shall knowingly permit the 2516  
premises or real estate, including vacant land, to be used for 2517

the commission of a felony drug abuse offense by another person. 2518

(C) (1) Whoever violates this section is guilty of 2519  
permitting drug abuse. 2520

(2) Except as provided in division (C) (3) of this section, 2521  
permitting drug abuse is a misdemeanor of the first degree. 2522

(3) Permitting drug abuse is a felony of the fifth degree, 2523  
and division (C) of section 2929.13 of the Revised Code applies 2524  
in determining whether to impose a prison term on the offender, 2525  
if either of the following applies: 2526

(a) The felony drug abuse offense in question is a 2527  
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2528  
Code. 2529

(b) The felony drug abuse offense in question is a 2530  
violation of section 2925.041 of the Revised Code and the 2531  
offender had actual knowledge, at the time the offender 2532  
permitted the vehicle, premises, or real estate to be used as 2533  
described in division (A) or (B) of this section, that the 2534  
person who assembled or possessed the chemicals in question in 2535  
violation of section 2925.041 of the Revised Code had assembled 2536  
or possessed them with the intent to manufacture a controlled 2537  
substance in schedule I or II in violation of section 2925.04 of 2538  
the Revised Code. 2539

(D) (1) In addition to any prison term authorized or 2540  
required by division (C) of this section and sections 2929.13 2541  
and 2929.14 of the Revised Code and in addition to any other 2542  
sanction imposed for the offense under this section or sections 2543  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2544  
a person who is convicted of or pleads guilty to a violation of 2545  
division (A) of this section, if the violation is a felony of 2546

the fifth degree, may suspend for not more than five years the 2547  
offender's driver's or commercial driver's license or permit. 2548  
However, if the offender pleaded guilty to or was convicted of a 2549  
violation of section 4511.19 of the Revised Code or a 2550  
substantially similar municipal ordinance or the law of another 2551  
state or the United States arising out of the same set of 2552  
circumstances as the fifth degree felony violation, the court 2553  
shall suspend the offender's driver's or commercial driver's 2554  
license or permit for not more than five years. 2555

If the offender is a professionally licensed person, in 2556  
addition to any other sanction imposed for a violation of this 2557  
section, the court immediately shall comply with section 2925.38 2558  
of the Revised Code. 2559

(2) Any offender who received a mandatory suspension of 2560  
the offender's driver's or commercial driver's license or permit 2561  
under this section prior to September 13, 2016, may file a 2562  
motion with the sentencing court requesting the termination of 2563  
the suspension. However, an offender who pleaded guilty to or 2564  
was convicted of a violation of section 4511.19 of the Revised 2565  
Code or a substantially similar municipal ordinance or law of 2566  
another state or the United States that arose out of the same 2567  
set of circumstances as the violation for which the offender's 2568  
license or permit was suspended under this section shall not 2569  
file such a motion. 2570

Upon the filing of a motion under division (D) (2) of this 2571  
section, the sentencing court, in its discretion, may terminate 2572  
the suspension. 2573

(E) Notwithstanding any contrary provision of section 2574  
3719.21 of the Revised Code, the clerk of the court shall pay a 2575  
fine imposed for a violation of this section pursuant to 2576

division (A) of section 2929.18 of the Revised Code in 2577  
accordance with and subject to the requirements of division (F) 2578  
of section 2925.03 of the Revised Code. The agency that receives 2579  
the fine shall use the fine as specified in division (F) of 2580  
section 2925.03 of the Revised Code. 2581

(F) Any premises or real estate that is permitted to be 2582  
used in violation of division (B) of this section constitutes a 2583  
nuisance subject to abatement pursuant to Chapter 3767. of the 2584  
Revised Code. 2585

**Sec. 2925.14.** (A) As used in this section, "drug 2586  
paraphernalia" means any equipment, product, or material of any 2587  
kind that is used by the offender, intended by the offender for 2588  
use, or designed for use, in propagating, cultivating, growing, 2589  
harvesting, manufacturing, compounding, converting, producing, 2590  
processing, preparing, testing, analyzing, packaging, 2591  
repackaging, storing, containing, concealing, injecting, 2592  
ingesting, inhaling, or otherwise introducing into the human 2593  
body, a controlled substance in violation of this chapter. "Drug 2594  
paraphernalia" includes, but is not limited to, any of the 2595  
following equipment, products, or materials that are used by the 2596  
offender, intended by the offender for use, or designed by the 2597  
offender for use, in any of the following manners: 2598

(1) A kit for propagating, cultivating, growing, or 2599  
harvesting any species of a plant that is a controlled substance 2600  
or from which a controlled substance can be derived; 2601

(2) A kit for manufacturing, compounding, converting, 2602  
producing, processing, or preparing a controlled substance; 2603

(3) Any object, instrument, or device for manufacturing, 2604  
compounding, converting, producing, processing, or preparing 2605



methamphetamine;	2606
(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;	2607 2608
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	2609 2610
(6) A scale or balance for weighing or measuring a controlled substance;	2611 2612
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2613 2614 2615
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2616 2617
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2618 2619
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2620 2621
(11) A container or device for storing or concealing a controlled substance;	2622 2623
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2624 2625 2626
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or	2627 2628 2629 2630 2631 2632

carburetion mask; roach clip or similar object used to hold 2633  
burning material, such as a marihuana cigarette, that has become 2634  
too small or too short to be held in the hand; miniature cocaine 2635  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2636  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2637

(B) In determining if any equipment, product, or material 2638  
is drug paraphernalia, a court or law enforcement officer shall 2639  
consider, in addition to other relevant factors, the following: 2640

(1) Any statement by the owner, or by anyone in control, 2641  
of the equipment, product, or material, concerning its use; 2642

(2) The proximity in time or space of the equipment, 2643  
product, or material, or of the act relating to the equipment, 2644  
product, or material, to a violation of any provision of this 2645  
chapter; 2646

(3) The proximity of the equipment, product, or material 2647  
to any controlled substance; 2648

(4) The existence of any residue of a controlled substance 2649  
on the equipment, product, or material; 2650

(5) Direct or circumstantial evidence of the intent of the 2651  
owner, or of anyone in control, of the equipment, product, or 2652  
material, to deliver it to any person whom the owner or person 2653  
in control of the equipment, product, or material knows intends 2654  
to use the object to facilitate a violation of any provision of 2655  
this chapter. A finding that the owner, or anyone in control, of 2656  
the equipment, product, or material, is not guilty of a 2657  
violation of any other provision of this chapter does not 2658  
prevent a finding that the equipment, product, or material was 2659  
intended or designed by the offender for use as drug 2660  
paraphernalia. 2661

(6) Any oral or written instruction provided with the equipment, product, or material concerning its use;	2662 2663
(7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;	2664 2665
(8) National or local advertising concerning the use of the equipment, product, or material;	2666 2667
(9) The manner and circumstances in which the equipment, product, or material is displayed for sale;	2668 2669
(10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;	2670 2671 2672
(11) The existence and scope of legitimate uses of the equipment, product, or material in the community;	2673 2674
(12) Expert testimony concerning the use of the equipment, product, or material.	2675 2676
(C) (1) Subject to division (D) (2) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.	2677 2678 2679
(2) No person shall knowingly sell, or possess or manufacture with purpose to sell, drug paraphernalia, if the person knows or reasonably should know that the equipment, product, or material will be used as drug paraphernalia.	2680 2681 2682 2683
(3) No person shall place an advertisement in any newspaper, magazine, handbill, or other publication that is published and printed and circulates primarily within this state, if the person knows that the purpose of the advertisement is to promote the illegal sale in this state of the equipment, product, or material that the offender intended or designed for	2684 2685 2686 2687 2688 2689

use as drug paraphernalia. 2690

(D) (1) This section does not apply to manufacturers, 2691  
licensed health professionals authorized to prescribe drugs, 2692  
pharmacists, owners of pharmacies, and other persons whose 2693  
conduct is in accordance with Chapters 3719., 4715., 4723., 2694  
4729., 4730., 4731., and 4741. of the Revised Code. This section 2695  
shall not be construed to prohibit the possession or use of a 2696  
hypodermic as authorized by section 3719.172 of the Revised 2697  
Code. 2698

(2) Division (C) (1) of this section does not apply to a 2699  
person's use, or possession with purpose to use, any drug 2700  
paraphernalia that is equipment, a product, or material of any 2701  
kind that is used by the person, intended by the person for use, 2702  
or designed for use in storing, containing, concealing, 2703  
injecting, ingesting, inhaling, or otherwise introducing into 2704  
the human body marihuana. 2705

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2706  
drug paraphernalia that was used, possessed, sold, or 2707  
manufactured in a violation of this section shall be seized, 2708  
after a conviction for that violation shall be forfeited, and 2709  
upon forfeiture shall be disposed of pursuant to division (B) of 2710  
section 2981.12 of the Revised Code. 2711

(F) (1) Whoever violates division (C) (1) of this section is 2712  
guilty of illegal use or possession of drug paraphernalia, a 2713  
misdemeanor of the fourth degree. 2714

(2) Except as provided in division (F) (3) of this section, 2715  
whoever violates division (C) (2) of this section is guilty of 2716  
dealing in drug paraphernalia, a misdemeanor of the second 2717  
degree. 2718

(3) Whoever violates division (C) (2) of this section by 2719  
selling drug paraphernalia to a juvenile is guilty of selling 2720  
drug paraphernalia to juveniles, a misdemeanor of the first 2721  
degree. 2722

(4) Whoever violates division (C) (3) of this section is 2723  
guilty of illegal advertising of drug paraphernalia, a 2724  
misdemeanor of the second degree. 2725

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2726  
~~offender for a violation of this section, the court may suspend~~ 2727  
~~for not more than five years the offender's driver's or~~ 2728  
~~commercial driver's license or permit. However, if the offender~~ 2729  
~~pleaded guilty to or was convicted of a violation of section~~ 2730  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2731  
~~ordinance or the law of another state or the United States~~ 2732  
~~arising out of the same set of circumstances as the violation,~~ 2733  
~~the court shall suspend the offender's driver's or commercial~~ 2734  
~~driver's license or permit for not more than five years. If the~~ 2735  
offender is a professionally licensed person, in addition to any 2736  
other sanction imposed for a violation of this section, the 2737  
court immediately shall comply with section 2925.38 of the 2738  
Revised Code. 2739

(2) Any offender who received a ~~mandatory~~ suspension of 2740  
the offender's driver's or commercial driver's license or permit 2741  
under this section prior to the ~~effective date of this~~ 2742  
~~amendment~~effective date of this amendment may file a motion with 2743  
the sentencing court requesting the termination of the 2744  
suspension. However, an offender who pleaded guilty to or was 2745  
convicted of a violation of section 4511.19 of the Revised Code 2746  
or a substantially similar municipal ordinance or law of another 2747  
state or the United States that arose out of the same set of 2748

circumstances as the violation for which the offender's license 2749  
or permit was suspended under this section shall not file such a 2750  
motion. 2751

Upon the filing of a motion under division (G) (2) of this 2752  
section, the sentencing court, in its discretion, may terminate 2753  
the suspension. 2754

**Sec. 2925.141.** (A) As used in this section, "drug 2755  
paraphernalia" has the same meaning as in section 2925.14 of the 2756  
Revised Code. 2757

(B) In determining if any equipment, product, or material 2758  
is drug paraphernalia, a court or law enforcement officer shall 2759  
consider, in addition to other relevant factors, all factors 2760  
identified in division (B) of section 2925.14 of the Revised 2761  
Code. 2762

(C) No person shall knowingly use, or possess with purpose 2763  
to use, any drug paraphernalia that is equipment, a product, or 2764  
material of any kind that is used by the person, intended by the 2765  
person for use, or designed for use in storing, containing, 2766  
concealing, injecting, ingesting, inhaling, or otherwise 2767  
introducing into the human body marihuana. 2768

(D) This section does not apply to any person identified 2769  
in division (D) (1) of section 2925.14 of the Revised Code, and 2770  
it shall not be construed to prohibit the possession or use of a 2771  
hypodermic as authorized by section 3719.172 of the Revised 2772  
Code. 2773

(E) Division (E) of section 2925.14 of the Revised Code 2774  
applies with respect to any drug paraphernalia that was used or 2775  
possessed in violation of this section. 2776

(F) Whoever violates division (C) of this section is 2777

guilty of illegal use or possession of marihuana drug 2778  
paraphernalia, a minor misdemeanor. 2779

(G) (1) ~~In addition to any other sanction imposed upon an~~ 2780  
~~offender for a violation of this section, the court may suspend~~ 2781  
~~for not more than five years the offender's driver's or~~ 2782  
~~commercial driver's license or permit. However, if the offender~~ 2783  
~~pleaded guilty to or was convicted of a violation of section~~ 2784  
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2785  
~~ordinance or the law of another state or the United States~~ 2786  
~~arising out of the same set of circumstances as the violation,~~ 2787  
~~the court shall suspend the offender's driver's or commercial~~ 2788  
~~driver's license or permit for not more than five years. If the~~ 2789  
offender is a professionally licensed person, in addition to any 2790  
other sanction imposed for a violation of this section, the 2791  
court immediately shall comply with section 2925.38 of the 2792  
Revised Code. 2793

(2) Any offender who received a ~~mandatory~~ suspension of 2794  
the offender's driver's or commercial driver's license or permit 2795  
under this section prior to the ~~effective date of this~~ 2796  
~~amendment~~effective date of this amendment may file a motion with 2797  
the sentencing court requesting the termination of the 2798  
suspension. However, an offender who pleaded guilty to or was 2799  
convicted of a violation of section 4511.19 of the Revised Code 2800  
or a substantially similar municipal ordinance or law of another 2801  
state or the United States that arose out of the same set of 2802  
circumstances as the violation for which the offender's license 2803  
or permit was suspended under this section shall not file such a 2804  
motion. 2805

Upon the filing of a motion under division (G) (2) of this 2806  
section, the sentencing court, in its discretion, may terminate 2807

the suspension. 2808

**Sec. 2925.22.** (A) No person, by deception, shall procure 2809  
the administration of, a prescription for, or the dispensing of, 2810  
a dangerous drug or shall possess an uncompleted preprinted 2811  
prescription blank used for writing a prescription for a 2812  
dangerous drug. 2813

(B) Whoever violates this section is guilty of deception 2814  
to obtain a dangerous drug. The penalty for the offense shall be 2815  
determined as follows: 2816

(1) If the person possesses an uncompleted preprinted 2817  
prescription blank used for writing a prescription for a 2818  
dangerous drug or if the drug involved is a dangerous drug, 2819  
except as otherwise provided in division (B) (2) or (3) of this 2820  
section, deception to obtain a dangerous drug is a felony of the 2821  
fifth degree or, if the offender previously has been convicted 2822  
of or pleaded guilty to a drug abuse offense, a felony of the 2823  
fourth degree. Division (C) of section 2929.13 of the Revised 2824  
Code applies in determining whether to impose a prison term on 2825  
the offender pursuant to this division. 2826

(2) If the drug involved is a compound, mixture, 2827  
preparation, or substance included in schedule I or II, with the 2828  
exception of marihuana, the penalty for deception to obtain 2829  
drugs is one of the following: 2830

(a) Except as otherwise provided in division (B) (2) (b), 2831  
(c), or (d) of this section, it is a felony of the fourth 2832  
degree, and division (C) of section 2929.13 of the Revised Code 2833  
applies in determining whether to impose a prison term on the 2834  
offender. 2835

(b) If the amount of the drug involved equals or exceeds 2836



the bulk amount but is less than five times the bulk amount, or 2837  
if the amount of the drug involved that could be obtained 2838  
pursuant to the prescription would equal or exceed the bulk 2839  
amount but would be less than five times the bulk amount, it is 2840  
a felony of the third degree, and there is a presumption for a 2841  
prison term for the offense. 2842

(c) If the amount of the drug involved equals or exceeds 2843  
five times the bulk amount but is less than fifty times the bulk 2844  
amount, or if the amount of the drug involved that could be 2845  
obtained pursuant to the prescription would equal or exceed five 2846  
times the bulk amount but would be less than fifty times the 2847  
bulk amount, it is a felony of the second degree, and there is a 2848  
presumption for a prison term for the offense. 2849

(d) If the amount of the drug involved equals or exceeds 2850  
fifty times the bulk amount, or if the amount of the drug 2851  
involved that could be obtained pursuant to the prescription 2852  
would equal or exceed fifty times the bulk amount, it is a 2853  
felony of the first degree, and there is a presumption for a 2854  
prison term for the offense. 2855

(3) If the drug involved is a compound, mixture, 2856  
preparation, or substance included in schedule III, IV, or V or 2857  
is marihuana, the penalty for deception to obtain a dangerous 2858  
drug is one of the following: 2859

(a) Except as otherwise provided in division (B) (3) (b), 2860  
(c), or (d) of this section, it is a felony of the fifth degree, 2861  
and division (C) of section 2929.13 of the Revised Code applies 2862  
in determining whether to impose a prison term on the offender. 2863

(b) If the amount of the drug involved equals or exceeds 2864  
the bulk amount but is less than five times the bulk amount, or 2865

if the amount of the drug involved that could be obtained 2866  
pursuant to the prescription would equal or exceed the bulk 2867  
amount but would be less than five times the bulk amount, it is 2868  
a felony of the fourth degree, and division (C) of section 2869  
2929.13 of the Revised Code applies in determining whether to 2870  
impose a prison term on the offender. 2871

(c) If the amount of the drug involved equals or exceeds 2872  
five times the bulk amount but is less than fifty times the bulk 2873  
amount, or if the amount of the drug involved that could be 2874  
obtained pursuant to the prescription would equal or exceed five 2875  
times the bulk amount but would be less than fifty times the 2876  
bulk amount, it is a felony of the third degree, and there is a 2877  
presumption for a prison term for the offense. 2878

(d) If the amount of the drug involved equals or exceeds 2879  
fifty times the bulk amount, or if the amount of the drug 2880  
involved that could be obtained pursuant to the prescription 2881  
would equal or exceed fifty times the bulk amount, it is a 2882  
felony of the second degree, and there is a presumption for a 2883  
prison term for the offense. 2884

(C) (1) In addition to any prison term authorized or 2885  
required by division (B) of this section and sections 2929.13 2886  
and 2929.14 of the Revised Code and in addition to any other 2887  
sanction imposed for the offense under this section or sections 2888  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2889  
an offender who is convicted of or pleads guilty to a violation 2890  
of division (A) of this section, if the violation is a felony of 2891  
the first degree, may suspend for not more than five years the 2892  
offender's driver's or commercial driver's license or permit. 2893  
However, if the offender pleaded guilty to or was convicted of a 2894  
violation of section 4511.19 of the Revised Code or a 2895

substantially similar municipal ordinance or the law of another 2896  
state or the United States arising out of the same set of 2897  
circumstances as the first degree felony violation, the court 2898  
shall suspend the offender's driver's or commercial driver's 2899  
license or permit for not more than five years. 2900

If the offender is a professionally licensed person, in 2901  
addition to any other sanction imposed for a violation of this 2902  
section, the court immediately shall comply with section 2925.38 2903  
of the Revised Code. 2904

(2) Any offender who received a mandatory suspension of 2905  
the offender's driver's or commercial driver's license or permit 2906  
under this section prior to ~~the effective date of this amendment~~ 2907  
September 13, 2016, may file a motion with the sentencing court 2908  
requesting the termination of the suspension. However, an 2909  
offender who pleaded guilty to or was convicted of a violation 2910  
of section 4511.19 of the Revised Code or a substantially 2911  
similar municipal ordinance or law of another state or the 2912  
United States that arose out of the same set of circumstances as 2913  
the violation for which the offender's license or permit was 2914  
suspended under this section shall not file such a motion. 2915

Upon the filing of a motion under division (C) (2) of this 2916  
section, the sentencing court, in its discretion, may terminate 2917  
the suspension. 2918

(D) Notwithstanding any contrary provision of section 2919  
3719.21 of the Revised Code, the clerk of the court shall pay a 2920  
fine imposed for a violation of this section pursuant to 2921  
division (A) of section 2929.18 of the Revised Code in 2922  
accordance with and subject to the requirements of division (F) 2923  
of section 2925.03 of the Revised Code. The agency that receives 2924  
the fine shall use the fine as specified in division (F) of 2925

section 2925.03 of the Revised Code.	2926
<b>Sec. 2925.23.</b> (A) No person shall knowingly make a false	2927
statement in any prescription, order, report, or record required	2928
by Chapter 3719. or 4729. of the Revised Code.	2929
(B) No person shall intentionally make, utter, or sell, or	2930
knowingly possess any of the following that is a false or	2931
forged:	2932
(1) Prescription;	2933
(2) Uncompleted preprinted prescription blank used for	2934
writing a prescription;	2935
(3) Official written order;	2936
(4) License for a terminal distributor of dangerous drugs,	2937
as defined in section 4729.01 of the Revised Code;	2938
(5) License for a manufacturer of dangerous drugs,	2939
outsourcing facility, third-party logistics provider, repackager	2940
of dangerous drugs, or wholesale distributor of dangerous drugs,	2941
as defined in section 4729.01 of the Revised Code.	2942
(C) No person, by theft as defined in section 2913.02 of	2943
the Revised Code, shall acquire any of the following:	2944
(1) A prescription;	2945
(2) An uncompleted preprinted prescription blank used for	2946
writing a prescription;	2947
(3) An official written order;	2948
(4) A blank official written order;	2949
(5) A license or blank license for a terminal distributor	2950
of dangerous drugs, as defined in section 4729.01 of the Revised	2951

Code; 2952

(6) A license or blank license for a manufacturer of 2953  
dangerous drugs, outsourcing facility, third-party logistics 2954  
provider, repackager of dangerous drugs, or wholesale 2955  
distributor of dangerous drugs, as defined in section 4729.01 of 2956  
the Revised Code. 2957

(D) No person shall knowingly make or affix any false or 2958  
forged label to a package or receptacle containing any dangerous 2959  
drugs. 2960

(E) Divisions (A) and (D) of this section do not apply to 2961  
licensed health professionals authorized to prescribe drugs, 2962  
pharmacists, owners of pharmacies, and other persons whose 2963  
conduct is in accordance with Chapters 3719., 4715., 4723., 2964  
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2965

(F) Whoever violates this section is guilty of illegal 2966  
processing of drug documents. If the offender violates division 2967  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 2968  
section, illegal processing of drug documents is a felony of the 2969  
fifth degree. If the offender violates division (A), division 2970  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2971  
section, the penalty for illegal processing of drug documents 2972  
shall be determined as follows: 2973

(1) If the drug involved is a compound, mixture, 2974  
preparation, or substance included in schedule I or II, with the 2975  
exception of marihuana, illegal processing of drug documents is 2976  
a felony of the fourth degree, and division (C) of section 2977  
2929.13 of the Revised Code applies in determining whether to 2978  
impose a prison term on the offender. 2979

(2) If the drug involved is a dangerous drug or a 2980

compound, mixture, preparation, or substance included in 2981  
schedule III, IV, or V or is marihuana, illegal processing of 2982  
drug documents is a felony of the fifth degree, and division (C) 2983  
of section 2929.13 of the Revised Code applies in determining 2984  
whether to impose a prison term on the offender. 2985

(G) (1) In addition to any prison term authorized or 2986  
required by division (F) of this section and sections 2929.13 2987  
and 2929.14 of the Revised Code and in addition to any other 2988  
sanction imposed for the offense under this section or sections 2989  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2990  
an offender who is convicted of or pleads guilty to any 2991  
violation of divisions (A) to (D) of this section, if the 2992  
violation is a felony of the fourth degree, may suspend for not 2993  
more than five years the offender's driver's or commercial 2994  
driver's license or permit. However, if the offender pleaded 2995  
guilty to or was convicted of a violation of section 4511.19 of 2996  
the Revised Code or a substantially similar municipal ordinance 2997  
or the law of another state or the United States arising out of 2998  
the same set of circumstances as the fourth degree felony 2999  
violation, the court shall suspend the offender's driver's or 3000  
commercial driver's license or permit for not more than five 3001  
years. 3002

If the offender is a professionally licensed person, in 3003  
addition to any other sanction imposed for a violation of this 3004  
section, the court immediately shall comply with section 2925.38 3005  
of the Revised Code. 3006

(2) Any offender who received a mandatory suspension of 3007  
the offender's driver's or commercial driver's license or permit 3008  
under this section prior to September 13, 2016, may file a 3009  
motion with the sentencing court requesting the termination of 3010

the suspension. However, an offender who pleaded guilty to or 3011  
was convicted of a violation of section 4511.19 of the Revised 3012  
Code or a substantially similar municipal ordinance or law of 3013  
another state or the United States that arose out of the same 3014  
set of circumstances as the violation for which the offender's 3015  
license or permit was suspended under this section shall not 3016  
file such a motion. 3017

Upon the filing of a motion under division (G) (2) of this 3018  
section, the sentencing court, in its discretion, may terminate 3019  
the suspension. 3020

(H) Notwithstanding any contrary provision of section 3021  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3022  
imposed for a violation of this section pursuant to division (A) 3023  
of section 2929.18 of the Revised Code in accordance with and 3024  
subject to the requirements of division (F) of section 2925.03 3025  
of the Revised Code. The agency that receives the fine shall use 3026  
the fine as specified in division (F) of section 2925.03 of the 3027  
Revised Code. 3028

**Sec. 2925.31.** (A) Except for lawful research, clinical, 3029  
medical, dental, or veterinary purposes, no person, with purpose 3030  
to induce intoxication or similar physiological effects, shall 3031  
obtain, possess, or use a harmful intoxicant. 3032

(B) Whoever violates this section is guilty of abusing 3033  
harmful intoxicants, a misdemeanor of the first degree. If the 3034  
offender previously has been convicted of a drug abuse offense, 3035  
abusing harmful intoxicants is a felony of the fifth degree. 3036

(C) (1) In addition to any other sanction imposed upon an 3037  
offender for a violation of this section, if the violation of 3038  
this section is a felony of the fifth degree, the court may 3039

suspend for not more than five years the offender's driver's or 3040  
commercial driver's license or permit. However, if the offender 3041  
pleaded guilty to or was convicted of a violation of section 3042  
4511.19 of the Revised Code or a substantially similar municipal 3043  
ordinance or the law of another state or the United States 3044  
arising out of the same set of circumstances as the fifth degree 3045  
felony violation, the court shall suspend the offender's 3046  
driver's or commercial driver's license or permit for not more 3047  
than five years. ~~If~~ 3048

If the offender is a professionally licensed person, in 3049  
addition to any other sanction imposed for a violation of this 3050  
section, the court immediately shall comply with section 2925.38 3051  
of the Revised Code. 3052

(2) Any offender who received a mandatory suspension of 3053  
the offender's driver's or commercial driver's license or permit 3054  
under this section prior to ~~the effective date of this amendment~~ 3055  
September 13, 2016, may file a motion with the sentencing court 3056  
requesting the termination of the suspension. However, an 3057  
offender who pleaded guilty to or was convicted of a violation 3058  
of section 4511.19 of the Revised Code or a substantially 3059  
similar municipal ordinance or law of another state or the 3060  
United States that arose out of the same set of circumstances as 3061  
the violation for which the offender's license or permit was 3062  
suspended under this section shall not file such a motion. 3063

Upon the filing of a motion under division (C)(2) of this 3064  
section, the sentencing court, in its discretion, may terminate 3065  
the suspension. 3066

**Sec. 2925.32.** (A) Divisions (A)(1) and (2) of this section 3067  
do not apply to the dispensing or distributing of nitrous oxide. 3068



(1) No person shall knowingly dispense or distribute a 3069  
harmful intoxicant to a person age eighteen or older if the 3070  
person who dispenses or distributes it knows or has reason to 3071  
believe that the harmful intoxicant will be used in violation of 3072  
section 2925.31 of the Revised Code. 3073

(2) No person shall knowingly dispense or distribute a 3074  
harmful intoxicant to a person under age eighteen if the person 3075  
who dispenses or distributes it knows or has reason to believe 3076  
that the harmful intoxicant will be used in violation of section 3077  
2925.31 of the Revised Code. Division (A) (2) of this section 3078  
does not prohibit either of the following: 3079

(a) Dispensing or distributing a harmful intoxicant to a 3080  
person under age eighteen if a written order from the juvenile's 3081  
parent or guardian is provided to the dispenser or distributor; 3082

(b) Dispensing or distributing gasoline or diesel fuel to 3083  
a person under age eighteen if the dispenser or distributor does 3084  
not know or have reason to believe the product will be used in 3085  
violation of section 2925.31 of the Revised Code. Division (A) 3086  
(2) (a) of this section does not require a person to obtain a 3087  
written order from the parent or guardian of a person under age 3088  
eighteen in order to distribute or dispense gasoline or diesel 3089  
fuel to the person. 3090

(B) (1) No person shall knowingly dispense or distribute 3091  
nitrous oxide to a person age twenty-one or older if the person 3092  
who dispenses or distributes it knows or has reason to believe 3093  
the nitrous oxide will be used in violation of section 2925.31 3094  
of the Revised Code. 3095

(2) Except for lawful medical, dental, or clinical 3096  
purposes, no person shall knowingly dispense or distribute 3097

nitrous oxide to a person under age twenty-one. 3098

(3) No person, at the time a cartridge of nitrous oxide is 3099  
sold to another person, shall sell a device that allows the 3100  
purchaser to inhale nitrous oxide from cartridges or to hold 3101  
nitrous oxide released from cartridges for purposes of 3102  
inhalation. The sale of any such device constitutes a rebuttable 3103  
presumption that the person knew or had reason to believe that 3104  
the purchaser intended to abuse the nitrous oxide. 3105

(4) No person who dispenses or distributes nitrous oxide 3106  
in cartridges shall fail to comply with either of the following: 3107

(a) The record-keeping requirements established under 3108  
division (F) of this section; 3109

(b) The labeling and transaction identification 3110  
requirements established under division (G) of this section. 3111

(C) This section does not apply to products used in 3112  
making, fabricating, assembling, transporting, or constructing a 3113  
product or structure by manual labor or machinery for sale or 3114  
lease to another person, or to the mining, refining, or 3115  
processing of natural deposits. 3116

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3117  
division (B) (1), (2), or (3) of this section is guilty of 3118  
trafficking in harmful intoxicants, a felony of the fifth 3119  
degree. If the offender previously has been convicted of a drug 3120  
abuse offense, trafficking in harmful intoxicants is a felony of 3121  
the fourth degree. ~~In~~ 3122

In addition to any other sanction imposed upon an offender 3123  
for trafficking in harmful intoxicants, if the violation is a 3124  
felony of the fourth degree, the court may suspend for not more 3125  
than five years the offender's driver's or commercial driver's 3126

license or permit. However, if the offender pleaded guilty to or 3127  
was convicted of a violation of section 4511.19 of the Revised 3128  
Code or a substantially similar municipal ordinance or the law 3129  
of another state or the United States arising out of the same 3130  
set of circumstances as the fourth degree felony violation, the 3131  
court shall suspend the offender's driver's or commercial 3132  
driver's license or permit for not more than five years. ~~If~~ 3133

If the offender is a professionally licensed person, in 3134  
addition to any other sanction imposed for trafficking in 3135  
harmful intoxicants, the court immediately shall comply with 3136  
section 2925.38 of the Revised Code. 3137

(b) Any offender who received a mandatory suspension of 3138  
the offender's driver's or commercial driver's license or permit 3139  
under this section prior to ~~the effective date of this amendment~~ 3140  
September 13, 2016, may file a motion with the sentencing court 3141  
requesting the termination of the suspension. However, an 3142  
offender who pleaded guilty to or was convicted of a violation 3143  
of section 4511.19 of the Revised Code or a substantially 3144  
similar municipal ordinance or law of another state or the 3145  
United States that arose out of the same set of circumstances as 3146  
the violation for which the offender's license or permit was 3147  
suspended under this section shall not file such a motion. 3148

Upon the filing of a motion under division (D) (1) (b) of 3149  
this section, the sentencing court, in its discretion, may 3150  
terminate the suspension. 3151

(2) Whoever violates division (B) (4) (a) or (b) of this 3152  
section is guilty of improperly dispensing or distributing 3153  
nitrous oxide, a misdemeanor of the fourth degree. 3154

(E) It is an affirmative defense to a charge of a 3155

violation of division (A) (2) or (B) (2) of this section that: 3156

(1) An individual exhibited to the defendant or an officer 3157  
or employee of the defendant, for purposes of establishing the 3158  
individual's age, a driver's license or permit issued by this 3159  
state, a commercial driver's license or permit issued by this 3160  
state, an identification card issued pursuant to section 4507.50 3161  
of the Revised Code, for another document that purports to be a 3162  
license, permit, or identification card described in this 3163  
division; 3164

(2) The document exhibited appeared to be a genuine, 3165  
unaltered document, to pertain to the individual, and to 3166  
establish the individual's age; 3167

(3) The defendant or the officer or employee of the 3168  
defendant otherwise did not have reasonable cause to believe 3169  
that the individual was under the age represented. 3170

(F) Beginning July 1, 2001, a person who dispenses or 3171  
distributes nitrous oxide shall record each transaction 3172  
involving the dispensing or distributing of the nitrous oxide on 3173  
a separate card. The person shall require the purchaser to sign 3174  
the card and provide a complete residence address. The person 3175  
dispensing or distributing the nitrous oxide shall sign and date 3176  
the card. The person shall retain the card recording a 3177  
transaction for one year from the date of the transaction. The 3178  
person shall maintain the cards at the person's business address 3179  
and make them available during normal business hours for 3180  
inspection and copying by officers or employees of the state 3181  
board of pharmacy or of other law enforcement agencies of this 3182  
state or the United States that are authorized to investigate 3183  
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3184  
or the federal drug abuse control laws. 3185

The cards used to record each transaction shall inform the purchaser of the following:

(1) That nitrous oxide cartridges are to be used only for purposes of preparing food;

(2) That inhalation of nitrous oxide can have dangerous health effects;

(3) That it is a violation of state law to distribute or dispense cartridges of nitrous oxide to any person under age twenty-one, punishable as a felony of the fifth degree.

(G) (1) Each cartridge of nitrous oxide dispensed or distributed in this state shall bear the following printed warning:

"Nitrous oxide cartridges are to be used only for purposes of preparing food. Nitrous oxide cartridges may not be sold to persons under age twenty-one. Do not inhale contents. Misuse can be dangerous to your health."

(2) Each time a person dispenses or distributes one or more cartridges of nitrous oxide, the person shall mark the packaging containing the cartridges with a label or other device that identifies the person who dispensed or distributed the nitrous oxide and the person's business address.

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

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

the Revised Code. 3214

(C) (1) Whoever violates this section is guilty of illegal 3215  
dispensing of drug samples. 3216

(2) If the drug involved in the offense is a compound, 3217  
mixture, preparation, or substance included in schedule I or II, 3218  
with the exception of marihuana, the penalty for the offense 3219  
shall be determined as follows: 3220

(a) Except as otherwise provided in division (C) (2) (b) of 3221  
this section, illegal dispensing of drug samples is a felony of 3222  
the fifth degree, and, subject to division (E) of this section, 3223  
division (C) of section 2929.13 of the Revised Code applies in 3224  
determining whether to impose a prison term on the offender. 3225

(b) If the offense was committed in the vicinity of a 3226  
school or in the vicinity of a juvenile, illegal dispensing of 3227  
drug samples is a felony of the fourth degree, and, subject to 3228  
division (E) of this section, division (C) of section 2929.13 of 3229  
the Revised Code applies in determining whether to impose a 3230  
prison term on the offender. 3231

(3) If the drug involved in the offense is a dangerous 3232  
drug or a compound, mixture, preparation, or substance included 3233  
in schedule III, IV, or V, or is marihuana, the penalty for the 3234  
offense shall be determined as follows: 3235

(a) Except as otherwise provided in division (C) (3) (b) of 3236  
this section, illegal dispensing of drug samples is a 3237  
misdemeanor of the second degree. 3238

(b) If the offense was committed in the vicinity of a 3239  
school or in the vicinity of a juvenile, illegal dispensing of 3240  
drug samples is a misdemeanor of the first degree. 3241

(D) (1) In addition to any prison term authorized or 3242  
required by division (C) or (E) of this section and sections 3243  
2929.13 and 2929.14 of the Revised Code and in addition to any 3244  
other sanction imposed for the offense under this section or 3245  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3246  
sentences an offender who is convicted of or pleads guilty to a 3247  
violation of division (A) of this section, if the violation is a 3248  
felony of the fourth degree, may suspend for not more than five 3249  
years the offender's driver's or commercial driver's license or 3250  
permit. However, if the offender pleaded guilty to or was 3251  
convicted of a violation of section 4511.19 of the Revised Code 3252  
or a substantially similar municipal ordinance or the law of 3253  
another state or the United States arising out of the same set 3254  
of circumstances as the fourth degree felony violation, the 3255  
court shall suspend the offender's driver's or commercial 3256  
driver's license or permit for not more than five years. 3257

If the offender is a professionally licensed person, in 3258  
addition to any other sanction imposed for a violation of this 3259  
section, the court immediately shall comply with section 2925.38 3260  
of the Revised Code. 3261

(2) Any offender who received a mandatory suspension of 3262  
the offender's driver's or commercial driver's license or permit 3263  
under this section prior to September 13, 2016, may file a 3264  
motion with the sentencing court requesting the termination of 3265  
the suspension. However, an offender who pleaded guilty to or 3266  
was convicted of a violation of section 4511.19 of the Revised 3267  
Code or a substantially similar municipal ordinance or law of 3268  
another state or the United States that arose out of the same 3269  
set of circumstances as the violation for which the offender's 3270  
license or permit was suspended under this section shall not 3271  
file such a motion. 3272

Upon the filing of a motion under division (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(E) Notwithstanding the prison term authorized or required by 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, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a 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.

**Sec. 2925.37.** (A) No person shall knowingly possess any counterfeit controlled substance.

(B) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance.



(C) No person shall make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or other identifying mark upon a counterfeit controlled substance.

(D) No person shall sell, offer to sell, give, or deliver any counterfeit controlled substance to a juvenile.

(E) No person shall directly or indirectly represent a counterfeit controlled substance as a controlled substance by describing its effects as the physical or psychological effects associated with use of a controlled substance.

(F) No person shall directly or indirectly falsely represent or advertise a counterfeit controlled substance as a controlled substance. As used in this division, "advertise" means engaging in "advertisement," as defined in section 3715.01 of the Revised Code.

(G) Whoever violates division (A) of this section is guilty of possession of counterfeit controlled substances, a misdemeanor of the first degree.

(H) Whoever violates division (B) or (C) of this section is guilty of trafficking in counterfeit controlled substances. Except as otherwise provided in this division, trafficking in counterfeit controlled substances is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in counterfeit controlled substances is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code

applies in determining whether to impose a prison term on the 3331  
offender. 3332

(I) Whoever violates division (D) of this section is 3333  
guilty of aggravated trafficking in counterfeit controlled 3334  
substances. Except as otherwise provided in this division, 3335  
aggravated trafficking in counterfeit controlled substances is a 3336  
felony of the fourth degree, and division (C) of section 2929.13 3337  
of the Revised Code applies in determining whether to impose a 3338  
prison term on the offender. 3339

(J) Whoever violates division (E) of this section is 3340  
guilty of promoting and encouraging drug abuse. Except as 3341  
otherwise provided in this division, promoting and encouraging 3342  
drug abuse is a felony of the fifth degree, and division (C) of 3343  
section 2929.13 of the Revised Code applies in determining 3344  
whether to impose a prison term on the offender. If the offense 3345  
was committed in the vicinity of a school or in the vicinity of 3346  
a juvenile, promoting and encouraging drug abuse is a felony of 3347  
the fourth degree, and division (C) of section 2929.13 of the 3348  
Revised Code applies in determining whether to impose a prison 3349  
term on the offender. 3350

(K) Whoever violates division (F) of this section is 3351  
guilty of fraudulent drug advertising. Except as otherwise 3352  
provided in this division, fraudulent drug advertising is a 3353  
felony of the fifth degree, and division (C) of section 2929.13 3354  
of the Revised Code applies in determining whether to impose a 3355  
prison term on the offender. If the offense was committed in the 3356  
vicinity of a school or in the vicinity of a juvenile, 3357  
fraudulent drug advertising is a felony of the fourth degree, 3358  
and division (C) of section 2929.13 of the Revised Code applies 3359  
in determining whether to impose a prison term on the offender. 3360

(L) (1) In addition to any prison term authorized or 3361  
required by divisions (H) to (K) of this section and sections 3362  
2929.13 and 2929.14 of the Revised Code and in addition to any 3363  
other sanction imposed for the offense under this section or 3364  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3365  
sentences an offender who is convicted of or pleads guilty to a 3366  
violation of division (B), (C), (D), (E), or (F) of this 3367  
section, if the violation is a felony of the fourth degree, may 3368  
suspend for not more than five years the offender's driver's or 3369  
commercial driver's license or permit. However, if the offender 3370  
pleaded guilty to or was convicted of a violation of section 3371  
4511.19 of the Revised Code or a substantially similar municipal 3372  
ordinance or the law of another state or the United States 3373  
arising out of the same set of circumstances as the fourth 3374  
degree felony violation, the court shall suspend the offender's 3375  
driver's or commercial driver's license or permit for not more 3376  
than five years. 3377

If the offender is a professionally licensed person, in 3378  
addition to any other sanction imposed for a violation of this 3379  
section, the court immediately shall comply with section 2925.38 3380  
of the Revised Code. 3381

(2) Any offender who received a mandatory suspension of 3382  
the offender's driver's or commercial driver's license or permit 3383  
under this section prior to ~~the effective date of this amendment~~ 3384  
September 13, 2016 may file a motion with the sentencing court 3385  
requesting the termination of the suspension. However, an 3386  
offender who pleaded guilty to or was convicted of a violation 3387  
of section 4511.19 of the Revised Code or a substantially 3388  
similar municipal ordinance or law of another state or the 3389  
United States that arose out of the same set of circumstances as 3390  
the violation for which the offender's license or permit was 3391

suspended under this section shall not file such a motion. 3392

Upon the filing of a motion under division (L)(2) of this 3393  
section, the sentencing court, in its discretion, may terminate 3394  
the suspension. 3395

(M) Notwithstanding any contrary provision of section 3396  
3719.21 of the Revised Code, the clerk of the court shall pay a 3397  
fine imposed for a violation of this section pursuant to 3398  
division (A) of section 2929.18 of the Revised Code in 3399  
accordance with and subject to the requirements of division (F) 3400  
of section 2925.03 of the Revised Code. The agency that receives 3401  
the fine shall use the fine as specified in division (F) of 3402  
section 2925.03 of the Revised Code. 3403

**Sec. 3123.56.** A child support enforcement agency that sent 3404  
a notice under section 3123.54 of the Revised Code of an 3405  
individual's default under a child support order shall send to 3406  
the registrar of motor vehicles a notice that the individual is 3407  
not in default if it determines that the individual is not in 3408  
default or any of the following occurs: 3409

(A) The individual makes full payment to the office of 3410  
child support or, pursuant to sections 3125.27 to 3125.30 of the 3411  
Revised Code, to the child support enforcement agency of the 3412  
arrearage as of the date the payment is made. 3413

(B) If division (A) of this section is not possible, the 3414  
individual has presented to the agency sufficient evidence of 3415  
current employment or of an account in a financial institution, 3416  
the agency has confirmed the individual's employment or the 3417  
existence of the account, and an appropriate withholding or 3418  
deduction notice described in section 3121.03 of the Revised 3419  
Code has been issued to collect current support and any 3420

arrearage due under the child support order that was in default. 3421

(C) If divisions (A) and (B) of this section are not 3422  
possible, the individual presents evidence to the agency 3423  
sufficient to establish ~~that the~~ either one of the following: 3424

(1) The individual is unable to work due to circumstances 3425  
beyond the individual's control. 3426

(2) The imposition of a suspension on the individual's 3427  
driver's license or commercial driver's license, motorcycle 3428  
operator's license or endorsement, or temporary instruction 3429  
permit or commercial driver's temporary instruction permit would 3430  
effectively prevent the individual from paying child support or 3431  
any arrearage due under the child support order that was in 3432  
default. 3433

(D) If divisions (A), (B), and (C) of this section are not 3434  
possible, the individual enters into and complies with a written 3435  
agreement with the agency that requires the obligor to comply 3436  
with either of the following: 3437

(1) A family support program administered or approved by 3438  
the agency; 3439

(2) A program to establish compliance with a seek work 3440  
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3441  
Code. 3442

(E) If divisions (A), (B), (C), and (D) of this section 3443  
are not possible, the individual pays the balance of the total 3444  
monthly obligation due for the ninety-day period preceding the 3445  
date the agency sent the notice described in section 3123.55 of 3446  
the Revised Code. 3447

The agency shall send the notice under this section not 3448

later than seven days after it determines the individual is not 3449  
in default or that any of the circumstances specified in this 3450  
section has occurred. 3451

**Sec. 3123.58.** (A) On receipt of a notice pursuant to 3452  
section 3123.54 of the Revised Code, the registrar of motor 3453  
vehicles shall determine whether the individual named in the 3454  
notice holds or has applied for a driver's license or commercial 3455  
driver's license, motorcycle operator's license or endorsement, 3456  
or temporary instruction permit or commercial driver's temporary 3457  
instruction permit. If the registrar determines that the 3458  
individual holds or has applied for a license, permit, or 3459  
endorsement and the individual is the individual named in the 3460  
notice and does not receive a notice pursuant to section 3123.56 3461  
or 3123.57 of the Revised Code, the registrar immediately shall 3462  
provide notice of the determination to each deputy registrar. 3463  
The registrar or a deputy registrar may not issue to the 3464  
individual a driver's or commercial driver's license, motorcycle 3465  
operator's license or endorsement, or temporary instruction 3466  
permit or commercial driver's temporary instruction permit and 3467  
may not renew for the individual a driver's or commercial 3468  
driver's license, motorcycle operator's license or endorsement, 3469  
or commercial driver's temporary instruction permit. The 3470  
registrar or a deputy registrar also shall impose a class F 3471  
suspension of the license, permit, or endorsement held by the 3472  
individual under division (B) (6) of section 4510.02 of the 3473  
Revised Code. 3474

(B) (1) A court may grant an individual whose license, 3475  
permit, or endorsement is suspended under this section limited 3476  
driving privileges in accordance with division (B) of section 3477  
4510.021 of the Revised Code pursuant to a ~~request made during~~ 3478  
~~an action for contempt initiated under section 2705.031 of the~~ 3479

~~Revised Code~~petition by that individual for limited driving 3480  
privileges. Prior to granting privileges under this division, 3481  
the court shall request the ~~accused~~individual to provide the 3482  
court with a recent noncertified copy of a driver's abstract 3483  
from the registrar of motor vehicles ~~and shall request the child-~~ 3484  
~~support enforcement agency that issued the notice pursuant to-~~ 3485  
~~section 3123.54 of the Revised Code relative to the individual-~~ 3486  
~~to advise the court, either in person through a representative-~~ 3487  
~~testifying at a hearing or through a written document, the-~~ 3488  
~~position of the agency relative to the issue of the granting of-~~ 3489  
~~privileges to the individual. The court, in determining whether-~~ 3490  
~~to grant the individual privileges under this division, shall-~~ 3491  
~~take into consideration the position of the agency, but the-~~ 3492  
~~court is not bound by the position of the agency.~~ 3493

(2) A court that grants limited driving privileges to a 3494  
person under division (B) (1) of this section shall deliver to 3495  
the person a permit card, in a form to be prescribed by the 3496  
court, setting forth the date on which the limited privileges 3497  
will become effective, the purposes for which the person may 3498  
drive, the times and places at which the person may drive, and 3499  
any other conditions imposed upon the person's use of a motor 3500  
vehicle. 3501

(3) The court immediately shall notify the registrar, in 3502  
writing, of a grant of limited driving privileges under division 3503  
(B) (1) of this section. The notification shall specify the date 3504  
on which the limited driving privileges will become effective, 3505  
the purposes for which the person may drive, and any other 3506  
conditions imposed upon the person's use of a motor vehicle. 3507

(C) If a person who has been granted limited driving 3508  
privileges under division (B) (1) of this section is convicted 3509

of, pleads guilty to, or is adjudicated in juvenile court of 3510  
having committed a violation of Chapter 4510. of the Revised 3511  
Code or any similar municipal ordinance during the period of 3512  
which the person was granted limited driving privileges, the 3513  
person's limited driving privileges shall be suspended 3514  
immediately pending a reinstatement hearing. 3515

**Sec. 3321.13.** (A) Whenever any child of compulsory school 3516  
age withdraws from school the teacher of that child shall 3517  
ascertain the reason for withdrawal. The fact of the withdrawal 3518  
and the reason for it shall be immediately transmitted by the 3519  
teacher to the superintendent of the city, local, or exempted 3520  
village school district. If the child who has withdrawn from 3521  
school has done so because of change of residence, the next 3522  
residence shall be ascertained and shall be included in the 3523  
notice thus transmitted. The superintendent shall thereupon 3524  
forward a card showing the essential facts regarding the child 3525  
and stating the place of the child's new residence to the 3526  
superintendent of schools of the district to which the child has 3527  
moved. 3528

The superintendent of public instruction may prescribe the 3529  
forms to be used in the operation of this division. 3530

(B) (1) Upon receipt of information that a child of 3531  
compulsory school age has withdrawn from school for a reason 3532  
other than because of change of residence and is not enrolled in 3533  
and attending in accordance with school policy an approved 3534  
program to obtain a diploma or its equivalent, the 3535  
superintendent shall notify ~~the registrar of motor vehicles and~~ 3536  
the juvenile judge of the county in which the district is 3537  
located of the withdrawal and failure to enroll in and attend an 3538  
approved program to obtain a diploma or its equivalent. A 3539



notification to ~~the registrar required by this division shall be~~ 3540  
~~given in the manner the registrar by rule requires and a~~ 3541  
~~notification to the juvenile judge required by this division~~ 3542  
shall be given in writing. Each notification shall be given 3543  
within two weeks after the withdrawal and failure to enroll in 3544  
and attend an approved program or its equivalent. 3545

(2) The board of education of a school district may adopt 3546  
a resolution providing that the provisions of division (B) (2) of 3547  
this section apply within the district. The provisions of 3548  
division (B) (2) of this section do not apply within any school 3549  
district, and no superintendent of a school district shall send 3550  
a notification of the type described in division (B) (2) of this 3551  
section to ~~the registrar of motor vehicles or the juvenile judge~~ 3552  
of the county in which the district is located, unless the board 3553  
of education of the district has adopted such a resolution. If 3554  
the board of education of a school district adopts a resolution 3555  
providing that the provisions of division (B) (2) of this section 3556  
apply within the district, and if the superintendent of schools 3557  
of that district receives information that, during any semester 3558  
or term, a child of compulsory school age has been absent 3559  
without legitimate excuse from the school the child is supposed 3560  
to attend for more than sixty consecutive hours in a single 3561  
month or for at least ninety hours in a school year, the 3562  
superintendent shall notify the child and the child's parent, 3563  
guardian, or custodian, in writing, that the information has 3564  
been provided to the superintendent, ~~that as a result of that~~ 3565  
~~information the child's temporary instruction permit or driver's~~ 3566  
~~license will be suspended or the opportunity to obtain such a~~ 3567  
~~permit or license will be denied,~~ and that the child and the 3568  
child's parent, guardian, or custodian may appear in person at a 3569  
scheduled date, time, and place before the superintendent or a 3570

designee to challenge the information provided to the 3571  
superintendent. 3572

The notification to the child and the child's parent, 3573  
guardian, or custodian required by division (B)(2) of this 3574  
section shall set forth the information received by the 3575  
superintendent and shall inform the child and the child's 3576  
parent, guardian, or custodian of the scheduled date, time, and 3577  
place of the appearance that they may have before the 3578  
superintendent or a designee. The date scheduled for the 3579  
appearance shall be no earlier than three and no later than five 3580  
days after the notification is given, provided that an extension 3581  
may be granted upon request of the child or the child's parent, 3582  
guardian, or custodian. If an extension is granted, the 3583  
superintendent shall schedule a new date, time, and place for 3584  
the appearance and shall inform the child and the child's 3585  
parent, guardian, or custodian of the new date, time, and place. 3586

If the child and the child's parent, guardian, or 3587  
custodian do not appear before the superintendent or a designee 3588  
on the scheduled date and at the scheduled time and place, or if 3589  
the child and the child's parent, guardian, or custodian appear 3590  
before the superintendent or a designee on the scheduled date 3591  
and at the scheduled time and place but the superintendent or a 3592  
designee determines that the information the superintendent 3593  
received indicating that, during the semester or term, the child 3594  
had been absent without legitimate excuse from the school the 3595  
child was supposed to attend for more than sixty consecutive 3596  
hours or for at least ninety total hours, the superintendent 3597  
shall notify ~~the registrar of motor vehicles and the juvenile~~ 3598  
judge of the county in which the district is located that the 3599  
child has been absent for that period of time and that the child 3600  
does not have any legitimate excuse for the habitual absence. A 3601

notification to ~~the registrar required by this division shall be~~ 3602  
~~given in the manner the registrar by rule requires and a~~ 3603  
~~notification to~~ the juvenile judge required by this division 3604  
shall be given in writing. Each notification shall be given 3605  
within two weeks after the receipt of the information of the 3606  
habitual absence from school without legitimate excuse, or, if 3607  
the child and the child's parent, guardian, or custodian appear 3608  
before the superintendent or a designee to challenge the 3609  
information, within two weeks after the appearance. 3610

For purposes of division (B) (2) of this section, a 3611  
legitimate excuse for absence from school includes, but is not 3612  
limited to, the fact that the child in question has enrolled in 3613  
another school or school district in this or another state, the 3614  
fact that the child in question was excused from attendance for 3615  
any of the reasons specified in section 3321.04 of the Revised 3616  
Code, or the fact that the child in question has received an age 3617  
and schooling certificate in accordance with section 3331.01 of 3618  
the Revised Code. 3619

(3) Whenever a pupil is suspended or expelled from school 3620  
pursuant to section 3313.66 of the Revised Code and the reason 3621  
for the suspension or expulsion is the use or possession of 3622  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3623  
superintendent of schools of that district may notify ~~the~~ 3624  
~~registrar and~~ the juvenile judge of the county in which the 3625  
district is located of such suspension or expulsion. Any such 3626  
notification of suspension or expulsion shall be given to ~~the~~ 3627  
~~registrar, in the manner the registrar by rule requires and~~ 3628  
~~shall be given to~~ the juvenile judge in writing. The 3629  
notifications shall be given within two weeks after the 3630  
suspension or expulsion. 3631

(4) Whenever a pupil is suspended, expelled, removed, or permanently excluded from a school for misconduct included in a policy that the board of education of a city, exempted village, or local school district has adopted under division (A) of section 3313.661 of the Revised Code, and the misconduct involves a firearm or a knife or other weapon as defined in that policy, the superintendent of schools of that district shall notify ~~the registrar and~~ the juvenile judge of the county in which the district is located of the suspension, expulsion, removal, or permanent exclusion. The notification shall be given to ~~the registrar in the manner the registrar, by rule, requires~~ and shall be given to the juvenile judge in writing. The notifications shall be given within two weeks after the suspension, expulsion, removal, or permanent exclusion.

(C) A notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion given to ~~the registrar or~~ a juvenile judge under division (B) (1), (2), (3), or (4) of this section shall contain the name, address, date of birth, school, and school district of the child. If the superintendent finds, after giving a notification of withdrawal, habitual absence without legitimate excuse, suspension, or expulsion to ~~the registrar and~~ the juvenile judge under division (B) (1), (2), (3), or (4) of this section, that the notification was given in error, the superintendent immediately shall notify ~~the registrar and~~ the juvenile judge of that fact.

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing

and ameliorating student absences. In developing the policy, the  
appropriate board shall consult with the judge of the juvenile  
court of the county or counties in which the district or service  
center is located, with the parents, guardians, or other persons  
having care of the pupils attending school in the district, and  
with appropriate state and local agencies.

(B) The policy developed under division (A) of this  
section shall include as an intervention strategy all of the  
following actions, if applicable:

(1) Providing a truancy intervention plan for any student  
who is excessively absent from school, as described in the first  
paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other  
person having care of an habitual truant to attend parental  
involvement programs, including programs adopted under section  
3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other  
person having care of an habitual truant to attend truancy  
prevention mediation programs;

~~(5) Notification of the registrar of motor vehicles under  
section 3321.13 of the Revised Code;~~

~~(6) Taking legal action under section 2919.222, 3321.20,  
or 3321.38 of the Revised Code.~~

(C) (1) In the event that a child of compulsory school age  
is absent with a nonmedical excuse or without legitimate excuse  
from the public school the child is supposed to attend for  
thirty-eight or more hours in one school month, or sixty-five or

more hours in a school year, the attendance officer of that 3691  
school shall notify the child's parent, guardian, or custodian 3692  
of the child's absences, in writing, within seven days after the 3693  
date after the absence that triggered the notice requirement. At 3694  
the time notice is given, the school also may take any 3695  
appropriate action as an intervention strategy contained in the 3696  
policy developed by the board pursuant to division (A) of this 3697  
section. 3698

(2) (a) If the absences of a student surpass the threshold 3699  
for an habitual truant as set forth in section 2151.011 of the 3700  
Revised Code, the principal or chief administrator of the school 3701  
or the superintendent of the school district shall assign the 3702  
student to an absence intervention team. Within fourteen school 3703  
days after the assignment of a student to an absence 3704  
intervention team, the team shall develop an intervention plan 3705  
for that student in an effort to reduce or eliminate further 3706  
absences. Each intervention plan shall vary based on the 3707  
individual needs of the student, but the plan shall state that 3708  
the attendance officer shall file a complaint not later than 3709  
sixty-one days after the date the plan was implemented, if the 3710  
child has refused to participate in, or failed to make 3711  
satisfactory progress on, the intervention plan or an 3712  
alternative to adjudication under division (C) (2) (b) of section 3713  
3321.191 of the Revised Code. Within seven days after the 3714  
development of the plan, the school district or school shall 3715  
make reasonable efforts to provide the student's parent, 3716  
guardian, custodian, guardian ad litem, or temporary custodian 3717  
with written notice of the plan. 3718

(b) As part of the absence intervention plan described in 3719  
division (C) (2) of this section, the school district or school, 3720  
in its discretion, may contact the appropriate juvenile court 3721

and ask to have a student informally enrolled in any alternative 3722  
to adjudication described in division (G) of section 2151.27 of 3723  
the Revised Code. If the school district or school chooses to 3724  
have students informally enrolled in an alternative to 3725  
adjudication, the school district or school shall develop a 3726  
written policy regarding the use of, and selection process for, 3727  
offering alternatives to adjudication to ensure fairness. 3728

(c) The superintendent of each school district, or the 3729  
superintendent's designee, shall establish an absence 3730  
intervention team for the district to be used by any schools of 3731  
the district that do not establish their own absence 3732  
intervention team as permitted under division (C) (2) (d) of this 3733  
section. Membership of each absence intervention team may vary 3734  
based on the needs of each individual student but shall include 3735  
a representative from the child's school district or school, 3736  
another representative from the child's school district or 3737  
school who knows the child, and the child's parent or parent's 3738  
designee, or the child's guardian, custodian, guardian ad litem, 3739  
or temporary custodian. The team also may include a school 3740  
psychologist, counselor, social worker, or representative of a 3741  
public or nonprofit agency designed to assist students and their 3742  
families in reducing absences. 3743

(d) The principal or chief administrator of each school 3744  
may establish an absence intervention team or series of teams to 3745  
be used in lieu of the district team established pursuant to 3746  
division (C) (2) (c) of this section. Membership of each absence 3747  
intervention team may vary based on the needs of each individual 3748  
student but shall include a representative from the child's 3749  
school district or school, another representative from the 3750  
child's school district or school who knows the child, and the 3751  
child's parent or parent's designee, or the child's guardian, 3752

custodian, guardian ad litem, or temporary custodian. The team 3753  
also may include a school psychologist, counselor, social 3754  
worker, or representative of a public or nonprofit agency 3755  
designed to assist students and their families in reducing 3756  
absences. 3757

(e) A superintendent, as described in division (C) (2) (c) 3758  
of this section, or principal or chief administrator, as 3759  
described in division (C) (2) (d) of this section, shall select 3760  
the members of an absence intervention team within seven school 3761  
days of the triggering event described in division (C) (2) (a) of 3762  
this section. The superintendent, principal, or chief 3763  
administrator, within the same period of seven school days, 3764  
shall make at least three meaningful, good faith attempts to 3765  
secure the participation of the student's parent, guardian, 3766  
custodian, guardian ad litem, or temporary custodian on that 3767  
team. If the student's parent responds to any of those attempts, 3768  
but is unable to participate for any reason, the representative 3769  
of the school district shall inform the parent of the parent's 3770  
right to appear by designee. If seven school days elapse and the 3771  
student's parent, guardian, custodian, guardian ad litem, or 3772  
temporary custodian fails to respond to the attempts to secure 3773  
participation, the school district or school shall do both of 3774  
the following: 3775

(i) Investigate whether the failure to respond triggers 3776  
mandatory reporting to the public children services agency for 3777  
the county in which the child resides in the manner described in 3778  
section 2151.421 of the Revised Code; 3779

(ii) Instruct the absence intervention team to develop an 3780  
intervention plan for the child notwithstanding the absence of 3781  
the child's parent, guardian, custodian, guardian ad litem, or 3782



temporary custodian. 3783

(f) In the event that a student becomes habitually truant 3784  
within twenty-one school days prior to the last day of 3785  
instruction of a school year, the school district or school may, 3786  
in its discretion, assign one school official to work with the 3787  
child's parent, guardian, custodian, guardian ad litem, or 3788  
temporary custodian to develop an absence intervention plan 3789  
during the summer. If the school district or school selects this 3790  
method, the plan shall be implemented not later than seven days 3791  
prior to the first day of instruction of the next school year. 3792  
In the alternative, the school district or school may toll the 3793  
time periods to accommodate for the summer months and reconvene 3794  
the absence intervention process upon the first day of 3795  
instruction of the next school year. 3796

(3) For purposes of divisions (C) (2) (c) and (d) of this 3797  
section, the state board of education shall develop a format for 3798  
parental permission to ensure compliance with the "Family 3799  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 3800  
U.S.C. 1232g, as amended, and any regulations promulgated under 3801  
that act, and section 3319.321 of the Revised Code. 3802

(D) Each school district or school may consult or partner 3803  
with public and nonprofit agencies to provide assistance as 3804  
appropriate to students and their families in reducing absences. 3805

(E) Beginning with the 2017-2018 school year, each school 3806  
district shall report to the department of education, as soon as 3807  
practicable, and in a format and manner determined by the 3808  
department, any of the following occurrences: 3809

(1) When a notice required by division (C) (1) of this 3810  
section is submitted to a parent, guardian, or custodian; 3811

(2) When a child of compulsory school age has been absent 3812  
without legitimate excuse from the public school the child is 3813  
supposed to attend for thirty or more consecutive hours, forty- 3814  
two or more hours in one school month, or seventy-two or more 3815  
hours in a school year; 3816

(3) When a child of compulsory school age who has been 3817  
adjudicated an unruly child for being an habitual truant 3818  
violates the court order regarding that adjudication; 3819

(4) When an absence intervention plan has been implemented 3820  
for a child under this section. 3821

(F) Nothing in this section shall be construed to limit 3822  
the duty or authority of a district board of education or 3823  
governing body of an educational service center to develop other 3824  
policies related to truancy or to limit the duty or authority of 3825  
any employee of the school district or service center to respond 3826  
to pupil truancy. However, a board shall be subject to the 3827  
prohibition against suspending, expelling, or otherwise 3828  
preventing a student from attending school for excessive 3829  
absences as prescribed by section 3313.668 of the Revised Code. 3830

**Sec. 4503.20.** (A) As used in this section: 3831

(1) "Dealer engaged in the business of leasing motor 3832  
vehicles" means any person engaged in the business of regularly 3833  
making available, offering to make available, or arranging for 3834  
another person to use a motor vehicle pursuant to a bailment, 3835  
lease, or other contractual arrangement. 3836

(2) "Motor vehicle" has the meaning set forth in section 3837  
4509.01 of the Revised Code. 3838

(B) An application for the registration of a motor vehicle 3839  
shall contain a statement, to be signed by the applicant either 3840

manually or by electronic signature, that does all of the 3841  
following: 3842

(1) States that the applicant maintains, or has maintained 3843  
on the applicant's behalf, proof of financial responsibility at 3844  
the time of application, and will not operate a motor vehicle in 3845  
this state, unless the applicant maintains, with respect to that 3846  
motor vehicle or the operation of such vehicle, proof of 3847  
financial responsibility; 3848

(2) Contains a brief summary of the purposes and operation 3849  
of section 4509.101 of the Revised Code, the rights and duties 3850  
of the applicant under that section, and the penalties for 3851  
violation of that section; 3852

(3) Warns the applicant that the financial responsibility 3853  
law does not prevent the possibility that the applicant may be 3854  
involved in an accident with an owner or operator of a motor 3855  
vehicle who is without proof of financial responsibility. 3856

(C) (1) A person who purchases any motor vehicle from a 3857  
licensed motor vehicle dealer who agrees to make application for 3858  
registration of the motor vehicle on behalf of the purchaser 3859  
shall sign statements that comply with divisions (B) and (F) of 3860  
this section. The dealer shall submit the statements to the 3861  
deputy registrar where the dealer has agreed to make application 3862  
for registration on behalf of the person. 3863

(2) In the case of a person who leases any motor vehicle 3864  
from a dealer engaged in the business of leasing motor vehicles 3865  
who agrees to make application for registration of the motor 3866  
vehicle on behalf of the lessee, the person shall sign a 3867  
statement that complies with division (B) of this section, and 3868  
the dealer shall do either of the following: 3869

(a) Submit the statement signed by the person to the 3870  
deputy registrar where the dealer has agreed to make application 3871  
for registration on behalf of the person; 3872

(b) Sign and submit a statement to the deputy registrar 3873  
that certifies that a statement has been signed and filed with 3874  
the dealer or incorporated into the lease. 3875

The dealer shall submit to the registrar or deputy 3876  
registrar to whom the dealer submits the application for 3877  
registration a statement signed by the person that complies with 3878  
division (F) of this section. 3879

(D) The registrar of motor vehicles shall prescribe the 3880  
form of the statements required under divisions (B), (C), and 3881  
(F) of this section, and the manner or manners in which the 3882  
statements required under divisions (B) and (F) of this section 3883  
shall be presented to the applicant. Any statement that is 3884  
required under divisions (B), (C), and (F) of this section shall 3885  
be designed to enable the applicant to retain a copy of it. 3886

(E) Nothing within this section shall be construed to 3887  
excuse a violation of section 4509.101 of the Revised Code. A 3888  
motor vehicle dealer who makes application for the registration 3889  
of a motor vehicle on behalf of the purchaser or lessee of the 3890  
motor vehicle is not liable in damages in any civil action on 3891  
account of the act of making such application for registration 3892  
or the content of any such application for registration. 3893

(F) In addition to the statements required by divisions 3894  
(B) and (C) of this section, a person who makes application for 3895  
registration of a motor vehicle shall be furnished with a form 3896  
that lists in plain language all the possible penalties to which 3897  
a person could be subject for a violation of the financial 3898

responsibility law, including driver's license suspensions, and 3899  
all fees, including nonvoluntary compliance and reinstatement 3900  
fees, ~~and vehicle immobilization or impoundment~~. The person 3901  
shall read the form and either manually or by electronic 3902  
signature sign the form, which shall be submitted along with the 3903  
application for registration as provided in this section. The 3904  
form shall be retained by the registrar or deputy registrar who 3905  
issues the motor vehicle registration or the registrar's or 3906  
deputy registrar's successor for a period of two years from the 3907  
date of issuance of the registration. 3908

(G) Upon the registration of a motor vehicle, the owner of 3909  
the motor vehicle is deemed to have agreed to the production of 3910  
proof of financial responsibility by the owner or the operator 3911  
of the motor vehicle, upon the request of a peace officer or 3912  
state highway patrol trooper made in accordance with division 3913  
(D) (2) of section 4509.101 of the Revised Code. 3914

(H) The registrar shall adopt rules governing the renewal 3915  
of motor vehicle registrations by electronic means and the 3916  
completion and submission of statements that comply with 3917  
divisions (B) and (F) of this section. The registrar shall adopt 3918  
the rules prescribed by this division in accordance with Chapter 3919  
119. of the Revised Code. 3920

**Sec. 4507.212.** (A) As used in this section, "motor 3921  
vehicle" has the same meaning as in section 4509.01 of the 3922  
Revised Code. 3923

(B) An application for a driver's, commercial driver's, 3924  
restricted, or probationary license, or renewal of such license 3925  
shall contain a statement, to be signed by the applicant, that 3926  
does all of the following: 3927

(1) States that the applicant maintains, or has maintained 3928  
on ~~his~~ the applicant's behalf, proof of financial responsibility 3929  
at the time of application, and will not operate a motor vehicle 3930  
in this state, unless ~~he~~ the applicant maintains, or has 3931  
maintained on ~~his~~ the applicant's behalf, proof of financial 3932  
responsibility; 3933

(2) Contains a brief summary of the purposes and operation 3934  
of section 4509.101 of the Revised Code, the rights and duties 3935  
of the applicant under that section, and the penalties for 3936  
violation of that section; 3937

(3) Warns the applicant that the financial responsibility 3938  
law does not prevent the possibility that the applicant may be 3939  
involved in an accident with an owner or operator of a motor 3940  
vehicle who is without proof of financial responsibility. 3941

(C) The registrar of motor vehicles shall prescribe the 3942  
form of the statement, and the manner in which the statement 3943  
shall be presented to the applicant. The statement shall be 3944  
designed to enable the applicant to retain a copy of it. 3945

(D) Nothing within this section shall be construed to 3946  
excuse a violation of section 4509.101 of the Revised Code. 3947

(E) At the time a person submits an application for a 3948  
driver's, commercial driver's, restricted, or probationary 3949  
license, or renewal of such a license, the applicant also shall 3950  
be furnished with a form that lists in plain language all the 3951  
possible penalties to which the applicant could be subject for a 3952  
violation of the financial responsibility law, including 3953  
driver's license suspensions, and all fees, including 3954  
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 3955  
~~immobilization or impoundment~~. The applicant shall sign the 3956

form, which shall be submitted along with the application. The 3957  
form shall be retained by the registrar or deputy registrar who 3958  
issues the license or renewal or ~~his~~ the registrar's or deputy 3959  
registrar's successor for a period of two years from the date of 3960  
issuance of the license or renewal. The registrar shall 3961  
prescribe the manner in which the form shall be presented to the 3962  
applicant, and the format of the form, which shall be such that 3963  
the applicant can retain a copy of it. 3964

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 3965  
the operation of, a motor vehicle in this state, unless proof of 3966  
financial responsibility is maintained continuously throughout 3967  
the registration period with respect to that vehicle, or, in the 3968  
case of a driver who is not the owner, with respect to that 3969  
driver's operation of that vehicle. 3970

(2) Whoever violates division (A) (1) of this section shall 3971  
be subject to the following civil penalties: 3972

(a) Subject to divisions (A) (2) (b) and (c) of this 3973  
section, a class (F) suspension of the person's driver's 3974  
license, commercial driver's license, temporary instruction 3975  
permit, probationary license, or nonresident operating privilege 3976  
for the period of time specified in division (B) (6) of section 3977  
4510.02 of the Revised Code and impoundment of the person's 3978  
license. The court may grant limited driving privileges to the 3979  
person, but only if the person presents proof of financial 3980  
responsibility and is enrolled in a reinstatement fee payment 3981  
plan pursuant to section 4510.10 of the Revised Code. 3982

(b) If, within ~~five years~~ one year of the violation, the 3983  
person's operating privileges are again suspended and the 3984  
person's license again is impounded for a violation of division 3985  
(A) (1) of this section, a class C suspension of the person's 3986

driver's license, commercial driver's license, temporary 3987  
instruction permit, probationary license, or nonresident 3988  
operating privilege for the period of time specified in division 3989  
(B) (3) of section 4510.02 of the Revised Code. The court may 3990  
grant limited driving privileges to the person only if the 3991  
person presents proof of financial responsibility and has 3992  
complied with division (A) (5) of this section, and no court may 3993  
grant limited driving privileges for the first fifteen days of 3994  
the suspension. 3995

(c) If, within ~~five years~~ one year of the violation, the 3996  
person's operating privileges are suspended and the person's 3997  
license is impounded two or more times for a violation of 3998  
division (A) (1) of this section, a class B suspension of the 3999  
person's driver's license, commercial driver's license, 4000  
temporary instruction permit, probationary license, or 4001  
nonresident operating privilege for the period of time specified 4002  
in division (B) (2) of section 4510.02 of the Revised Code. The 4003  
court may grant limited driving privileges to the person only if 4004  
the person presents proof of financial responsibility and has 4005  
complied with division (A) (5) of this section, except that no 4006  
court may grant limited driving privileges for the first thirty 4007  
days of the suspension. 4008

~~(d) In addition to the suspension of an owner's license~~ 4009  
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 4010  
~~suspension of the rights of the owner to register the motor~~ 4011  
~~vehicle and the impoundment of the owner's certificate of~~ 4012  
~~registration and license plates until the owner complies with~~ 4013  
~~division (A) (5) of this section.~~ 4014

The clerk of court shall waive the cost of filing a 4015  
petition for limited driving privileges if, pursuant to section 4016



2323.311 of the Revised Code, the petitioner applies to be 4017  
qualified as an indigent litigant and the court approves the 4018  
application. 4019

(3) A person to whom this state has issued a certificate 4020  
of registration for a motor vehicle or a license to operate a 4021  
motor vehicle or who is determined to have operated any motor 4022  
vehicle or permitted the operation in this state of a motor 4023  
vehicle owned by the person shall be required to verify the 4024  
existence of proof of financial responsibility covering the 4025  
operation of the motor vehicle or the person's operation of the 4026  
motor vehicle under either of the following circumstances: 4027

(a) The person or a motor vehicle owned by the person is 4028  
involved in a traffic accident that requires the filing of an 4029  
accident report under section 4509.06 of the Revised Code. 4030

(b) The person receives a traffic ticket indicating that 4031  
proof of the maintenance of financial responsibility was not 4032  
produced upon the request of a peace officer or state highway 4033  
patrol trooper made in accordance with division (D) (2) of this 4034  
section. 4035

(4) An order of the registrar that suspends ~~and impounds a~~ 4036  
~~license or registration, or both,~~ shall state the date on or 4037  
before which the person is required to surrender the person's 4038  
~~license or certificate of registration and license plates.~~ The 4039  
person is deemed to have surrendered the ~~license or certificate~~ 4040  
~~of registration and license plates,~~ in compliance with the 4041  
order, if the person does either of the following: 4042

(a) On or before the date specified in the order, 4043  
personally delivers the ~~license or certificate of registration~~ 4044  
~~and license plates,~~ or causes the delivery of the ~~items~~license, 4045

to the registrar; 4046

(b) Mails the license ~~or certificate of registration and~~ 4047  
~~license plates~~ to the registrar in an envelope or container 4048  
bearing a postmark showing a date no later than the date 4049  
specified in the order. 4050

(5) Except as provided in division (L) of this section, 4051  
the registrar shall not restore any operating privileges ~~or~~ 4052  
~~registration rights~~ suspended under this section, return any 4053  
license, ~~certificate of registration, or license plates~~ 4054  
~~impounded surrendered~~ under this section, ~~or reissue license~~ 4055  
~~plates under section 4503.232 of the Revised Code, if the~~ 4056  
~~registrar destroyed the impounded license plates under that~~ 4057  
~~section,~~ or reissue a license under section 4510.52 of the 4058  
Revised Code, if the registrar destroyed the suspended license 4059  
under that section, unless the rights are not subject to 4060  
suspension or revocation under any other law and unless the 4061  
person, in addition to complying with all other conditions 4062  
required by law for reinstatement of the operating privileges ~~or~~ 4063  
~~registration rights~~, complies with all of the following: 4064

(a) Pays to the registrar or an eligible deputy registrar 4065  
a financial responsibility reinstatement fee of one hundred 4066  
dollars for the first violation of division (A)(1) of this 4067  
section, three hundred dollars for a second violation of that 4068  
division, and six hundred dollars for a third or subsequent 4069  
violation of that division; 4070

(b) If the person has not voluntarily surrendered the 4071  
license, ~~certificate, or license plates~~ in compliance with the 4072  
order, pays to the registrar or an eligible deputy registrar a 4073  
financial responsibility nonvoluntary compliance fee in an 4074  
amount, not to exceed fifty dollars, determined by the 4075

registrar; 4076

(c) Files and continuously maintains proof of financial 4077  
responsibility under sections 4509.44 to 4509.65 of the Revised 4078  
Code; 4079

(d) Pays a deputy registrar a service fee of ten dollars 4080  
to compensate the deputy registrar for services performed under 4081  
this section. The deputy registrar shall retain eight dollars of 4082  
the service fee and shall transmit the reinstatement fee, any 4083  
nonvoluntary compliance fee, and two dollars of the service fee 4084  
to the registrar in the manner the registrar shall determine. 4085

(B) (1) Every party required to file an accident report 4086  
under section 4509.06 of the Revised Code also shall include 4087  
with the report a document described in division (G) (1) (a) of 4088  
this section or shall present proof of financial responsibility 4089  
through use of an electronic wireless communications device as 4090  
permitted by division (G) (1) (b) of this section. 4091

If the registrar determines, within forty-five days after 4092  
the report is filed, that an operator or owner has violated 4093  
division (A) (1) of this section, the registrar shall do all of 4094  
the following: 4095

~~(a) Order the impoundment, with respect to the motor 4096  
vehicle involved, required under division (A) (2) (d) of this 4097  
section, of the certificate of registration and license plates 4098  
of any owner who has violated division (A) (1) of this section; 4099~~

~~(b)~~ Order the suspension required under division (A) (2) 4100  
(a), (b), or (c) of this section of the license of any operator 4101  
or owner who has violated division (A) (1) of this section; 4102

~~(e)~~ (b) Record the name and address of the person whose 4103  
~~certificate of registration and license plates have been 4104~~

~~impounded or are under an order of impoundment, or whose license~~ 4105  
has been suspended or is under an order of suspension, ~~the~~ 4106  
serial number of the person's license, ~~the serial numbers of the~~ 4107  
~~person's certificate of registration and license plates,~~ ~~and~~ 4108  
the person's social security account number, if assigned, or, 4109  
where the motor vehicle that is the subject of the violation is 4110  
used for hire or principally in connection with any established 4111  
business, the person's federal taxpayer identification number. 4112  
The information shall be recorded in such a manner that it 4113  
becomes a part of the person's permanent record, and assists the 4114  
registrar in monitoring compliance with the orders of suspension 4115  
~~or impoundment.~~ 4116

~~(d)~~ (c) Send written notification to every person to whom 4117  
the order pertains, at the person's last known address as shown 4118  
on the records of the bureau. The person, within ten days after 4119  
the date of the mailing of the notification, shall surrender to 4120  
the registrar, in a manner set forth in division (A)(4) of this 4121  
section, ~~any certificate of registration and registration plates~~ 4122  
~~under an order of impoundment, or any license under an order of~~ 4123  
suspension. 4124

(2) The registrar shall issue any order under division (B) 4125  
(1) of this section without a hearing. Any person adversely 4126  
affected by the order, within ten days after the issuance of the 4127  
order, may request an administrative hearing before the 4128  
registrar, who shall provide the person with an opportunity for 4129  
a hearing in accordance with this paragraph. A request for a 4130  
hearing does not operate as a suspension of the order. The scope 4131  
of the hearing shall be limited to whether the person in fact 4132  
demonstrated to the registrar proof of financial responsibility 4133  
in accordance with this section. The registrar shall determine 4134  
the date, time, and place of any hearing, provided that the 4135

hearing shall be held, and an order issued or findings made, 4136  
within thirty days after the registrar receives a request for a 4137  
hearing. If requested by the person in writing, the registrar 4138  
may designate as the place of hearing the county seat of the 4139  
county in which the person resides or a place within fifty miles 4140  
of the person's residence. The person shall pay the cost of the 4141  
hearing before the registrar, if the registrar's order of 4142  
suspension ~~or impoundment~~ is upheld. 4143

(C) Any order of suspension ~~or impoundment~~ issued under 4144  
this section or division (B) of section 4509.37 of the Revised 4145  
Code may be terminated at any time if the registrar determines 4146  
upon a showing of proof of financial responsibility that the 4147  
operator or owner of the motor vehicle was in compliance with 4148  
division (A) (1) of this section at the time of the traffic 4149  
offense, motor vehicle inspection, or accident that resulted in 4150  
the order against the person. A determination may be made 4151  
without a hearing. This division does not apply unless the 4152  
person shows good cause for the person's failure to present 4153  
satisfactory proof of financial responsibility to the registrar 4154  
prior to the issuance of the order. 4155

(D) (1) (a) For the purpose of enforcing this section, every 4156  
peace officer is deemed an agent of the registrar. 4157

(b) Any peace officer who, in the performance of the peace 4158  
officer's duties as authorized by law, becomes aware of a person 4159  
whose license is under an order of suspension, ~~or whose~~ 4160  
~~certificate of registration and license plates are under an~~ 4161  
~~order of impoundment,~~ pursuant to this section, may confiscate 4162  
the license, ~~certificate of registration, and license plates,~~ 4163  
and return ~~them~~ it to the registrar. 4164

(2) A peace officer shall request the owner or operator of 4165

a motor vehicle to produce proof of financial responsibility in 4166  
a manner described in division (G) of this section at the time 4167  
the peace officer acts to enforce the traffic laws of this state 4168  
and during motor vehicle inspections conducted pursuant to 4169  
section 4513.02 of the Revised Code. 4170

(3) A peace officer shall indicate on every traffic ticket 4171  
whether the person receiving the traffic ticket produced proof 4172  
of the maintenance of financial responsibility in response to 4173  
the officer's request under division (D) (2) of this section. The 4174  
peace officer shall inform every person who receives a traffic 4175  
ticket and who has failed to produce proof of the maintenance of 4176  
financial responsibility that the person must submit proof to 4177  
the traffic violations bureau with any payment of a fine and 4178  
costs for the ticketed violation or, if the person is to appear 4179  
in court for the violation, the person must submit proof to the 4180  
court. 4181

(4) (a) If a person who has failed to produce proof of the 4182  
maintenance of financial responsibility appears in court for a 4183  
ticketed violation, the court may permit the defendant to 4184  
present evidence of proof of financial responsibility to the 4185  
court at such time and in such manner as the court determines to 4186  
be necessary or appropriate. In a manner prescribed by the 4187  
registrar, the clerk of courts shall provide the registrar with 4188  
the identity of any person who fails to submit proof of the 4189  
maintenance of financial responsibility pursuant to division (D) 4190  
(3) of this section. 4191

(b) If a person who has failed to produce proof of the 4192  
maintenance of financial responsibility also fails to submit 4193  
that proof to the traffic violations bureau with payment of a 4194  
fine and costs for the ticketed violation, the traffic 4195

violations bureau, in a manner prescribed by the registrar, 4196  
shall notify the registrar of the identity of that person. 4197

(5) (a) Upon receiving notice from a clerk of courts or 4198  
traffic violations bureau pursuant to division (D) (4) of this 4199  
section, the registrar shall order the suspension of the license 4200  
of the person required under division (A) (2) (a), (b), or (c) of 4201  
this section ~~and the impoundment of the person's certificate of~~ 4202  
~~registration and license plates required under division (A) (2)~~ 4203  
~~(d) of this section~~, effective thirty days after the date of the 4204  
mailing of notification. The registrar also shall notify the 4205  
person that the person must present the registrar with proof of 4206  
financial responsibility in accordance with this section, 4207  
surrender to the registrar the person's ~~certificate of~~ 4208  
~~registration, license plates, and license~~, or submit a statement 4209  
subject to section 2921.13 of the Revised Code that the person 4210  
did not operate or permit the operation of the motor vehicle at 4211  
the time of the offense. Notification shall be in writing and 4212  
shall be sent to the person at the person's last known address 4213  
as shown on the records of the bureau of motor vehicles. The 4214  
person, within fifteen days after the date of the mailing of 4215  
notification, shall present proof of financial responsibility, 4216  
surrender the ~~certificate of registration, license plates, and~~ 4217  
license to the registrar in a manner set forth in division (A) 4218  
(4) of this section, or submit the statement required under this 4219  
section together with other information the person considers 4220  
appropriate. 4221

If the registrar does not receive proof or the person does 4222  
not surrender the ~~certificate of registration, license plates,~~ 4223  
~~and license~~, in accordance with this division, the registrar 4224  
shall permit the order for the suspension of the license of the 4225  
person ~~and the impoundment of the person's certificate of~~ 4226

~~registration and license plates~~ to take effect. 4227

(b) In the case of a person who presents, within the 4228  
fifteen-day period, proof of financial responsibility, the 4229  
registrar shall terminate the order of suspension ~~and the~~ 4230  
~~impoundment of the registration and license plates required~~ 4231  
~~under division (A) (2) (d) of this section~~ and shall send written 4232  
notification to the person, at the person's last known address 4233  
as shown on the records of the bureau. 4234

(c) Any person adversely affected by the order of the 4235  
registrar under division (D) (5) (a) or (b) of this section, 4236  
within ten days after the issuance of the order, may request an 4237  
administrative hearing before the registrar, who shall provide 4238  
the person with an opportunity for a hearing in accordance with 4239  
this paragraph. A request for a hearing does not operate as a 4240  
suspension of the order. The scope of the hearing shall be 4241  
limited to whether, at the time of the hearing, the person 4242  
presents proof of financial responsibility covering the vehicle 4243  
and whether the person is eligible for an exemption in 4244  
accordance with this section or any rule adopted under it. The 4245  
registrar shall determine the date, time, and place of any 4246  
hearing; provided, that the hearing shall be held, and an order 4247  
issued or findings made, within thirty days after the registrar 4248  
receives a request for a hearing. If requested by the person in 4249  
writing, the registrar may designate as the place of hearing the 4250  
county seat of the county in which the person resides or a place 4251  
within fifty miles of the person's residence. Such person shall 4252  
pay the cost of the hearing before the registrar, if the 4253  
registrar's order of suspension ~~or impoundment~~ under division 4254  
(D) (5) (a) or (b) of this section is upheld. 4255

(6) A peace officer may charge an owner or operator of a 4256



motor vehicle with a violation of section 4510.16 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D) (2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(8) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(9) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, ~~certificate of registration, and license plates~~ to the registrar pursuant to

division (C) of this section. 4287

Of each financial responsibility reinstatement fee the 4288  
registrar collects pursuant to division (A) (5) (a) of this 4289  
section or receives from a deputy registrar under division (A) 4290  
(5) (d) of this section, the registrar shall deposit twenty-five 4291  
dollars of each one-hundred-dollar reinstatement fee, fifty 4292  
dollars of each three-hundred-dollar reinstatement fee, and one 4293  
hundred dollars of each six-hundred-dollar reinstatement fee 4294  
into the state treasury to the credit of the indigent defense 4295  
support fund created by section 120.08 of the Revised Code. 4296

(F) Chapter 119. of the Revised Code applies to this 4297  
section only to the extent that any provision in that chapter is 4298  
not clearly inconsistent with this section. 4299

(G) (1) (a) The registrar, court, traffic violations bureau, 4300  
or peace officer may require proof of financial responsibility 4301  
to be demonstrated by use of a standard form prescribed by the 4302  
registrar. If the use of a standard form is not required, a 4303  
person may demonstrate proof of financial responsibility under 4304  
this section by presenting to the traffic violations bureau, 4305  
court, registrar, or peace officer any of the following 4306  
documents or a copy of the documents: 4307

(i) A financial responsibility identification card as 4308  
provided in section 4509.103 of the Revised Code; 4309

(ii) A certificate of proof of financial responsibility on 4310  
a form provided and approved by the registrar for the filing of 4311  
an accident report required to be filed under section 4509.06 of 4312  
the Revised Code; 4313

(iii) A policy of liability insurance, a declaration page 4314  
of a policy of liability insurance, or liability bond, if the 4315

policy or bond complies with section 4509.20 or sections 4509.49 4316  
to 4509.61 of the Revised Code; 4317

(iv) A bond or certification of the issuance of a bond as 4318  
provided in section 4509.59 of the Revised Code; 4319

(v) A certificate of deposit of money or securities as 4320  
provided in section 4509.62 of the Revised Code; 4321

(vi) A certificate of self-insurance as provided in 4322  
section 4509.72 of the Revised Code. 4323

(b) A person also may present proof of financial 4324  
responsibility under this section to the traffic violations 4325  
bureau, court, registrar, or peace officer through use of an 4326  
electronic wireless communications device as specified under 4327  
section 4509.103 of the Revised Code. 4328

(2) If a person fails to demonstrate proof of financial 4329  
responsibility in a manner described in division (G) (1) of this 4330  
section, the person may demonstrate proof of financial 4331  
responsibility under this section by any other method that the 4332  
court or the bureau, by reason of circumstances in a particular 4333  
case, may consider appropriate. 4334

(3) A motor carrier certificated by the interstate 4335  
commerce commission or by the public utilities commission may 4336  
demonstrate proof of financial responsibility by providing a 4337  
statement designating the motor carrier's operating authority 4338  
and averring that the insurance coverage required by the 4339  
certificating authority is in full force and effect. 4340

(4) (a) A finding by the registrar or court that a person 4341  
is covered by proof of financial responsibility in the form of 4342  
an insurance policy or surety bond is not binding upon the named 4343  
insurer or surety or any of its officers, employees, agents, or 4344

representatives and has no legal effect except for the purpose 4345  
of administering this section. 4346

(b) The preparation and delivery of a financial 4347  
responsibility identification card or any other document 4348  
authorized to be used as proof of financial responsibility and 4349  
the generation and delivery of proof of financial responsibility 4350  
to an electronic wireless communications device that is 4351  
displayed on the device as text or images does not do any of the 4352  
following: 4353

(i) Create any liability or estoppel against an insurer or 4354  
surety, or any of its officers, employees, agents, or 4355  
representatives; 4356

(ii) Constitute an admission of the existence of, or of 4357  
any liability or coverage under, any policy or bond; 4358

(iii) Waive any defenses or counterclaims available to an 4359  
insurer, surety, agent, employee, or representative in an action 4360  
commenced by an insured or third-party claimant upon a cause of 4361  
action alleged to have arisen under an insurance policy or 4362  
surety bond or by reason of the preparation and delivery of a 4363  
document for use as proof of financial responsibility or the 4364  
generation and delivery of proof of financial responsibility to 4365  
an electronic wireless communications device. 4366

(c) Whenever it is determined by a final judgment in a 4367  
judicial proceeding that an insurer or surety, which has been 4368  
named on a document or displayed on an electronic wireless 4369  
communications device accepted by a court or the registrar as 4370  
proof of financial responsibility covering the operation of a 4371  
motor vehicle at the time of an accident or offense, is not 4372  
liable to pay a judgment for injuries or damages resulting from 4373

such operation, the registrar, notwithstanding any previous 4374  
contrary finding, shall forthwith suspend the operating 4375  
privileges and registration rights of the person against whom 4376  
the judgment was rendered as provided in division (A) (2) of this 4377  
section. 4378

(H) In order for any document or display of text or images 4379  
on an electronic wireless communications device described in 4380  
division (G) (1) of this section to be used for the demonstration 4381  
of proof of financial responsibility under this section, the 4382  
document or words or images shall state the name of the insured 4383  
or obligor, the name of the insurer or surety company, and the 4384  
effective and expiration dates of the financial responsibility, 4385  
and designate by explicit description or by appropriate 4386  
reference all motor vehicles covered which may include a 4387  
reference to fleet insurance coverage. 4388

(I) For purposes of this section, "owner" does not include 4389  
a licensed motor vehicle leasing dealer as defined in section 4390  
4517.01 of the Revised Code, but does include a motor vehicle 4391  
renting dealer as defined in section 4549.65 of the Revised 4392  
Code. Nothing in this section or in section 4509.51 of the 4393  
Revised Code shall be construed to prohibit a motor vehicle 4394  
renting dealer from entering into a contractual agreement with a 4395  
person whereby the person renting the motor vehicle agrees to be 4396  
solely responsible for maintaining proof of financial 4397  
responsibility, in accordance with this section, with respect to 4398  
the operation, maintenance, or use of the motor vehicle during 4399  
the period of the motor vehicle's rental. 4400

(J) The purpose of this section is to require the 4401  
maintenance of proof of financial responsibility with respect to 4402  
the operation of motor vehicles on the highways of this state, 4403

so as to minimize those situations in which persons are not 4404  
compensated for injuries and damages sustained in motor vehicle 4405  
accidents. The general assembly finds that this section contains 4406  
reasonable civil penalties and procedures for achieving this 4407  
purpose. 4408

(K) Nothing in this section shall be construed to be 4409  
subject to section 4509.78 of the Revised Code. 4410

(L) (1) The registrar may terminate any suspension imposed 4411  
under this section and not require the owner to comply with 4412  
divisions (A) (5) (a), (b), and (c) of this section if the 4413  
registrar with or without a hearing determines that the owner of 4414  
the vehicle has established by clear and convincing evidence 4415  
that all of the following apply: 4416

(a) The owner customarily maintains proof of financial 4417  
responsibility. 4418

(b) Proof of financial responsibility was not in effect 4419  
for the vehicle on the date in question for one of the following 4420  
reasons: 4421

(i) The vehicle was inoperable. 4422

(ii) The vehicle is operated only seasonally, and the date 4423  
in question was outside the season of operation. 4424

(iii) A person other than the vehicle owner or driver was 4425  
at fault for the lapse of proof of financial responsibility 4426  
through no fault of the owner or driver. 4427

(iv) The lapse of proof of financial responsibility was 4428  
caused by excusable neglect under circumstances that are not 4429  
likely to recur and do not suggest a purpose to evade the 4430  
requirements of this chapter. 4431

(2) The registrar may grant an owner or driver relief for 4432  
a reason specified in division (L) (1) (b) (iii) or (iv) of this 4433  
section only if the owner or driver has not previously been 4434  
granted relief under division (L) (1) (b) (iii) or (iv) of this 4435  
section. 4436

(M) The registrar shall adopt rules in accordance with 4437  
Chapter 119. of the Revised Code that are necessary to 4438  
administer and enforce this section. The rules shall include 4439  
~~procedures for the surrender of license plates upon failure to~~ 4440  
~~maintain proof of financial responsibility and provisions~~ 4441  
relating to ~~reinstatement of registration rights,~~ acceptable 4442  
forms of proof of financial responsibility, the use of an 4443  
electronic wireless communications device to present proof of 4444  
financial responsibility, and verification of the existence of 4445  
financial responsibility during the period of registration. 4446

(N) (1) When a person utilizes an electronic wireless 4447  
communications device to present proof of financial 4448  
responsibility, only the evidence of financial responsibility 4449  
displayed on the device shall be viewed by the registrar, peace 4450  
officer, employee or official of the traffic violations bureau, 4451  
or the court. No other content of the device shall be viewed for 4452  
purposes of obtaining proof of financial responsibility. 4453

(2) When a person provides an electronic wireless 4454  
communications device to the registrar, a peace officer, an 4455  
employee or official of a traffic violations bureau, or the 4456  
court, the person assumes the risk of any resulting damage to 4457  
the device unless the registrar, peace officer, employee, or 4458  
official, or court personnel purposely, knowingly, or recklessly 4459  
commits an action that results in damage to the device. 4460

**Sec. 4509.37.** (A) The registrar of motor vehicles upon 4461

receipt of a certified copy of a judgment, shall impose a class 4462  
F suspension for the period of time specified in division (B) (6) 4463  
of section 4510.02 of the Revised Code of the license ~~and~~ 4464  
~~registration~~ and any nonresident's operating privilege of any 4465  
person against whom such judgment was rendered, except as 4466  
provided in sections 4509.01 to 4509.78 of the Revised Code. 4467

Such certified copy of a judgment shall include the last 4468  
known address, the social security number, if known, and the 4469  
operator's license number, of the judgment debtor. 4470

(B) The registrar shall also impose the civil penalties 4471  
specified in division (A) (2) of section 4509.101 of the Revised 4472  
Code unless either of the following applies: 4473

(1) The judgment debtor presents proof of financial 4474  
responsibility to the registrar proving that the judgment debtor 4475  
was covered, at the time of the motor vehicle accident out of 4476  
which the cause of action arose, by proof of financial 4477  
responsibility in compliance with section 4509.101 of the 4478  
Revised Code. 4479

(2) The judgment debtor proves to the registrar that the 4480  
judgment debtor's ~~registration and license have~~ has been 4481  
previously suspended under section 4509.101 of the Revised Code 4482  
by reason of the judgment debtor's failure to prove that the 4483  
judgment debtor was covered, at the time of the motor vehicle 4484  
accident out of which the cause of action arose, by proof of 4485  
financial responsibility. 4486

**Sec. 4509.67.** (A) The registrar of motor vehicles shall, 4487  
upon request, consent to the immediate cancellation of any bond 4488  
or certificate of insurance, or shall direct and the treasurer 4489  
of state shall return to the person entitled any money or 4490



securities deposited under sections 4509.01 to 4509.78 of the Revised Code, as proof of financial responsibility, or the registrar shall waive the requirement of filing proof, in any of the following events:

(1) At any time after three years from the date such proof was required when, during the three years preceding the request, the registrar has not received record of a conviction or bail forfeiture which would require or permit the suspension or revocation of the license, ~~registration~~ or nonresident's operating privilege of the person by or for whom such proof was furnished ~~and the person's motor vehicle registration has not been suspended for a violation of section 4509.101 of the Revised Code;~~

(2) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle;

(3) In the event the person who has given proof surrenders his the person's license ~~and registration~~ to the registrar.

(B) The registrar shall not consent to the cancellation of any bond or the return of any money or securities if any action for damages upon a liability covered by such proof is pending, or any judgment upon any such liability is unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within two years immediately preceding such request been involved as a driver or owner in any ~~motor-vehicle~~ motor vehicle accident resulting in injury to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that ~~he~~ the applicant has been released from all liability, or has been finally adjudicated not liable, for such injury may be accepted as evidence thereof in

the absence of evidence to the contrary in the records of the registrar. 4521  
4522

(C) Whenever any person whose proof has been canceled or returned under division (A)(3) of this section applies for a license ~~or registration~~ within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant re-establishes proof of financial responsibility for the remainder of the three-year period. 4523  
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**Sec. 4510.101.** As used in sections 4510.101 to ~~4510.107~~ 4510.108 of the Revised Code: 4530  
4531

(A) "Eligible offense" means an offense under any of the following Revised Code sections if the offense, an essential element of the offense, the basis of the charge, or any underlying offense did not involve alcohol, a drug of abuse, combination thereof, or a deadly weapon: 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, ~~4510.32~~, 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 5743.99. 4532  
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(B) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 4541  
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(C) "Drug of abuse" has the same meaning as in section 4511.181 of the Revised Code. 4543  
4544

(D) "Complete amnesty" means a waiver of reinstatement fees. 4545  
4546

(E) "Driver's license or permit" does not include a commercial driver's license or permit. 4547  
4548

(F) "Indigent" means a person who is a participant in any 4549  
of the following programs: 4550

(1) The supplemental nutrition assistance program 4551  
administered by the department of job and family services 4552  
pursuant to section 5101.54 of the Revised Code; 4553

(2) The medicaid program pursuant to Chapter 5163. of the 4554  
Revised Code; 4555

(3) The Ohio works first program administered by the 4556  
department of job and family services pursuant to section 4557  
5107.10 of the Revised Code; 4558

(4) The supplemental security income program pursuant to 4559  
20 C.F.R. 416.1100; 4560

(5) The United States department of veterans affairs 4561  
pension benefit program pursuant to 38 U.S.C. 1521. 4562

(G) "Permanent driver's license reinstatement fee debt 4563  
reduction and amnesty program" or "program" means the program 4564  
established in section 4510.102 of the Revised Code and 4565  
administered by the director of public safety. 4566

**Sec. 4510.111.** (A) No person shall operate any motor 4567  
vehicle upon a highway or any public or private property used by 4568  
the public for purposes of vehicular travel or parking in this 4569  
state whose driver's or commercial driver's license has been 4570  
suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 4571  
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 4572  
Code. 4573

(B) Upon the request or motion of the prosecuting 4574  
authority, a noncertified copy of the law enforcement automated 4575  
data system report or a noncertified copy of a record of the 4576

registrar of motor vehicles that shows the name, date of birth, 4577  
and social security number of a person charged with a violation 4578  
of division (A) of this section may be admitted into evidence as 4579  
prima-facie evidence that the license of the person was under 4580  
suspension at the time of the alleged violation of division (A) 4581  
of this section. The person charged with a violation of division 4582  
(A) of this section may offer evidence to rebut this prima-facie 4583  
evidence. 4584

(C) Whoever violates division (A) of this section is 4585  
guilty of driving under suspension, and shall be punished as 4586  
provided in division (C) (1) or (2) of this section. 4587

(1) Except as otherwise provided in division (C) (2) of 4588  
this section, the offense is an unclassified misdemeanor. The 4589  
offender shall be sentenced pursuant to sections 2929.21 to 4590  
2929.28 of the Revised Code, except that the offender shall not 4591  
be sentenced to a jail term; the offender shall not be sentenced 4592  
to a community residential sanction pursuant to section 2929.26 4593  
of the Revised Code; notwithstanding division (A) (2) (a) of 4594  
section 2929.28 of the Revised Code, the offender may be fined 4595  
up to one thousand dollars; and, notwithstanding division (A) (3) 4596  
of section 2929.27 of the Revised Code, the offender may be 4597  
ordered pursuant to division (C) of that section to serve a term 4598  
of community service of up to five hundred hours. The failure of 4599  
an offender to complete a term of community service imposed by 4600  
the court may be punished as indirect criminal contempt under 4601  
division (A) of section 2705.02 of the Revised Code that may be 4602  
filed in the underlying case. 4603

(2) If, within three years of the offense, the offender 4604  
previously was convicted of or pleaded guilty to two or more 4605  
violations of division (A) of this section, or any combination 4606

of two or more violations of division (A) of this section or 4607  
section 4510.11 or 4510.16 of the Revised Code, or a 4608  
substantially equivalent municipal ordinance, the offense is a 4609  
misdemeanor of the fourth degree, and the offender shall provide 4610  
the court with proof of financial responsibility as defined in 4611  
section 4509.01 of the Revised Code. If the offender fails to 4612  
provide that proof of financial responsibility, then in addition 4613  
to any other penalties provided by law, the court may order 4614  
restitution pursuant to section 2929.28 of the Revised Code in 4615  
an amount not exceeding five thousand dollars for any economic 4616  
loss arising from an accident or collision that was the direct 4617  
and proximate result of the offender's operation of the vehicle 4618  
before, during, or after committing the offense for which the 4619  
offender is sentenced under this section. 4620

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 4621  
impose a class D suspension of the person's driver's license, 4622  
commercial driver's license, temporary instruction permit, 4623  
probationary license, or nonresident operating privilege for the 4624  
period of time specified in division (B)(4) of section 4510.02 4625  
of the Revised Code on any person who is a resident of this 4626  
state and is convicted of or pleads guilty to a violation of a 4627  
statute of any other state or any federal statute that is 4628  
substantially similar to section 2925.02, 2925.03, 2925.04, 4629  
2925.041, 2925.05, 2925.06, 2925.11, ~~2925.12,~~ 2925.13, ~~2925.14,~~ 4630  
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4631  
2925.37 of the Revised Code and the person's license, permit, or 4632  
privilege is authorized or is required to be suspended had the 4633  
offense occurred in this state. Upon receipt of a report from a 4634  
court, court clerk, or other official of any other state or from 4635  
any federal authority that a resident of this state was 4636  
convicted of or pleaded guilty to an offense described in this 4637

division, the registrar shall send a notice by regular first 4638  
class mail to the person, at the person's last known address as 4639  
shown in the records of the bureau of motor vehicles, informing 4640  
the person of the suspension, that the suspension will take 4641  
effect twenty-one days from the date of the notice, and that, if 4642  
the person wishes to appeal the suspension or denial, the person 4643  
must file a notice of appeal within twenty-one days of the date 4644  
of the notice requesting a hearing on the matter. If the person 4645  
requests a hearing, the registrar shall hold the hearing not 4646  
more than forty days after receipt by the registrar of the 4647  
notice of appeal. The filing of a notice of appeal does not stay 4648  
the operation of the suspension that must be imposed pursuant to 4649  
this division. The scope of the hearing shall be limited to 4650  
whether the person actually was convicted of or pleaded guilty 4651  
to the offense for which the suspension is to be imposed. 4652

The suspension the registrar is required to impose under 4653  
this division shall end either on the last day of the class D 4654  
suspension period or of the suspension of the person's 4655  
nonresident operating privilege imposed by the state or federal 4656  
court, whichever is earlier. 4657

The registrar shall subscribe to or otherwise participate 4658  
in any information system or register, or enter into reciprocal 4659  
and mutual agreements with other states and federal authorities, 4660  
in order to facilitate the exchange of information with other 4661  
states and the United States government regarding persons who 4662  
plead guilty to or are convicted of offenses described in this 4663  
division and therefore are subject to the suspension or denial 4664  
described in this division. 4665

(B) The registrar shall impose a class D suspension of the 4666  
person's driver's license, commercial driver's license, 4667

temporary instruction permit, probationary license, or 4668  
nonresident operating privilege for the period of time specified 4669  
in division (B) (4) of section 4510.02 of the Revised Code on any 4670  
person who is a resident of this state and is convicted of or 4671  
pleads guilty to a violation of a statute of any other state or 4672  
a municipal ordinance of a municipal corporation located in any 4673  
other state that is substantially similar to section 4511.19 of 4674  
the Revised Code. Upon receipt of a report from another state 4675  
made pursuant to section 4510.61 of the Revised Code indicating 4676  
that a resident of this state was convicted of or pleaded guilty 4677  
to an offense described in this division, the registrar shall 4678  
send a notice by regular first class mail to the person, at the 4679  
person's last known address as shown in the records of the 4680  
bureau of motor vehicles, informing the person of the 4681  
suspension, that the suspension or denial will take effect 4682  
twenty-one days from the date of the notice, and that, if the 4683  
person wishes to appeal the suspension, the person must file a 4684  
notice of appeal within twenty-one days of the date of the 4685  
notice requesting a hearing on the matter. If the person 4686  
requests a hearing, the registrar shall hold the hearing not 4687  
more than forty days after receipt by the registrar of the 4688  
notice of appeal. The filing of a notice of appeal does not stay 4689  
the operation of the suspension that must be imposed pursuant to 4690  
this division. The scope of the hearing shall be limited to 4691  
whether the person actually was convicted of or pleaded guilty 4692  
to the offense for which the suspension is to be imposed. 4693

The suspension the registrar is required to impose under 4694  
this division shall end either on the last day of the class D 4695  
suspension period or of the suspension of the person's 4696  
nonresident operating privilege imposed by the state or federal 4697  
court, whichever is earlier. 4698

(C) The registrar shall impose a class D suspension of the 4699  
child's driver's license, commercial driver's license, temporary 4700  
instruction permit, or nonresident operating privilege for the 4701  
period of time specified in division (B) (4) of section 4510.02 4702  
of the Revised Code on any child who is a resident of this state 4703  
and is convicted of or pleads guilty to a violation of a statute 4704  
of any other state or any federal statute that is substantially 4705  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 4706  
2925.06, 2925.11, ~~2925.12~~, 2925.13, ~~2925.14~~, ~~2925.141~~, 2925.22, 4707  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 4708  
Code and the person's license, permit, or privilege is 4709  
authorized or is required to be suspended had the offense 4710  
occurred in this state. Upon receipt of a report from a court, 4711  
court clerk, or other official of any other state or from any 4712  
federal authority that a child who is a resident of this state 4713  
was convicted of or pleaded guilty to an offense described in 4714  
this division, the registrar shall send a notice by regular 4715  
first class mail to the child, at the child's last known address 4716  
as shown in the records of the bureau of motor vehicles, 4717  
informing the child of the suspension, that the suspension or 4718  
denial will take effect twenty-one days from the date of the 4719  
notice, and that, if the child wishes to appeal the suspension, 4720  
the child must file a notice of appeal within twenty-one days of 4721  
the date of the notice requesting a hearing on the matter. If 4722  
the child requests a hearing, the registrar shall hold the 4723  
hearing not more than forty days after receipt by the registrar 4724  
of the notice of appeal. The filing of a notice of appeal does 4725  
not stay the operation of the suspension that must be imposed 4726  
pursuant to this division. The scope of the hearing shall be 4727  
limited to whether the child actually was convicted of or 4728  
pleaded guilty to the offense for which the suspension is to be 4729  
imposed. 4730



The suspension the registrar is required to impose under 4731  
this division shall end either on the last day of the class D 4732  
suspension period or of the suspension of the child's 4733  
nonresident operating privilege imposed by the state or federal 4734  
court, whichever is earlier. If the child is a resident of this 4735  
state who is sixteen years of age or older and does not have a 4736  
current, valid Ohio driver's or commercial driver's license or 4737  
permit, the notice shall inform the child that the child will be 4738  
denied issuance of a driver's or commercial driver's license or 4739  
permit for six months beginning on the date of the notice. If 4740  
the child has not attained the age of sixteen years on the date 4741  
of the notice, the notice shall inform the child that the period 4742  
of denial of six months shall commence on the date the child 4743  
attains the age of sixteen years. 4744

The registrar shall subscribe to or otherwise participate 4745  
in any information system or register, or enter into reciprocal 4746  
and mutual agreements with other states and federal authorities, 4747  
in order to facilitate the exchange of information with other 4748  
states and the United States government regarding children who 4749  
are residents of this state and plead guilty to or are convicted 4750  
of offenses described in this division and therefore are subject 4751  
to the suspension or denial described in this division. 4752

(D) The registrar shall impose a class D suspension of the 4753  
child's driver's license, commercial driver's license, temporary 4754  
instruction permit, probationary license, or nonresident 4755  
operating privilege for the period of time specified in division 4756  
(B) (4) of section 4510.02 of the Revised Code on any child who 4757  
is a resident of this state and is convicted of or pleads guilty 4758  
to a violation of a statute of any other state or a municipal 4759  
ordinance of a municipal corporation located in any other state 4760  
that is substantially similar to section 4511.19 of the Revised 4761

Code. Upon receipt of a report from another state made pursuant 4762  
to section 4510.61 of the Revised Code indicating that a child 4763  
who is a resident of this state was convicted of or pleaded 4764  
guilty to an offense described in this division, the registrar 4765  
shall send a notice by regular first class mail to the child, at 4766  
the child's last known address as shown in the records of the 4767  
bureau of motor vehicles, informing the child of the suspension, 4768  
that the suspension will take effect twenty-one days from the 4769  
date of the notice, and that, if the child wishes to appeal the 4770  
suspension, the child must file a notice of appeal within 4771  
twenty-one days of the date of the notice requesting a hearing 4772  
on the matter. If the child requests a hearing, the registrar 4773  
shall hold the hearing not more than forty days after receipt by 4774  
the registrar of the notice of appeal. The filing of a notice of 4775  
appeal does not stay the operation of the suspension that must 4776  
be imposed pursuant to this division. The scope of the hearing 4777  
shall be limited to whether the child actually was convicted of 4778  
or pleaded guilty to the offense for which the suspension is to 4779  
be imposed. 4780

The suspension the registrar is required to impose under 4781  
this division shall end either on the last day of the class D 4782  
suspension period or of the suspension of the child's 4783  
nonresident operating privilege imposed by the state or federal 4784  
court, whichever is earlier. If the child is a resident of this 4785  
state who is sixteen years of age or older and does not have a 4786  
current, valid Ohio driver's or commercial driver's license or 4787  
permit, the notice shall inform the child that the child will be 4788  
denied issuance of a driver's or commercial driver's license or 4789  
permit for six months beginning on the date of the notice. If 4790  
the child has not attained the age of sixteen years on the date 4791  
of the notice, the notice shall inform the child that the period 4792

of denial of six months shall commence on the date the child 4793  
attains the age of sixteen years. 4794

(E) (1) Any person whose license or permit has been 4795  
suspended pursuant to this section may file a petition in the 4796  
municipal or county court, or in case the person is under 4797  
eighteen years of age, the juvenile court, in whose jurisdiction 4798  
the person resides, requesting limited driving privileges and 4799  
agreeing to pay the cost of the proceedings. Except as provided 4800  
in division (E) (2) or (3) of this section, the judge may grant 4801  
the person limited driving privileges during the period during 4802  
which the suspension otherwise would be imposed for any of the 4803  
purposes set forth in division (A) of section 4510.021 of the 4804  
Revised Code. 4805

(2) No judge shall grant limited driving privileges for 4806  
employment as a driver of a commercial motor vehicle to any 4807  
person who would be disqualified from operating a commercial 4808  
motor vehicle under section 4506.16 of the Revised Code if the 4809  
violation had occurred in this state. Further, no judge shall 4810  
grant limited driving privileges during any of the following 4811  
periods of time: 4812

(a) The first fifteen days of a suspension under division 4813  
(B) or (D) of this section, if the person has not been convicted 4814  
within ten years of the date of the offense giving rise to the 4815  
suspension under this section of a violation of any of the 4816  
following: 4817

(i) Section 4511.19 of the Revised Code, or a municipal 4818  
ordinance relating to operating a vehicle while under the 4819  
influence of alcohol, a drug of abuse, or alcohol and a drug of 4820  
abuse; 4821

(ii) A municipal ordinance relating to operating a motor vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;

(iii) Section 2903.04 of the Revised Code in a case in which the person was subject to the sanctions described in division (D) of that section;

(iv) Division (A) (1) of section 2903.06 or division (A) (1) of section 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to either of those divisions;

(v) Division (A) (2), (3), or (4) of section 2903.06, division (A) (2) of section 2903.08, or as it existed prior to March 23, 2000, section 2903.07 of the Revised Code, or a municipal ordinance that is substantially similar to any of those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

(b) The first thirty days of a suspension under division (B) or (D) of this section, if the person has been convicted one time within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(c) The first one hundred eighty days of a suspension under division (B) or (D) of this section, if the person has been convicted two times within ten years of the date of the offense giving rise to the suspension under this section of any violation identified in division (E) (1) (a) of this section.

(3) No limited driving privileges may be granted if the person has been convicted three or more times within five years

of the date of the offense giving rise to a suspension under 4851  
division (B) or (D) of this section of any violation identified 4852  
in division (E) (1) (a) of this section. 4853

(4) In accordance with section 4510.022 of the Revised 4854  
Code, a person may petition for, and a judge may grant, 4855  
unlimited driving privileges with a certified ignition interlock 4856  
device during the period of suspension imposed under division 4857  
(B) or (D) of this section to a person described in division (E) 4858  
(2) (a) of this section. 4859

(5) If a person petitions for limited driving privileges 4860  
under division (E) (1) of this section or unlimited driving 4861  
privileges with a certified ignition interlock device as 4862  
provided in division (E) (4) of this section, the registrar shall 4863  
be represented by the county prosecutor of the county in which 4864  
the person resides if the petition is filed in a juvenile court 4865  
or county court, except that if the person resides within a city 4866  
or village that is located within the jurisdiction of the county 4867  
in which the petition is filed, the city director of law or 4868  
village solicitor of that city or village shall represent the 4869  
registrar. If the petition is filed in a municipal court, the 4870  
registrar shall be represented as provided in section 1901.34 of 4871  
the Revised Code. 4872

(6) (a) In issuing an order granting limited driving 4873  
privileges under division (E) (1) of this section, the court may 4874  
impose any condition it considers reasonable and necessary to 4875  
limit the use of a vehicle by the person. The court shall 4876  
deliver to the person a copy of the order setting forth the 4877  
time, place, and other conditions limiting the person's use of a 4878  
motor vehicle. Unless division (E) (6) (b) of this section 4879  
applies, the grant of limited driving privileges shall be 4880

conditioned upon the person's having the order in the person's possession at all times during which the person is operating a vehicle. 4881  
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(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order. 4884  
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(7) (a) Unless division (E) (7) (b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the order in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code. 4904  
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(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to 4909  
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an immobilizing or disabling device order shall operate a motor 4911  
vehicle prior to obtaining a restricted license. Any person who 4912  
violates this prohibition is subject to the penalties prescribed 4913  
in section 4510.14 of the Revised Code. 4914

(c) The offenses established under division (E) (7) of this 4915  
section are strict liability offenses and section 2901.20 of the 4916  
Revised Code does not apply. 4917

(F) The provisions of division (A) (8) of section 4510.13 4918  
of the Revised Code apply to a person who has been granted 4919  
limited or unlimited driving privileges with a certified 4920  
ignition interlock device under this section and who either 4921  
commits an ignition interlock device violation as defined under 4922  
section 4510.46 of the Revised Code or operates a motor vehicle 4923  
that is not equipped with a certified ignition interlock device. 4924

(G) Any person whose license or permit has been suspended 4925  
under division (A) or (C) of this section may file a petition in 4926  
the municipal or county court, or in case the person is under 4927  
eighteen years of age, the juvenile court, in whose jurisdiction 4928  
the person resides, requesting the termination of the suspension 4929  
and agreeing to pay the cost of the proceedings. If the court, 4930  
in its discretion, determines that a termination of the 4931  
suspension is appropriate, the court shall issue an order to the 4932  
registrar to terminate the suspension. Upon receiving such an 4933  
order, the registrar shall reinstate the license. 4934

(H) As used in divisions (C) and (D) of this section: 4935

(1) "Child" means a person who is under the age of 4936  
eighteen years, except that any person who violates a statute or 4937  
ordinance described in division (C) or (D) of this section prior 4938  
to attaining eighteen years of age shall be deemed a "child" 4939

irrespective of the person's age at the time the complaint or 4940  
other equivalent document is filed in the other state or a 4941  
hearing, trial, or other proceeding is held in the other state 4942  
on the complaint or other equivalent document, and irrespective 4943  
of the person's age when the period of license suspension or 4944  
denial prescribed in division (C) or (D) of this section is 4945  
imposed. 4946

(2) "Is convicted of or pleads guilty to" means, as it 4947  
relates to a child who is a resident of this state, that in a 4948  
proceeding conducted in a state or federal court located in 4949  
another state for a violation of a statute or ordinance 4950  
described in division (C) or (D) of this section, the result of 4951  
the proceeding is any of the following: 4952

(a) Under the laws that govern the proceedings of the 4953  
court, the child is adjudicated to be or admits to being a 4954  
delinquent child or a juvenile traffic offender for a violation 4955  
described in division (C) or (D) of this section that would be a 4956  
crime if committed by an adult; 4957

(b) Under the laws that govern the proceedings of the 4958  
court, the child is convicted of or pleads guilty to a violation 4959  
described in division (C) or (D) of this section; 4960

(c) Under the laws that govern the proceedings of the 4961  
court, irrespective of the terminology utilized in those laws, 4962  
the result of the court's proceedings is the functional 4963  
equivalent of division (H) (2) (a) or (b) of this section. 4964

**Section 2.** That existing sections 2923.01, 2925.02, 4965  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2925.12, 2925.13, 4966  
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 4967  
2925.37, 3123.56, 3123.58, 3321.13, 3321.191, 4503.20, 4507.212, 4968



4509.101, 4509.37, 4509.67, 4510.101, 4510.111, and 4510.17 of 4969  
the Revised Code are hereby repealed. 4970

**Section 3.** That section 4510.32 of the Revised Code is 4971  
hereby repealed. 4972

**Section 4.** (A) An offender who received a suspension of 4973  
the offender's temporary instruction permit or driver's license 4974  
or a denial of the opportunity to obtain a permit or license 4975  
under section 4510.32 of the Revised Code, as it existed prior 4976  
to the effective date of this section, may file a motion with 4977  
the juvenile court in whose jurisdiction the offender resides 4978  
requesting the termination of the suspension or denial. 4979

(B) Upon the filing of a motion under this section, the 4980  
juvenile court, in its discretion, may order the registrar of 4981  
motor vehicles to terminate the suspension or terminate the 4982  
denial of the opportunity to obtain a permit or license. If so 4983  
ordered, the registrar shall do all of the following: 4984

(1) Cancel the record created for the offender regarding 4985  
the suspension or denial of the offender's opportunity to obtain 4986  
a permit or license; 4987

(2) Terminate the suspension of the offender's permit or 4988  
license or the denial of the offender's opportunity to obtain a 4989  
permit or license; 4990

(3) Return the driver's license or permit to the offender 4991  
or reissue the offender's license or permit under section 4992  
4510.52 of the Revised Code, if the registrar destroyed the 4993  
suspended license or permit under that section. 4994

**Section 5.** The General Assembly, applying the principle 4995  
stated in division (B) of section 1.52 of the Revised Code that 4996  
amendments are to be harmonized if reasonably capable of 4997

simultaneous operation, finds that the following sections, 4998  
presented in this act as composites of the sections as amended 4999  
by the acts indicated, are the resulting versions of the 5000  
sections in effect prior to the effective date of the sections 5001  
as presented in this act: 5002

Section 2925.02 of the Revised Code as amended by both 5003  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5004

Section 2925.04 of the Revised Code as amended by both 5005  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5006

Section 2925.05 of the Revised Code as amended by both 5007  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 5008

Section 2925.11 of the Revised Code as amended by S.B. 1, 5009  
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 5010

Section 4509.101 of the Revised Code as amended by both 5011  
H.B. 62 and H.B. 158 of the 133rd General Assembly. 5012

Section 4510.17 of the Revised Code as amended by both 5013  
H.B. 388 and S.B. 204 of the 131st General Assembly. 5014