

As Reported by the House Health and Aging Committee

131st General Assembly

Regular Session

2015-2016

H. B. No. 197

Representative Rezabek

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

A BILL

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

1
2
3
4

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

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

5
6

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

7

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

8
9
10

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

11
12
13
14
15
16
17

(3) "Ohio identification card" means an identification 18
card issued under sections 4507.50 to 4507.52 of the Revised 19
Code. 20

(4) "Retailer" means a place of business that offers 21
consumer products for sale to the general public. 22

(5) "Terminal distributor of dangerous drugs" has the same 23
meaning as in section 4729.01 of the Revised Code. 24

(B) No retailer or terminal distributor of dangerous drugs 25
or employee of a retailer or terminal distributor of dangerous 26
drugs shall knowingly supply, deliver, give, or otherwise 27
provide a drug, material, compound, mixture, preparation, or 28
substance containing any quantity of dextromethorphan to a 29
person under eighteen years of age in an over-the-counter sale 30
without a prescription. 31

(C) It shall be prima facie evidence of a violation of 32
division (B) of this section that the person making the over- 33
the-counter sale does not require and obtain bona fide evidence 34
of majority and identity from the purchaser, unless from the 35
purchaser's outward appearance the person making the sale would 36
reasonably presume the purchaser to be twenty-five years of age 37
or older. 38

(D) Proof that a person demanded, was shown, and acted in 39
reasonable reliance upon bona fide evidence of majority and 40
identity is a defense to any criminal prosecution for a 41
violation of division (B) of this section. 42

(E) (1) Except as otherwise provided in division (E) (2) of 43
this section, a retail clerk who fails to require and obtain 44
proof of age from the purchaser shall not be guilty of a 45
violation of division (B) of this section or subject to any 46

penalties for the failure. 47

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

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

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