

As Introduced

131st General Assembly

Regular Session

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H. B. No. 462

Representatives Hagan, Sprague

Cosponsor: Representative Phillips

A BILL

To amend sections 505.482, 715.05, 2907.24, 1
2925.11, and 2925.61 of the Revised Code to 2
authorize specified political subdivisions to 3
establish a joint police district, to modify the 4
membership of a joint police district governing 5
body, to expand the offense of solicitation to 6
also apply to a person who agrees with another 7
to engage with the other person in sexual 8
activity for hire, to provide that the 9
"prescription exemption" from the drug 10
possession offenses does not apply to a person 11
who uses more of the drug than the maximum 12
prescribed amount per day or the maximum amount 13
to be used within the prescription timeline or 14
who administers or takes the drug in a manner 15
not prescribed by the prescribing health 16
professional, and to provide immunity from civil 17
liability to a peace officer who administers 18
naloxone to a person who is apparently 19
experiencing an opioid-related overdose. 20

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

Section 1. That sections 505.482, 715.05, 2907.24, 21
2925.11, and 2925.61 of the Revised Code be amended to read as 22
follows: 23

Sec. 505.482. (A) The boards of township trustees of any 24
two or more ~~contiguous~~ townships, ~~or~~ the boards of township 25
trustees of one or more ~~contiguous~~ townships and the legislative 26
authorities of one or more ~~contiguous~~ municipal corporations, or 27
the legislative authorities of two or more municipal 28
corporations, whether or not within the same county, by adoption 29
of a joint resolution by a majority favorable vote of each such 30
board and of the members of the legislative authority of each 31
such municipal corporation, may form themselves into a joint 32
police district comprising all or any part of the townships or 33
municipal corporations as are mutually agreed upon. The 34
governing body of the joint police district shall be a joint 35
police district board, which shall consist of trustees that 36
include ~~either all of the~~ following: 37

(1) If the district includes one or more townships, one 38
representative from each board of township trustees ~~of each~~ 39
~~township and all of the members of~~ forming the district; 40

(2) If the district includes one or more municipal 41
corporations, one representative from the legislative authority 42
of each municipal corporation in the district, ~~as agreed to and~~ 43
~~established in the joint resolution creating the joint police~~ 44
~~district; or an odd number of members as agreed to and~~ 45
~~established in the joint resolution, as long as the members are~~ 46
~~representatives from each board of township trustees of each~~ 47
~~township and from the legislative authority of each municipal~~ 48
~~corporation in the joint police district.~~ 49

(B) The joint police district board shall organize within 50

thirty days after the favorable vote by the last board of 51
township trustees or the members of the legislative authority of 52
the last municipal corporation joining itself into the joint 53
police district board. The president of the board of township 54
trustees of the most populous participating township or the 55
legislative authority of the most populous participating 56
municipal corporation shall give notice of the time and place of 57
organization to each pending member of the joint police district 58
board, as established in the joint resolution. Such notice shall 59
be signed and shall be sent by certified mail to each such 60
pending member of the board at least five days prior to the 61
organization meeting, which meeting shall be held in one of the 62
participating townships or municipal corporations. Two-thirds of 63
the joint police district board members constitutes a quorum. 64
The members of the joint police district board shall, at the 65
organization meeting, proceed with the election of a president, 66
a secretary, and a treasurer, and such other officers as they 67
consider necessary and proper, and shall transact such other 68
business as properly comes before the board. 69

(C) In the formation of a joint police district, such 70
action may be taken by or on behalf of part of a township, by 71
excluding that portion of the township lying within a municipal 72
corporation. The joint police district board may exercise the 73
same powers as are granted to a board of township trustees in 74
the operation of a township police district under sections 75
505.49 to 505.55 of the Revised Code, including, but not limited 76
to, the power to employ, train, and discipline personnel, to 77
acquire equipment and buildings, to levy a tax, to issue bonds 78
and notes, and to dissolve the district. 79

Sec. 715.05. (A) All municipal corporations may organize 80
and maintain police and fire departments, erect the necessary 81

buildings, and purchase and hold all implements and apparatus 82
required therefor. 83

(B) The legislative authority of a municipal corporation 84
may do either or both of the following: 85

(1) Create and participate in a joint fire district, or 86
join and participate in an existing joint fire district, under 87
section 505.371 of the Revised Code; 88

(2) Form and participate in a joint police district under 89
section 505.482 of the Revised Code, or join and participate in 90
an existing joint police district under section 505.483 of the 91
Revised Code. 92

Sec. 2907.24. (A) (1) No person shall solicit another who 93
is eighteen years of age or older, or agree with another who is 94
eighteen years of age or older, to engage with such other person 95
in sexual activity for hire. 96

(2) No person shall solicit another to engage with such 97
other person, or agree with another to engage with such other 98
person, in sexual activity for hire if the other person is 99
sixteen or seventeen years of age and the offender knows that 100
the other person is sixteen or seventeen years of age or is 101
reckless in that regard. 102

(3) No person shall solicit another to engage with such 103
other person, or agree with another to engage with such other 104
person, in sexual activity for hire if ~~either of the following~~ 105
~~applies:~~ 106

~~(a) The~~ the other person is less than sixteen years of 107
age, whether or not the offender knows the age of the other 108
person. 109

~~(b) The, or the~~ other person is a developmentally disabled 110
person and the offender knows or has reasonable cause to believe 111
that the other person is a developmentally disabled person. 112

(B) No person, with knowledge that the person has tested 113
positive as a carrier of a virus that causes acquired 114
immunodeficiency syndrome, shall engage in conduct in violation 115
of division (A) of this section. 116

(C) (1) Whoever violates division (A) of this section is 117
guilty of soliciting. A violation of division (A) (1) of this 118
section is a misdemeanor of the third degree. A violation of 119
division (A) (2) of this section is a felony of the fifth degree. 120
A violation of division (A) (3) of this section is a felony of 121
the third degree. 122

(2) Whoever violates division (B) of this section is 123
guilty of engaging in solicitation after a positive HIV test. If 124
the offender commits the violation prior to July 1, 1996, 125
engaging in solicitation after a positive HIV test is a felony 126
of the second degree. If the offender commits the violation on 127
or after July 1, 1996, engaging in solicitation after a positive 128
HIV test is a felony of the third degree. 129

(D) If a person is convicted of or pleads guilty to a 130
violation of any provision of this section, an attempt to commit 131
a violation of any provision of this section, or a violation of 132
or an attempt to commit a violation of a municipal ordinance 133
that is substantially equivalent to any provision of this 134
section and if the person, in committing or attempting to commit 135
the violation, was in, was on, or used a motor vehicle, the 136
court, in addition to or independent of all other penalties 137
imposed for the violation, may impose upon the offender a class 138
six suspension of the person's driver's license, commercial 139

driver's license, temporary instruction permit, probationary 140
license, or nonresident operating privilege from the range 141
specified in division (A) (6) of section 4510.02 of the Revised 142
Code. In lieu of imposing upon the offender the class six 143
suspension, the court instead may require the offender to 144
perform community service for a number of hours determined by 145
the court. 146

(E) As used in this section: 147

(1) "Developmentally disabled person" has the same meaning 148
as in section 2905.32 of the Revised Code. 149

(2) "Sexual activity for hire" means an implicit or 150
explicit agreement to provide sexual activity in exchange for 151
anything of value paid to the person engaging in such sexual 152
activity, to any person trafficking that person, or to any 153
person associated with either such person. 154

Sec. 2925.11. (A) No person shall knowingly obtain, 155
possess, or use a controlled substance or a controlled substance 156
analog. 157

(B) This section does not apply to any of the following: 158

(1) Manufacturers, licensed health professionals 159
authorized to prescribe drugs, pharmacists, owners of 160
pharmacies, and other persons whose conduct was in accordance 161
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 162
4741. of the Revised Code; 163

(2) If the offense involves an anabolic steroid, any 164
person who is conducting or participating in a research project 165
involving the use of an anabolic steroid if the project has been 166
approved by the United States food and drug administration; 167

(3) Any person who sells, offers for sale, prescribes, 168
dispenses, or administers for livestock or other nonhuman 169
species an anabolic steroid that is expressly intended for 170
administration through implants to livestock or other nonhuman 171
species and approved for that purpose under the "Federal Food, 172
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 173
as amended, and is sold, offered for sale, prescribed, 174
dispensed, or administered for that purpose in accordance with 175
that act; 176

(4) Any person who obtained the controlled substance 177
pursuant to a lawful prescription issued by a licensed health 178
professional authorized to prescribe drugs, except that this 179
exemption does not apply to a person who so obtained the 180
controlled substance if the person has used, administered, or 181
taken the controlled substance in either of the following 182
manners: 183

(a) The person has used more of the controlled substance 184
than the maximum prescribed amount per day or the maximum amount 185
to be used within the prescription timeline; 186

(b) The person has administered or taken the controlled 187
substance in a manner that was not prescribed by the licensed 188
health professional. 189

(C) Whoever violates division (A) of this section is 190
guilty of one of the following: 191

(1) If the drug involved in the violation is a compound, 192
mixture, preparation, or substance included in schedule I or II, 193
with the exception of marihuana, cocaine, L.S.D., heroin, 194
hashish, and controlled substance analogs, whoever violates 195
division (A) of this section is guilty of aggravated possession 196

of drugs. The penalty for the offense shall be determined as 197
follows: 198

(a) Except as otherwise provided in division (C) (1) (b), 199
(c), (d), or (e) of this section, aggravated possession of drugs 200
is a felony of the fifth degree, and division (B) of section 201
2929.13 of the Revised Code applies in determining whether to 202
impose a prison term on the offender. 203

(b) If the amount of the drug involved equals or exceeds 204
the bulk amount but is less than five times the bulk amount, 205
aggravated possession of drugs is a felony of the third degree, 206
and there is a presumption for a prison term for the offense. 207

(c) If the amount of the drug involved equals or exceeds 208
five times the bulk amount but is less than fifty times the bulk 209
amount, aggravated possession of drugs is a felony of the second 210
degree, and the court shall impose as a mandatory prison term 211
one of the prison terms prescribed for a felony of the second 212
degree. 213

(d) If the amount of the drug involved equals or exceeds 214
fifty times the bulk amount but is less than one hundred times 215
the bulk amount, aggravated possession of drugs is a felony of 216
the first degree, and the court shall impose as a mandatory 217
prison term one of the prison terms prescribed for a felony of 218
the first degree. 219

(e) If the amount of the drug involved equals or exceeds 220
one hundred times the bulk amount, aggravated possession of 221
drugs is a felony of the first degree, the offender is a major 222
drug offender, and the court shall impose as a mandatory prison 223
term the maximum prison term prescribed for a felony of the 224
first degree. 225

(2) If the drug involved in the violation is a compound, 226
mixture, preparation, or substance included in schedule III, IV, 227
or V, whoever violates division (A) of this section is guilty of 228
possession of drugs. The penalty for the offense shall be 229
determined as follows: 230

(a) Except as otherwise provided in division (C) (2) (b), 231
(c), or (d) of this section, possession of drugs is a 232
misdemeanor of the first degree or, if the offender previously 233
has been convicted of a drug abuse offense, a felony of the 234
fifth degree. 235

(b) If the amount of the drug involved equals or exceeds 236
the bulk amount but is less than five times the bulk amount, 237
possession of drugs is a felony of the fourth degree, and 238
division (C) of section 2929.13 of the Revised Code applies in 239
determining whether to impose a prison term on the offender. 240

(c) If the amount of the drug involved equals or exceeds 241
five times the bulk amount but is less than fifty times the bulk 242
amount, possession of drugs is a felony of the third degree, and 243
there is a presumption for a prison term for the offense. 244

(d) If the amount of the drug involved equals or exceeds 245
fifty times the bulk amount, possession of drugs is a felony of 246
the second degree, and the court shall impose upon the offender 247
as a mandatory prison term one of the prison terms prescribed 248
for a felony of the second degree. 249

(3) If the drug involved in the violation is marihuana or 250
a compound, mixture, preparation, or substance containing 251
marihuana other than hashish, whoever violates division (A) of 252
this section is guilty of possession of marihuana. The penalty 253
for the offense shall be determined as follows: 254

(a) Except as otherwise provided in division (C) (3) (b), 255
(c), (d), (e), (f), or (g) of this section, possession of 256
marihuana is a minor misdemeanor. 257

(b) If the amount of the drug involved equals or exceeds 258
one hundred grams but is less than two hundred grams, possession 259
of marihuana is a misdemeanor of the fourth degree. 260

(c) If the amount of the drug involved equals or exceeds 261
two hundred grams but is less than one thousand grams, 262
possession of marihuana is a felony of the fifth degree, and 263
division (B) of section 2929.13 of the Revised Code applies in 264
determining whether to impose a prison term on the offender. 265

(d) If the amount of the drug involved equals or exceeds 266
one thousand grams but is less than five thousand grams, 267
possession of marihuana is a felony of the third degree, and 268
division (C) of section 2929.13 of the Revised Code applies in 269
determining whether to impose a prison term on the offender. 270

(e) If the amount of the drug involved equals or exceeds 271
five thousand grams but is less than twenty thousand grams, 272
possession of marihuana is a felony of the third degree, and 273
there is a presumption that a prison term shall be imposed for 274
the offense. 275

(f) If the amount of the drug involved equals or exceeds 276
twenty thousand grams but is less than forty thousand grams, 277
possession of marihuana is a felony of the second degree, and 278
the court shall impose a mandatory prison term of five, six, 279
seven, or eight years. 280

(g) If the amount of the drug involved equals or exceeds 281
forty thousand grams, possession of marihuana is a felony of the 282
second degree, and the court shall impose as a mandatory prison 283

term the maximum prison term prescribed for a felony of the 284
second degree. 285

(4) If the drug involved in the violation is cocaine or a 286
compound, mixture, preparation, or substance containing cocaine, 287
whoever violates division (A) of this section is guilty of 288
possession of cocaine. The penalty for the offense shall be 289
determined as follows: 290

(a) Except as otherwise provided in division (C) (4) (b), 291
(c), (d), (e), or (f) of this section, possession of cocaine is 292
a felony of the fifth degree, and division (B) of section 293
2929.13 of the Revised Code applies in determining whether to 294
impose a prison term on the offender. 295

(b) If the amount of the drug involved equals or exceeds 296
five grams but is less than ten grams of cocaine, possession of 297
cocaine is a felony of the fourth degree, and division (B) of 298
section 2929.13 of the Revised Code applies in determining 299
whether to impose a prison term on the offender. 300

(c) If the amount of the drug involved equals or exceeds 301
ten grams but is less than twenty grams of cocaine, possession 302
of cocaine is a felony of the third degree, and, except as 303
otherwise provided in this division, there is a presumption for 304
a prison term for the offense. If possession of cocaine is a 305
felony of the third degree under this division and if the 306
offender two or more times previously has been convicted of or 307
pleaded guilty to a felony drug abuse offense, the court shall 308
impose as a mandatory prison term one of the prison terms 309
prescribed for a felony of the third degree. 310

(d) If the amount of the drug involved equals or exceeds 311
twenty grams but is less than twenty-seven grams of cocaine, 312

possession of cocaine is a felony of the second degree, and the 313
court shall impose as a mandatory prison term one of the prison 314
terms prescribed for a felony of the second degree. 315

(e) If the amount of the drug involved equals or exceeds 316
twenty-seven grams but is less than one hundred grams of 317
cocaine, possession of cocaine is a felony of the first degree, 318
and the court shall impose as a mandatory prison term one of the 319
prison terms prescribed for a felony of the first degree. 320

(f) If the amount of the drug involved equals or exceeds 321
one hundred grams of cocaine, possession of cocaine is a felony 322
of the first degree, the offender is a major drug offender, and 323
the court shall impose as a mandatory prison term the maximum 324
prison term prescribed for a felony of the first degree. 325

(5) If the drug involved in the violation is L.S.D., 326
whoever violates division (A) of this section is guilty of 327
possession of L.S.D. The penalty for the offense shall be 328
determined as follows: 329

(a) Except as otherwise provided in division (C) (5) (b), 330
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 331
felony of the fifth degree, and division (B) of section 2929.13 332
of the Revised Code applies in determining whether to impose a 333
prison term on the offender. 334

(b) If the amount of L.S.D. involved equals or exceeds ten 335
unit doses but is less than fifty unit doses of L.S.D. in a 336
solid form or equals or exceeds one gram but is less than five 337
grams of L.S.D. in a liquid concentrate, liquid extract, or 338
liquid distillate form, possession of L.S.D. is a felony of the 339
fourth degree, and division (C) of section 2929.13 of the 340
Revised Code applies in determining whether to impose a prison 341

term on the offender. 342

(c) If the amount of L.S.D. involved equals or exceeds 343
fifty unit doses, but is less than two hundred fifty unit doses 344
of L.S.D. in a solid form or equals or exceeds five grams but is 345
less than twenty-five grams of L.S.D. in a liquid concentrate, 346
liquid extract, or liquid distillate form, possession of L.S.D. 347
is a felony of the third degree, and there is a presumption for 348
a prison term for the offense. 349

(d) If the amount of L.S.D. involved equals or exceeds two 350
hundred fifty unit doses but is less than one thousand unit 351
doses of L.S.D. in a solid form or equals or exceeds twenty-five 352
grams but is less than one hundred grams of L.S.D. in a liquid 353
concentrate, liquid extract, or liquid distillate form, 354
possession of L.S.D. is a felony of the second degree, and the 355
court shall impose as a mandatory prison term one of the prison 356
terms prescribed for a felony of the second degree. 357

(e) If the amount of L.S.D. involved equals or exceeds one 358
thousand unit doses but is less than five thousand unit doses of 359
L.S.D. in a solid form or equals or exceeds one hundred grams 360
but is less than five hundred grams of L.S.D. in a liquid 361
concentrate, liquid extract, or liquid distillate form, 362
possession of L.S.D. is a felony of the first degree, and the 363
court shall impose as a mandatory prison term one of the prison 364
terms prescribed for a felony of the first degree. 365

(f) If the amount of L.S.D. involved equals or exceeds 366
five thousand unit doses of L.S.D. in a solid form or equals or 367
exceeds five hundred grams of L.S.D. in a liquid concentrate, 368
liquid extract, or liquid distillate form, possession of L.S.D. 369
is a felony of the first degree, the offender is a major drug 370
offender, and the court shall impose as a mandatory prison term 371

the maximum prison term prescribed for a felony of the first 372
degree. 373

(6) If the drug involved in the violation is heroin or a 374
compound, mixture, preparation, or substance containing heroin, 375
whoever violates division (A) of this section is guilty of 376
possession of heroin. The penalty for the offense shall be 377
determined as follows: 378

(a) Except as otherwise provided in division (C) (6) (b), 379
(c), (d), (e), or (f) of this section, possession of heroin is a 380
felony of the fifth degree, and division (B) of section 2929.13 381
of the Revised Code applies in determining whether to impose a 382
prison term on the offender. 383

(b) If the amount of the drug involved equals or exceeds 384
ten unit doses but is less than fifty unit doses or equals or 385
exceeds one gram but is less than five grams, possession of 386
heroin is a felony of the fourth degree, and division (C) of 387
section 2929.13 of the Revised Code applies in determining 388
whether to impose a prison term on the offender. 389

(c) If the amount of the drug involved equals or exceeds 390
fifty unit doses but is less than one hundred unit doses or 391
equals or exceeds five grams but is less than ten grams, 392
possession of heroin is a felony of the third degree, and there 393
is a presumption for a prison term for the offense. 394

(d) If the amount of the drug involved equals or exceeds 395
one hundred unit doses but is less than five hundred unit doses 396
or equals or exceeds ten grams but is less than fifty grams, 397
possession of heroin is a felony of the second degree, and the 398
court shall impose as a mandatory prison term one of the prison 399
terms prescribed for a felony of the second degree. 400

(e) If the amount of the drug involved equals or exceeds 401
five hundred unit doses but is less than two thousand five 402
hundred unit doses or equals or exceeds fifty grams but is less 403
than two hundred fifty grams, possession of heroin is a felony 404
of the first degree, and the court shall impose as a mandatory 405
prison term one of the prison terms prescribed for a felony of 406
the first degree. 407

(f) If the amount of the drug involved equals or exceeds 408
two thousand five hundred unit doses or equals or exceeds two 409
hundred fifty grams, possession of heroin is a felony of the 410
first degree, the offender is a major drug offender, and the 411
court shall impose as a mandatory prison term the maximum prison 412
term prescribed for a felony of the first degree. 413

(7) If the drug involved in the violation is hashish or a 414
compound, mixture, preparation, or substance containing hashish, 415
whoever violates division (A) of this section is guilty of 416
possession of hashish. The penalty for the offense shall be 417
determined as follows: 418

(a) Except as otherwise provided in division (C) (7) (b), 419
(c), (d), (e), (f), or (g) of this section, possession of 420
hashish is a minor misdemeanor. 421

(b) If the amount of the drug involved equals or exceeds 422
five grams but is less than ten grams of hashish in a solid form 423
or equals or exceeds one gram but is less than two grams of 424
hashish in a liquid concentrate, liquid extract, or liquid 425
distillate form, possession of hashish is a misdemeanor of the 426
fourth degree. 427

(c) If the amount of the drug involved equals or exceeds 428
ten grams but is less than fifty grams of hashish in a solid 429

form or equals or exceeds two grams but is less than ten grams 430
of hashish in a liquid concentrate, liquid extract, or liquid 431
distillate form, possession of hashish is a felony of the fifth 432
degree, and division (B) of section 2929.13 of the Revised Code 433
applies in determining whether to impose a prison term on the 434
offender. 435

(d) If the amount of the drug involved equals or exceeds 436
fifty grams but is less than two hundred fifty grams of hashish 437
in a solid form or equals or exceeds ten grams but is less than 438
fifty grams of hashish in a liquid concentrate, liquid extract, 439
or liquid distillate form, possession of hashish is a felony of 440
the third degree, and division (C) of section 2929.13 of the 441
Revised Code applies in determining whether to impose a prison 442
term on the offender. 443

(e) If the amount of the drug involved equals or exceeds 444
two hundred fifty grams but is less than one thousand grams of 445
hashish in a solid form or equals or exceeds fifty grams but is 446
less than two hundred grams of hashish in a liquid concentrate, 447
liquid extract, or liquid distillate form, possession of hashish 448
is a felony of the third degree, and there is a presumption that 449
a prison term shall be imposed for the offense. 450

(f) If the amount of the drug involved equals or exceeds 451
one thousand grams but is less than two thousand grams of 452
hashish in a solid form or equals or exceeds two hundred grams 453
but is less than four hundred grams of hashish in a liquid 454
concentrate, liquid extract, or liquid distillate form, 455
possession of hashish is a felony of the second degree, and the 456
court shall impose a mandatory prison term of five, six, seven, 457
or eight years. 458

(g) If the amount of the drug involved equals or exceeds 459

two thousand grams of hashish in a solid form or equals or 460
exceeds four hundred grams of hashish in a liquid concentrate, 461
liquid extract, or liquid distillate form, possession of hashish 462
is a felony of the second degree, and the court shall impose as 463
a mandatory prison term the maximum prison term prescribed for a 464
felony of the second degree. 465

(8) If the drug involved is a controlled substance analog 466
or compound, mixture, preparation, or substance that contains a 467
controlled substance analog, whoever violates division (A) of 468
this section is guilty of possession of a controlled substance 469
analog. The penalty for the offense shall be determined as 470
follows: 471

(a) Except as otherwise provided in division (C) (8) (b), 472
(c), (d), (e), or (f) of this section, possession of a 473
controlled substance analog is a felony of the fifth degree, and 474
division (B) of section 2929.13 of the Revised Code applies in 475
determining whether to impose a prison term on the offender. 476

(b) If the amount of the drug involved equals or exceeds 477
ten grams but is less than twenty grams, possession of a 478
controlled substance analog is a felony of the fourth degree, 479
and there is a presumption for a prison term for the offense. 480

(c) If the amount of the drug involved equals or exceeds 481
twenty grams but is less than thirty grams, possession of a 482
controlled substance analog is a felony of the third degree, and 483
there is a presumption for a prison term for the offense. 484

(d) If the amount of the drug involved equals or exceeds 485
thirty grams but is less than forty grams, possession of a 486
controlled substance analog is a felony of the second degree, 487
and the court shall impose as a mandatory prison term one of the 488

prison terms prescribed for a felony of the second degree. 489

(e) If the amount of the drug involved equals or exceeds 490
forty grams but is less than fifty grams, possession of a 491
controlled substance analog is a felony of the first degree, and 492
the court shall impose as a mandatory prison term one of the 493
prison terms prescribed for a felony of the first degree. 494

(f) If the amount of the drug involved equals or exceeds 495
fifty grams, possession of a controlled substance analog is a 496
felony of the first degree, the offender is a major drug 497
offender, and the court shall impose as a mandatory prison term 498
the maximum prison term prescribed for a felony of the first 499
degree. 500

(D) Arrest or conviction for a minor misdemeanor violation 501
of this section does not constitute a criminal record and need 502
not be reported by the person so arrested or convicted in 503
response to any inquiries about the person's criminal record, 504
including any inquiries contained in any application for 505
employment, license, or other right or privilege, or made in 506
connection with the person's appearance as a witness. 507

(E) In addition to any prison term or jail term authorized 508
or required by division (C) of this section and sections 509
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 510
Code and in addition to any other sanction that is imposed for 511
the offense under this section, sections 2929.11 to 2929.18, or 512
sections 2929.21 to 2929.28 of the Revised Code, the court that 513
sentences an offender who is convicted of or pleads guilty to a 514
violation of division (A) of this section shall do all of the 515
following that are applicable regarding the offender: 516

(1) (a) If the violation is a felony of the first, second, 517

or third degree, the court shall impose upon the offender the 518
mandatory fine specified for the offense under division (B) (1) 519
of section 2929.18 of the Revised Code unless, as specified in 520
that division, the court determines that the offender is 521
indigent. 522

(b) Notwithstanding any contrary provision of section 523
3719.21 of the Revised Code, the clerk of the court shall pay a 524
mandatory fine or other fine imposed for a violation of this 525
section pursuant to division (A) of section 2929.18 of the 526
Revised Code in accordance with and subject to the requirements 527
of division (F) of section 2925.03 of the Revised Code. The 528
agency that receives the fine shall use the fine as specified in 529
division (F) of section 2925.03 of the Revised Code. 530

(c) If a person is charged with a violation of this 531
section that is a felony of the first, second, or third degree, 532
posts bail, and forfeits the bail, the clerk shall pay the 533
forfeited bail pursuant to division (E) (1) (b) of this section as 534
if it were a mandatory fine imposed under division (E) (1) (a) of 535
this section. 536

(2) The court shall suspend for not less than six months 537
or more than five years the offender's driver's or commercial 538
driver's license or permit. 539

(3) If the offender is a professionally licensed person, 540
in addition to any other sanction imposed for a violation of 541
this section, the court immediately shall comply with section 542
2925.38 of the Revised Code. 543

(F) It is an affirmative defense, as provided in section 544
2901.05 of the Revised Code, to a charge of a fourth degree 545
felony violation under this section that the controlled 546

substance that gave rise to the charge is in an amount, is in a form, is prepared, compounded, or mixed with substances that are not controlled substances in a manner, or is possessed under any other circumstances, that indicate that the substance was possessed solely for personal use. Notwithstanding any contrary provision of this section, if, in accordance with section 2901.05 of the Revised Code, an accused who is charged with a fourth degree felony violation of division (C) (2), (4), (5), or (6) of this section sustains the burden of going forward with evidence of and establishes by a preponderance of the evidence the affirmative defense described in this division, the accused may be prosecuted for and may plead guilty to or be convicted of a misdemeanor violation of division (C) (2) of this section or a fifth degree felony violation of division (C) (4), (5), or (6) of this section respectively.

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

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

Sec. 2925.61. (A) As used in this section:

(1) "Law enforcement agency" means a government entity that employs peace officers to perform law enforcement duties.

(2) "Licensed health professional" means all of the

following:	576
(a) A physician;	577
(b) A physician assistant who is licensed under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;	578 579 580 581
(c) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a certificate to prescribe issued under section 4723.48 of the Revised Code.	582 583 584
(3) "Peace officer" has the same meaning as in section 2921.51 of the Revised Code.	585 586
(4) "Physician" means an individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	587 588 589 590
(B) A family member, friend, or other individual who is in a position to assist an individual who is apparently experiencing or at risk of experiencing an opioid-related overdose, is not subject to criminal prosecution for a violation of section 4731.41 of the Revised Code or criminal prosecution under this chapter if the individual, acting in good faith, does all of the following:	591 592 593 594 595 596 597
(1) Obtains naloxone pursuant to a prescription issued by a licensed health professional or obtains naloxone from one of the following: a licensed health professional, an individual who is authorized by a physician under section 4731.941 of the Revised Code to personally furnish naloxone, or a pharmacist or pharmacy intern who is authorized by a physician or board of health under section 4729.44 of the Revised Code to dispense	598 599 600 601 602 603 604

naloxone without a prescription; 605

(2) Administers the naloxone obtained as described in 606
division (B)(1) of this section to an individual who is 607
apparently experiencing an opioid-related overdose; 608

(3) Attempts to summon emergency services as soon as 609
practicable either before or after administering the naloxone. 610

(C) Division (B) of this section does not apply to a peace 611
officer or to an emergency medical technician-basic, emergency 612
medical technician-intermediate, or emergency medical 613
technician-paramedic, as defined in section 4765.01 of the 614
Revised Code. 615

~~(D) (1) If a peace officer employed by a law enforcement 616
agency is not subject to administrative action, criminal 617
prosecution for a violation of section 4731.41 of the Revised 618
Code, or criminal prosecution under this chapter if the peace 619
officer, acting in good faith, obtains naloxone from the peace 620
officer's law enforcement agency and administers the naloxone to 621
an individual who is apparently experiencing an opioid-related 622
overdose, both of the following apply: 623~~

(a) The peace officer is not subject to administrative 624
action, criminal prosecution for a violation of section 4731.41 625
of the Revised Code, or criminal prosecution under this chapter; 626

(b) The peace officer is not liable for damages in a civil 627
action for injury, death, or loss to person or property for an 628
act or omission that allegedly arises from obtaining and 629
administering the naloxone. 630

(2) Division (D)(1)(b) of this section does not eliminate, 631
limit, or reduce any other immunity or defense that an entity or 632
person may be entitled to under Chapter 2744. of the Revised 633

Code, any other provision of the Revised Code, or the common law 634
of this state. 635

Section 2. That existing sections 505.482, 715.05, 636
2907.24, 2925.11, and 2925.61 of the Revised Code are hereby 637
repealed. 638

Section 3. Section 2925.61 of the Revised Code is 639
presented in this act as a composite of the section as amended 640
by both Am. Sub. H.B. 4 and Sub. S.B. 110 of the 131st General 641
Assembly. The General Assembly, applying the principle stated in 642
division (B) of section 1.52 of the Revised Code that amendments 643
are to be harmonized if reasonably capable of simultaneous 644
operation, finds that the composite is the resulting version of 645
the section in effect prior to the effective date of the section 646
as presented in this act. 647