

As Reported by the House Judiciary Committee

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 204

Senator Seitz

**Cosponsors: Senators Eklund, Thomas, Uecker, Jordan, Brown, Skindell, Burke,
Hackett, Hite, Jones, Lehner, Manning, Patton, Sawyer, Schiavoni, Tavares,
Williams, Yuko Representatives Manning, Sykes**

A BILL

To amend sections 2925.02, 2925.03, 2925.04, 1
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 3
2925.31, 2925.32, 2925.33, 2925.36, 2925.37, 4
4510.021, 4510.17, and 4510.31 of the Revised 5
Code to make the suspension of an offender's 6
driver's license for a violation of specified 7
drug offenses discretionary rather than 8
mandatory, except in specified circumstances; to 9
authorize a court to terminate a driver's 10
license suspension imposed for specified drug 11
offenses committed out-of-state; to generally 12
authorize a court to terminate a previously 13
imposed mandatory suspension for specified drug 14
offenses; to provide for the suspension of an 15
offender's driver's license for possessing 16
nitrous oxide in a motor vehicle; and to make 17
consistent the provisions of law governing the 18
ability of a court to grant limited driving 19
privileges. 20

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

Section 1. That sections 2925.02, 2925.03, 2925.04, 21
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 22
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 23
2925.37, 4510.021, 4510.17, and 4510.31 of the Revised Code be 24
amended to read as follows: 25

Sec. 2925.02. (A) No person shall knowingly do any of the 26
following: 27

(1) By force, threat, or deception, administer to another 28
or induce or cause another to use a controlled substance; 29

(2) By any means, administer or furnish to another or 30
induce or cause another to use a controlled substance with 31
purpose to cause serious physical harm to the other person, or 32
with purpose to cause the other person to become drug dependent; 33

(3) By any means, administer or furnish to another or 34
induce or cause another to use a controlled substance, and 35
thereby cause serious physical harm to the other person, or 36
cause the other person to become drug dependent; 37

(4) By any means, do any of the following: 38

(a) Furnish or administer a controlled substance to a 39
juvenile who is at least two years the offender's junior, when 40
the offender knows the age of the juvenile or is reckless in 41
that regard; 42

(b) Induce or cause a juvenile who is at least two years 43
the offender's junior to use a controlled substance, when the 44
offender knows the age of the juvenile or is reckless in that 45
regard; 46

(c) Induce or cause a juvenile who is at least two years 47
the offender's junior to commit a felony drug abuse offense, 48
when the offender knows the age of the juvenile or is reckless 49
in that regard; 50

(d) Use a juvenile, whether or not the offender knows the 51
age of the juvenile, to perform any surveillance activity that 52
is intended to prevent the detection of the offender or any 53
other person in the commission of a felony drug abuse offense or 54
to prevent the arrest of the offender or any other person for 55
the commission of a felony drug abuse offense. 56

(5) By any means, furnish or administer a controlled 57
substance to a pregnant woman or induce or cause a pregnant 58
woman to use a controlled substance, when the offender knows 59
that the woman is pregnant or is reckless in that regard. 60

(B) Division (A) (1), (3), (4), or (5) of this section does 61
not apply to manufacturers, wholesalers, licensed health 62
professionals authorized to prescribe drugs, pharmacists, owners 63
of pharmacies, and other persons whose conduct is in accordance 64
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 65
4741. of the Revised Code. 66

(C) Whoever violates this section is guilty of corrupting 67
another with drugs. The penalty for the offense shall be 68
determined as follows: 69

(1) If the offense is a violation of division (A) (1), (2), 70
(3), or (4) of this section and the drug involved is any 71
compound, mixture, preparation, or substance included in 72
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 73
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 74
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 75

dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 76
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 77
offender shall be punished as follows: 78

(a) Except as otherwise provided in division (C)(1)(b) of 79
this section, corrupting another with drugs committed in those 80
circumstances is a felony of the second degree and, subject to 81
division (E) of this section, the court shall impose as a 82
mandatory prison term one of the prison terms prescribed for a 83
felony of the second degree. 84

(b) If the offense was committed in the vicinity of a 85
school, corrupting another with drugs committed in those 86
circumstances is a felony of the first degree, and, subject to 87
division (E) of this section, the court shall impose as a 88
mandatory prison term one of the prison terms prescribed for a 89
felony of the first degree. 90

(2) If the offense is a violation of division (A)(1), (2), 91
(3), or (4) of this section and the drug involved is any 92
compound, mixture, preparation, or substance included in 93
schedule III, IV, or V, the offender shall be punished as 94
follows: 95

(a) Except as otherwise provided in division (C)(2)(b) of 96
this section, corrupting another with drugs committed in those 97
circumstances is a felony of the second degree and there is a 98
presumption for a prison term for the offense. 99

(b) If the offense was committed in the vicinity of a 100
school, corrupting another with drugs committed in those 101
circumstances is a felony of the second degree and the court 102
shall impose as a mandatory prison term one of the prison terms 103
prescribed for a felony of the second degree. 104

(3) If the offense is a violation of division (A) (1), (2), 105
(3), or (4) of this section and the drug involved is marihuana, 106
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 107
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 108
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 109
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 110
offender shall be punished as follows: 111

(a) Except as otherwise provided in division (C) (3) (b) of 112
this section, corrupting another with drugs committed in those 113
circumstances is a felony of the fourth degree and division (C) 114
of section 2929.13 of the Revised Code applies in determining 115
whether to impose a prison term on the offender. 116

(b) If the offense was committed in the vicinity of a 117
school, corrupting another with drugs committed in those 118
circumstances is a felony of the third degree and division (C) 119
of section 2929.13 of the Revised Code applies in determining 120
whether to impose a prison term on the offender. 121

(4) If the offense is a violation of division (A) (5) of 122
this section and the drug involved is any compound, mixture, 123
preparation, or substance included in schedule I or II, with the 124
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 125
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 126
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 127
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 128
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 129
felony of the first degree and, subject to division (E) of this 130
section, the court shall impose as a mandatory prison term one 131
of the prison terms prescribed for a felony of the first degree. 132

(5) If the offense is a violation of division (A) (5) of 133
this section and the drug involved is any compound, mixture, 134

preparation, or substance included in schedule III, IV, or V, 135
corrupting another with drugs is a felony of the second degree 136
and the court shall impose as a mandatory prison term one of the 137
prison terms prescribed for a felony of the second degree. 138

(6) If the offense is a violation of division (A) (5) of 139
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 140
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 141
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 142
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 143
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 144
corrupting another with drugs is a felony of the third degree 145
and division (C) of section 2929.13 of the Revised Code applies 146
in determining whether to impose a prison term on the offender. 147

(D) In addition to any prison term authorized or required 148
by division (C) or (E) of this section and sections 2929.13 and 149
2929.14 of the Revised Code and in addition to any other 150
sanction imposed for the offense under this section or sections 151
2929.11 to 2929.18 of the Revised Code, the court that sentences 152
an offender who is convicted of or pleads guilty to a violation 153
of division (A) of this section ~~or the clerk of that court may~~ 154
suspend for not more than five years the offender's driver's or 155
commercial driver's license or permit. However, if the offender 156
pleaded guilty to or was convicted of a violation of section 157
4511.19 of the Revised Code or a substantially similar municipal 158
ordinance or the law of another state or the United States 159
arising out of the same set of circumstances as the violation, 160
the court shall suspend the offender's driver's or commercial 161
driver's license or permit for not more than five years. The 162
court also shall do all of the following that are applicable 163
regarding the offender: 164

(1) (a) If the violation is a felony of the first, second, 165
or third degree, the court shall impose upon the offender the 166
mandatory fine specified for the offense under division (B) (1) 167
of section 2929.18 of the Revised Code unless, as specified in 168
that division, the court determines that the offender is 169
indigent. 170

(b) Notwithstanding any contrary provision of section 171
3719.21 of the Revised Code, any mandatory fine imposed pursuant 172
to division (D) (1) (a) of this section and any fine imposed for a 173
violation of this section pursuant to division (A) of section 174
2929.18 of the Revised Code shall be paid by the clerk of the 175
court in accordance with and subject to the requirements of, and 176
shall be used as specified in, division (F) of section 2925.03 177
of the Revised Code. 178

(c) If a person is charged with any violation of this 179
section that is a felony of the first, second, or third degree, 180
posts bail, and forfeits the bail, the forfeited bail shall be 181
paid by the clerk of the court pursuant to division (D) (1) (b) of 182
this section as if it were a fine imposed for a violation of 183
this section. 184

~~(2) The court shall suspend for not less than six months- 185
nor more than five years the offender's driver's or commercial- 186
driver's license or permit. If an offender's driver's or- 187
commercial driver's license or permit is suspended pursuant to- 188
this division, the offender, at any time after the expiration of- 189
two years from the day on which the offender's sentence was- 190
imposed or from the day on which the offender finally was- 191
released from a prison term under the sentence, whichever is- 192
later, may file a motion with the sentencing court requesting- 193
termination of the suspension. Upon the filing of the motion and- 194~~

~~the court's finding of good cause for the termination, the court
may terminate the suspension.~~ 195
196

~~(3)~~ If the offender is a professionally licensed person, 197
in addition to any other sanction imposed for a violation of 198
this section, the court immediately shall comply with section 199
2925.38 of the Revised Code. 200

(E) Notwithstanding the prison term otherwise authorized 201
or required for the offense under division (C) of this section 202
and sections 2929.13 and 2929.14 of the Revised Code, if the 203
violation of division (A) of this section involves the sale, 204
offer to sell, or possession of a schedule I or II controlled 205
substance, with the exception of marihuana, 1-Pentyl-3-(1- 206
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 207
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 208
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 209
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 210
if the court imposing sentence upon the offender finds that the 211
offender as a result of the violation is a major drug offender 212
and is guilty of a specification of the type described in 213
section 2941.1410 of the Revised Code, the court, in lieu of the 214
prison term that otherwise is authorized or required, shall 215
impose upon the offender the mandatory prison term specified in 216
division (B) (3) (a) of section 2929.14 of the Revised Code. 217

(F) (1) If the sentencing court suspends the offender's 218
driver's or commercial driver's license or permit under division 219
(D) of this section, the offender, at any time after the 220
expiration of two years from the day on which the offender's 221
sentence was imposed or from the day on which the offender 222
finally was released from a prison term under the sentence, 223
whichever is later, may file a motion with the sentencing court 224

requesting termination of the suspension. Upon the filing of the 225
motion and the court's finding of good cause for the 226
determination, the court may terminate the suspension. 227

(2) Any offender who received a mandatory suspension of 228
the offender's driver's or commercial driver's license or permit 229
under this section prior to the effective date of this amendment 230
may file a motion with the sentencing court requesting the 231
termination of the suspension. However, an offender who pleaded 232
guilty to or was convicted of a violation of section 4511.19 of 233
the Revised Code or a substantially similar municipal ordinance 234
or law of another state or the United States that arose out of 235
the same set of circumstances as the violation for which the 236
offender's license or permit was suspended under this section 237
shall not file such a motion. 238

Upon the filing of a motion under division (F)(2) of this 239
section, the sentencing court, in its discretion, may terminate 240
the suspension. 241

Sec. 2925.03. (A) No person shall knowingly do any of the 242
following: 243

(1) Sell or offer to sell a controlled substance or a 244
controlled substance analog; 245

(2) Prepare for shipment, ship, transport, deliver, 246
prepare for distribution, or distribute a controlled substance 247
or a controlled substance analog, when the offender knows or has 248
reasonable cause to believe that the controlled substance or a 249
controlled substance analog is intended for sale or resale by 250
the offender or another person. 251

(B) This section does not apply to any of the following: 252

(1) Manufacturers, licensed health professionals 253

authorized to prescribe drugs, pharmacists, owners of 254
pharmacies, and other persons whose conduct is in accordance 255
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 256
4741. of the Revised Code; 257

(2) If the offense involves an anabolic steroid, any 258
person who is conducting or participating in a research project 259
involving the use of an anabolic steroid if the project has been 260
approved by the United States food and drug administration; 261

(3) Any person who sells, offers for sale, prescribes, 262
dispenses, or administers for livestock or other nonhuman 263
species an anabolic steroid that is expressly intended for 264
administration through implants to livestock or other nonhuman 265
species and approved for that purpose under the "Federal Food, 266
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 267
as amended, and is sold, offered for sale, prescribed, 268
dispensed, or administered for that purpose in accordance with 269
that act. 270

(C) Whoever violates division (A) of this section is 271
guilty of one of the following: 272

(1) If the drug involved in the violation is any compound, 273
mixture, preparation, or substance included in schedule I or 274
schedule II, with the exception of marihuana, cocaine, L.S.D., 275
heroin, hashish, and controlled substance analogs, whoever 276
violates division (A) of this section is guilty of aggravated 277
trafficking in drugs. The penalty for the offense shall be 278
determined as follows: 279

(a) Except as otherwise provided in division (C) (1) (b), 280
(c), (d), (e), or (f) of this section, aggravated trafficking in 281
drugs is a felony of the fourth degree, and division (C) of 282

section 2929.13 of the Revised Code applies in determining 283
whether to impose a prison term on the offender. 284

(b) Except as otherwise provided in division (C) (1) (c), 285
(d), (e), or (f) of this section, if the offense was committed 286
in the vicinity of a school or in the vicinity of a juvenile, 287
aggravated trafficking in drugs is a felony of the third degree, 288
and division (C) of section 2929.13 of the Revised Code applies 289
in determining whether to impose a prison term on the offender. 290

(c) Except as otherwise provided in this division, if the 291
amount of the drug involved equals or exceeds the bulk amount 292
but is less than five times the bulk amount, aggravated 293
trafficking in drugs is a felony of the third degree, and, 294
except as otherwise provided in this division, there is a 295
presumption for a prison term for the offense. If aggravated 296
trafficking in drugs is a felony of the third degree under this 297
division and if the offender two or more times previously has 298
been convicted of or pleaded guilty to a felony drug abuse 299
offense, the court shall impose as a mandatory prison term one 300
of the prison terms prescribed for a felony of the third degree. 301
If the amount of the drug involved is within that range and if 302
the offense was committed in the vicinity of a school or in the 303
vicinity of a juvenile, aggravated trafficking in drugs is a 304
felony of the second degree, and the court shall impose as a 305
mandatory prison term one of the prison terms prescribed for a 306
felony of the second degree. 307

(d) Except as otherwise provided in this division, if the 308
amount of the drug involved equals or exceeds five times the 309
bulk amount but is less than fifty times the bulk amount, 310
aggravated trafficking in drugs is a felony of the second 311
degree, and the court shall impose as a mandatory prison term 312

one of the prison terms prescribed for a felony of the second 313
degree. If the amount of the drug involved is within that range 314
and if the offense was committed in the vicinity of a school or 315
in the vicinity of a juvenile, aggravated trafficking in drugs 316
is a felony of the first degree, and the court shall impose as a 317
mandatory prison term one of the prison terms prescribed for a 318
felony of the first degree. 319

(e) If the amount of the drug involved equals or exceeds 320
fifty times the bulk amount but is less than one hundred times 321
the bulk amount and regardless of whether the offense was 322
committed in the vicinity of a school or in the vicinity of a 323
juvenile, aggravated trafficking in drugs is a felony of the 324
first degree, and the court shall impose as a mandatory prison 325
term one of the prison terms prescribed for a felony of the 326
first degree. 327

(f) If the amount of the drug involved equals or exceeds 328
one hundred times the bulk amount and regardless of whether the 329
offense was committed in the vicinity of a school or in the 330
vicinity of a juvenile, aggravated trafficking in drugs is a 331
felony of the first degree, the offender is a major drug 332
offender, and the court shall impose as a mandatory prison term 333
the maximum prison term prescribed for a felony of the first 334
degree. 335

(2) If the drug involved in the violation is any compound, 336
mixture, preparation, or substance included in schedule III, IV, 337
or V, whoever violates division (A) of this section is guilty of 338
trafficking in drugs. The penalty for the offense shall be 339
determined as follows: 340

(a) Except as otherwise provided in division (C) (2) (b), 341
(c), (d), or (e) of this section, trafficking in drugs is a 342

felony of the fifth degree, and division (B) of section 2929.13 343
of the Revised Code applies in determining whether to impose a 344
prison term on the offender. 345

(b) Except as otherwise provided in division (C) (2) (c), 346
(d), or (e) of this section, if the offense was committed in the 347
vicinity of a school or in the vicinity of a juvenile, 348
trafficking in drugs is a felony of the fourth degree, and 349
division (C) of section 2929.13 of the Revised Code applies in 350
determining whether to impose a prison term on the offender. 351

(c) Except as otherwise provided in this division, if the 352
amount of the drug involved equals or exceeds the bulk amount 353
but is less than five times the bulk amount, trafficking in 354
drugs is a felony of the fourth degree, and division (B) of 355
section 2929.13 of the Revised Code applies in determining 356
whether to impose a prison term for the offense. If the amount 357
of the drug involved is within that range and if the offense was 358
committed in the vicinity of a school or in the vicinity of a 359
juvenile, trafficking in drugs is a felony of the third degree, 360
and there is a presumption for a prison term for the offense. 361

(d) Except as otherwise provided in this division, if the 362
amount of the drug involved equals or exceeds five times the 363
bulk amount but is less than fifty times the bulk amount, 364
trafficking in drugs is a felony of the third degree, and there 365
is a presumption for a prison term for the offense. If the 366
amount of the drug involved is within that range and if the 367
offense was committed in the vicinity of a school or in the 368
vicinity of a juvenile, trafficking in drugs is a felony of the 369
second degree, and there is a presumption for a prison term for 370
the offense. 371

(e) Except as otherwise provided in this division, if the 372

amount of the drug involved equals or exceeds fifty times the 373
bulk amount, trafficking in drugs is a felony of the second 374
degree, and the court shall impose as a mandatory prison term 375
one of the prison terms prescribed for a felony of the second 376
degree. If the amount of the drug involved equals or exceeds 377
fifty times the bulk amount and if the offense was committed in 378
the vicinity of a school or in the vicinity of a juvenile, 379
trafficking in drugs is a felony of the first degree, and the 380
court shall impose as a mandatory prison term one of the prison 381
terms prescribed for a felony of the first degree. 382

(3) If the drug involved in the violation is marihuana or 383
a compound, mixture, preparation, or substance containing 384
marihuana other than hashish, whoever violates division (A) of 385
this section is guilty of trafficking in marihuana. The penalty 386
for the offense shall be determined as follows: 387

(a) Except as otherwise provided in division (C) (3) (b), 388
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 389
marihuana is a felony of the fifth degree, and division (B) of 390
section 2929.13 of the Revised Code applies in determining 391
whether to impose a prison term on the offender. 392

(b) Except as otherwise provided in division (C) (3) (c), 393
(d), (e), (f), (g), or (h) of this section, if the offense was 394
committed in the vicinity of a school or in the vicinity of a 395
juvenile, trafficking in marihuana is a felony of the fourth 396
degree, and division (B) of section 2929.13 of the Revised Code 397
applies in determining whether to impose a prison term on the 398
offender. 399

(c) Except as otherwise provided in this division, if the 400
amount of the drug involved equals or exceeds two hundred grams 401
but is less than one thousand grams, trafficking in marihuana is 402

a felony of the fourth degree, and division (B) of section 403
2929.13 of the Revised Code applies in determining whether to 404
impose a prison term on the offender. If the amount of the drug 405
involved is within that range and if the offense was committed 406
in the vicinity of a school or in the vicinity of a juvenile, 407
trafficking in marihuana is a felony of the third degree, and 408
division (C) of section 2929.13 of the Revised Code applies in 409
determining whether to impose a prison term on the offender. 410

(d) Except as otherwise provided in this division, if the 411
amount of the drug involved equals or exceeds one thousand grams 412
but is less than five thousand grams, trafficking in marihuana 413
is a felony of the third degree, and division (C) of section 414
2929.13 of the Revised Code applies in determining whether to 415
impose a prison term on the offender. If the amount of the drug 416
involved is within that range and if the offense was committed 417
in the vicinity of a school or in the vicinity of a juvenile, 418
trafficking in marihuana is a felony of the second degree, and 419
there is a presumption that a prison term shall be imposed for 420
the offense. 421

(e) Except as otherwise provided in this division, if the 422
amount of the drug involved equals or exceeds five thousand 423
grams but is less than twenty thousand grams, trafficking in 424
marihuana is a felony of the third degree, and there is a 425
presumption that a prison term shall be imposed for the offense. 426
If the amount of the drug involved is within that range and if 427
the offense was committed in the vicinity of a school or in the 428
vicinity of a juvenile, trafficking in marihuana is a felony of 429
the second degree, and there is a presumption that a prison term 430
shall be imposed for the offense. 431

(f) Except as otherwise provided in this division, if the 432

amount of the drug involved equals or exceeds twenty thousand 433
grams but is less than forty thousand grams, trafficking in 434
marihuana is a felony of the second degree, and the court shall 435
impose a mandatory prison term of five, six, seven, or eight 436
years. If the amount of the drug involved is within that range 437
and if the offense was committed in the vicinity of a school or 438
in the vicinity of a juvenile, trafficking in marihuana is a 439
felony of the first degree, and the court shall impose as a 440
mandatory prison term the maximum prison term prescribed for a 441
felony of the first degree. 442

(g) Except as otherwise provided in this division, if the 443
amount of the drug involved equals or exceeds forty thousand 444
grams, trafficking in marihuana is a felony of the second 445
degree, and the court shall impose as a mandatory prison term 446
the maximum prison term prescribed for a felony of the second 447
degree. If the amount of the drug involved equals or exceeds 448
forty thousand grams and if the offense was committed in the 449
vicinity of a school or in the vicinity of a juvenile, 450
trafficking in marihuana is a felony of the first degree, and 451
the court shall impose as a mandatory prison term the maximum 452
prison term prescribed for a felony of the first degree. 453

(h) Except as otherwise provided in this division, if the 454
offense involves a gift of twenty grams or less of marihuana, 455
trafficking in marihuana is a minor misdemeanor upon a first 456
offense and a misdemeanor of the third degree upon a subsequent 457
offense. If the offense involves a gift of twenty grams or less 458
of marihuana and if the offense was committed in the vicinity of 459
a school or in the vicinity of a juvenile, trafficking in 460
marihuana is a misdemeanor of the third degree. 461

(4) If the drug involved in the violation is cocaine or a 462

compound, mixture, preparation, or substance containing cocaine, 463
whoever violates division (A) of this section is guilty of 464
trafficking in cocaine. The penalty for the offense shall be 465
determined as follows: 466

(a) Except as otherwise provided in division (C) (4) (b), 467
(c), (d), (e), (f), or (g) of this section, trafficking in 468
cocaine is a felony of the fifth degree, and division (B) of 469
section 2929.13 of the Revised Code applies in determining 470
whether to impose a prison term on the offender. 471

(b) Except as otherwise provided in division (C) (4) (c), 472
(d), (e), (f), or (g) of this section, if the offense was 473
committed in the vicinity of a school or in the vicinity of a 474
juvenile, trafficking in cocaine is a felony of the fourth 475
degree, and division (C) of section 2929.13 of the Revised Code 476
applies in determining whether to impose a prison term on the 477
offender. 478

(c) Except as otherwise provided in this division, if the 479
amount of the drug involved equals or exceeds five grams but is 480
less than ten grams of cocaine, trafficking in cocaine is a 481
felony of the fourth degree, and division (B) of section 2929.13 482
of the Revised Code applies in determining whether to impose a 483
prison term for the offense. If the amount of the drug involved 484
is within that range and if the offense was committed in the 485
vicinity of a school or in the vicinity of a juvenile, 486
trafficking in cocaine is a felony of the third degree, and 487
there is a presumption for a prison term for the offense. 488

(d) Except as otherwise provided in this division, if the 489
amount of the drug involved equals or exceeds ten grams but is 490
less than twenty grams of cocaine, trafficking in cocaine is a 491
felony of the third degree, and, except as otherwise provided in 492

this division, there is a presumption for a prison term for the 493
offense. If trafficking in cocaine is a felony of the third 494
degree under this division and if the offender two or more times 495
previously has been convicted of or pleaded guilty to a felony 496
drug abuse offense, the court shall impose as a mandatory prison 497
term one of the prison terms prescribed for a felony of the 498
third degree. If the amount of the drug involved is within that 499
range and if the offense was committed in the vicinity of a 500
school or in the vicinity of a juvenile, trafficking in cocaine 501
is a felony of the second degree, and the court shall impose as 502
a mandatory prison term one of the prison terms prescribed for a 503
felony of the second degree. 504

(e) Except as otherwise provided in this division, if the 505
amount of the drug involved equals or exceeds twenty grams but 506
is less than twenty-seven grams of cocaine, trafficking in 507
cocaine is a felony of the second degree, and the court shall 508
impose as a mandatory prison term one of the prison terms 509
prescribed for a felony of the second degree. If the amount of 510
the drug involved is within that range and if the offense was 511
committed in the vicinity of a school or in the vicinity of a 512
juvenile, trafficking in cocaine is a felony of the first 513
degree, and the court shall impose as a mandatory prison term 514
one of the prison terms prescribed for a felony of the first 515
degree. 516

(f) If the amount of the drug involved equals or exceeds 517
twenty-seven grams but is less than one hundred grams of cocaine 518
and regardless of whether the offense was committed in the 519
vicinity of a school or in the vicinity of a juvenile, 520
trafficking in cocaine is a felony of the first degree, and the 521
court shall impose as a mandatory prison term one of the prison 522
terms prescribed for a felony of the first degree. 523

(g) If the amount of the drug involved equals or exceeds 524
one hundred grams of cocaine and regardless of whether the 525
offense was committed in the vicinity of a school or in the 526
vicinity of a juvenile, trafficking in cocaine is a felony of 527
the first degree, the offender is a major drug offender, and the 528
court shall impose as a mandatory prison term the maximum prison 529
term prescribed for a felony of the first degree. 530

(5) If the drug involved in the violation is L.S.D. or a 531
compound, mixture, preparation, or substance containing L.S.D., 532
whoever violates division (A) of this section is guilty of 533
trafficking in L.S.D. The penalty for the offense shall be 534
determined as follows: 535

(a) Except as otherwise provided in division (C) (5) (b), 536
(c), (d), (e), (f), or (g) of this section, trafficking in 537
L.S.D. is a felony of the fifth degree, and division (B) of 538
section 2929.13 of the Revised Code applies in determining 539
whether to impose a prison term on the offender. 540

(b) Except as otherwise provided in division (C) (5) (c), 541
(d), (e), (f), or (g) of this section, if the offense was 542
committed in the vicinity of a school or in the vicinity of a 543
juvenile, trafficking in L.S.D. is a felony of the fourth 544
degree, and division (C) of section 2929.13 of the Revised Code 545
applies in determining whether to impose a prison term on the 546
offender. 547

(c) Except as otherwise provided in this division, if the 548
amount of the drug involved equals or exceeds ten unit doses but 549
is less than fifty unit doses of L.S.D. in a solid form or 550
equals or exceeds one gram but is less than five grams of L.S.D. 551
in a liquid concentrate, liquid extract, or liquid distillate 552
form, trafficking in L.S.D. is a felony of the fourth degree, 553

and division (B) of section 2929.13 of the Revised Code applies 554
in determining whether to impose a prison term for the offense. 555
If the amount of the drug involved is within that range and if 556
the offense was committed in the vicinity of a school or in the 557
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 558
third degree, and there is a presumption for a prison term for 559
the offense. 560

(d) Except as otherwise provided in this division, if the 561
amount of the drug involved equals or exceeds fifty unit doses 562
but is less than two hundred fifty unit doses of L.S.D. in a 563
solid form or equals or exceeds five grams but is less than 564
twenty-five grams of L.S.D. in a liquid concentrate, liquid 565
extract, or liquid distillate form, trafficking in L.S.D. is a 566
felony of the third degree, and, except as otherwise provided in 567
this division, there is a presumption for a prison term for the 568
offense. If trafficking in L.S.D. is a felony of the third 569
degree under this division and if the offender two or more times 570
previously has been convicted of or pleaded guilty to a felony 571
drug abuse offense, the court shall impose as a mandatory prison 572
term one of the prison terms prescribed for a felony of the 573
third degree. If the amount of the drug involved is within that 574
range and if the offense was committed in the vicinity of a 575
school or in the vicinity of a juvenile, trafficking in L.S.D. 576
is a felony of the second degree, and the court shall impose as 577
a mandatory prison term one of the prison terms prescribed for a 578
felony of the second degree. 579

(e) Except as otherwise provided in this division, if the 580
amount of the drug involved equals or exceeds two hundred fifty 581
unit doses but is less than one thousand unit doses of L.S.D. in 582
a solid form or equals or exceeds twenty-five grams but is less 583
than one hundred grams of L.S.D. in a liquid concentrate, liquid 584

extract, or liquid distillate form, trafficking in L.S.D. is a 585
felony of the second degree, and the court shall impose as a 586
mandatory prison term one of the prison terms prescribed for a 587
felony of the second degree. If the amount of the drug involved 588
is within that range and if the offense was committed in the 589
vicinity of a school or in the vicinity of a juvenile, 590
trafficking in L.S.D. is a felony of the first degree, and the 591
court shall impose as a mandatory prison term one of the prison 592
terms prescribed for a felony of the first degree. 593

(f) If the amount of the drug involved equals or exceeds 594
one thousand unit doses but is less than five thousand unit 595
doses of L.S.D. in a solid form or equals or exceeds one hundred 596
grams but is less than five hundred grams of L.S.D. in a liquid 597
concentrate, liquid extract, or liquid distillate form and 598
regardless of whether the offense was committed in the vicinity 599
of a school or in the vicinity of a juvenile, trafficking in 600
L.S.D. is a felony of the first degree, and the court shall 601
impose as a mandatory prison term one of the prison terms 602
prescribed for a felony of the first degree. 603

(g) If the amount of the drug involved equals or exceeds 604
five thousand unit doses of L.S.D. in a solid form or equals or 605
exceeds five hundred grams of L.S.D. in a liquid concentrate, 606
liquid extract, or liquid distillate form and regardless of 607
whether the offense was committed in the vicinity of a school or 608
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 609
of the first degree, the offender is a major drug offender, and 610
the court shall impose as a mandatory prison term the maximum 611
prison term prescribed for a felony of the first degree. 612

(6) If the drug involved in the violation is heroin or a 613
compound, mixture, preparation, or substance containing heroin, 614

whoever violates division (A) of this section is guilty of 615
trafficking in heroin. The penalty for the offense shall be 616
determined as follows: 617

(a) Except as otherwise provided in division (C) (6) (b), 618
(c), (d), (e), (f), or (g) of this section, trafficking in 619
heroin 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) (6) (c), 623
(d), (e), (f), or (g) of this section, if the offense was 624
committed in the vicinity of a school or in the vicinity of a 625
juvenile, trafficking in heroin is a felony of the fourth 626
degree, and division (C) of section 2929.13 of the Revised Code 627
applies in determining whether to impose a prison term on the 628
offender. 629

(c) Except as otherwise provided in this division, if the 630
amount of the drug involved equals or exceeds ten unit doses but 631
is less than fifty unit doses or equals or exceeds one gram but 632
is less than five grams, trafficking in heroin is a felony of 633
the fourth degree, and division (B) of section 2929.13 of the 634
Revised Code applies in determining whether to impose a prison 635
term for the offense. If the amount of the drug involved is 636
within that range and if the offense was committed in the 637
vicinity of a school or in the vicinity of a juvenile, 638
trafficking in heroin is a felony of the third degree, and there 639
is a presumption for a prison term for the offense. 640

(d) Except as otherwise provided in this division, if the 641
amount of the drug involved equals or exceeds fifty unit doses 642
but is less than one hundred unit doses or equals or exceeds 643
five grams but is less than ten grams, trafficking in heroin is 644

a felony of the third degree, and there is a presumption for a 645
prison term for the offense. If the amount of the drug involved 646
is within that range and if the offense was committed in the 647
vicinity of a school or in the vicinity of a juvenile, 648
trafficking in heroin is a felony of the second degree, and 649
there is a presumption for a prison term for the offense. 650

(e) Except as otherwise provided in this division, if the 651
amount of the drug involved equals or exceeds one hundred unit 652
doses but is less than five hundred unit doses or equals or 653
exceeds ten grams but is less than fifty grams, trafficking in 654
heroin is a felony of the second degree, and the court shall 655
impose as a mandatory prison term one of the prison terms 656
prescribed for a felony of the second degree. If the amount of 657
the drug involved is within that range and if the offense was 658
committed in the vicinity of a school or in the vicinity of a 659
juvenile, trafficking in heroin is a felony of the first degree, 660
and the court shall impose as a mandatory prison term one of the 661
prison terms prescribed for a felony of the first degree. 662

(f) If the amount of the drug involved equals or exceeds 663
five hundred unit doses but is less than two thousand five 664
hundred unit doses or equals or exceeds fifty grams but is less 665
than two hundred fifty grams and regardless of whether the 666
offense was committed in the vicinity of a school or in the 667
vicinity of a juvenile, trafficking in heroin is a felony of the 668
first degree, and the court shall impose as a mandatory prison 669
term one of the prison terms prescribed for a felony of the 670
first degree. 671

(g) If the amount of the drug involved equals or exceeds 672
two thousand five hundred unit doses or equals or exceeds two 673
hundred fifty grams and regardless of whether the offense was 674

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If

the amount of the drug involved is within that range and if the 705
offense was committed in the vicinity of a school or in the 706
vicinity of a juvenile, trafficking in hashish is a felony of 707
the third degree, and division (C) of section 2929.13 of the 708
Revised Code applies in determining whether to impose a prison 709
term on the offender. 710

(d) Except as otherwise provided in this division, if the 711
amount of the drug involved equals or exceeds fifty grams but is 712
less than two hundred fifty grams of hashish in a solid form or 713
equals or exceeds ten grams but is less than fifty grams of 714
hashish in a liquid concentrate, liquid extract, or liquid 715
distillate form, trafficking in hashish is a felony of the third 716
degree, and division (C) of section 2929.13 of the Revised Code 717
applies in determining whether to impose a prison term on the 718
offender. If the amount of the drug involved is within that 719
range and if the offense was committed in the vicinity of a 720
school or in the vicinity of a juvenile, trafficking in hashish 721
is a felony of the second degree, and there is a presumption 722
that a prison term shall be imposed for the offense. 723

(e) Except as otherwise provided in this division, if the 724
amount of the drug involved equals or exceeds two hundred fifty 725
grams but is less than one thousand grams of hashish in a solid 726
form or equals or exceeds fifty grams but is less than two 727
hundred grams of hashish in a liquid concentrate, liquid 728
extract, or liquid distillate form, trafficking in hashish is a 729
felony of the third degree, and there is a presumption that a 730
prison term shall be imposed for the offense. If the amount of 731
the drug involved is within that range and if the offense was 732
committed in the vicinity of a school or in the vicinity of a 733
juvenile, trafficking in hashish is a felony of the second 734
degree, and there is a presumption that a prison term shall be 735

imposed for the offense. 736

(f) Except as otherwise provided in this division, if the 737
amount of the drug involved equals or exceeds one thousand grams 738
but is less than two thousand grams of hashish in a solid form 739
or equals or exceeds two hundred grams but is less than four 740
hundred grams of hashish in a liquid concentrate, liquid 741
extract, or liquid distillate form, trafficking in hashish is a 742
felony of the second degree, and the court shall impose a 743
mandatory prison term of five, six, seven, or eight years. If 744
the amount of the drug involved is within that range and if the 745
offense was committed in the vicinity of a school or in the 746
vicinity of a juvenile, trafficking in hashish is a felony of 747
the first degree, and the court shall impose as a mandatory 748
prison term the maximum prison term prescribed for a felony of 749
the first degree. 750

(g) Except as otherwise provided in this division, if the 751
amount of the drug involved equals or exceeds two thousand grams 752
of hashish in a solid form or equals or exceeds four hundred 753
grams of hashish in a liquid concentrate, liquid extract, or 754
liquid distillate form, trafficking in hashish is a felony of 755
the second degree, and the court shall impose as a mandatory 756
prison term the maximum prison term prescribed for a felony of 757
the second degree. If the amount of the drug involved equals or 758
exceeds two thousand grams of hashish in a solid form or equals 759
or exceeds four hundred grams of hashish in a liquid 760
concentrate, liquid extract, or liquid distillate form and if 761
the offense was committed in the vicinity of a school or in the 762
vicinity of a juvenile, trafficking in hashish is a felony of 763
the first degree, and the court shall impose as a mandatory 764
prison term the maximum prison term prescribed for a felony of 765
the first degree. 766

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

(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog 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.

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

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

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

amount of the drug involved equals or exceeds twenty grams but 797
is less than thirty grams, trafficking in a controlled substance 798
analog is a felony of the third degree, and there is a 799
presumption for a prison term for the offense. If the amount of 800
the drug involved is within that range and if the offense was 801
committed in the vicinity of a school or in the vicinity of a 802
juvenile, trafficking in a controlled substance analog is a 803
felony of the second degree, and there is a presumption for a 804
prison term for the offense. 805

(e) Except as otherwise provided in this division, if the 806
amount of the drug involved equals or exceeds thirty grams but 807
is less than forty grams, trafficking in a controlled substance 808
analog is a felony of the second degree, and the court shall 809
impose as a mandatory prison term one of the prison terms 810
prescribed for a felony of the second degree. If the amount of 811
the drug involved is within that range and if the offense was 812
committed in the vicinity of a school or in the vicinity of a 813
juvenile, trafficking in a controlled substance analog is a 814
felony of the first degree, and the court shall impose as a 815
mandatory prison term one of the prison terms prescribed for a 816
felony of the first degree. 817

(f) If the amount of the drug involved equals or exceeds 818
forty grams but is less than fifty grams and regardless of 819
whether the offense was committed in the vicinity of a school or 820
in the vicinity of a juvenile, trafficking in a controlled 821
substance analog is a felony of the first degree, and the court 822
shall impose as a mandatory prison term one of the prison terms 823
prescribed for a felony of the first degree. 824

(g) If the amount of the drug involved equals or exceeds 825
fifty grams and regardless of whether the offense was committed 826

in the vicinity of a school or in the vicinity of a juvenile, 827
trafficking in a controlled substance analog is a felony of the 828
first degree, the offender is a major drug offender, and the 829
court shall impose as a mandatory prison term the maximum prison 830
term prescribed for a felony of the first degree. 831

(D) In addition to any prison term authorized or required 832
by division (C) of this section and sections 2929.13 and 2929.14 833
of the Revised Code, and in addition to any other sanction 834
imposed for the offense under this section or sections 2929.11 835
to 2929.18 of the Revised Code, the court that sentences an 836
offender who is convicted of or pleads guilty to a violation of 837
division (A) of this section may suspend the driver's or 838
commercial driver's license or permit of the offender in 839
accordance with division (G) of this section. However, if the 840
offender pleaded guilty to or was convicted of a violation of 841
section 4511.19 of the Revised Code or a substantially similar 842
municipal ordinance or the law of another state or the United 843
States arising out of the same set of circumstances as the 844
violation, the court shall suspend the offender's driver's or 845
commercial driver's license or permit in accordance with 846
division (G) of this section. If applicable, the court also 847
~~shall do all of the following that are applicable regarding the~~ 848
~~offender:~~ 849

(1) If the violation of division (A) of this section is a 850
felony of the first, second, or third degree, the court shall 851
impose upon the offender the mandatory fine specified for the 852
offense under division (B)(1) of section 2929.18 of the Revised 853
Code unless, as specified in that division, the court determines 854
that the offender is indigent. Except as otherwise provided in 855
division (H)(1) of this section, a mandatory fine or any other 856
fine imposed for a violation of this section is subject to 857

division (F) of this section. If a person is charged with a 858
violation of this section that is a felony of the first, second, 859
or third degree, posts bail, and forfeits the bail, the clerk of 860
the court shall pay the forfeited bail pursuant to divisions (D) 861
(1) and (F) of this section, as if the forfeited bail was a fine 862
imposed for a violation of this section. If any amount of the 863
forfeited bail remains after that payment and if a fine is 864
imposed under division (H) (1) of this section, the clerk of the 865
court shall pay the remaining amount of the forfeited bail 866
pursuant to divisions (H) (2) and (3) of this section, as if that 867
remaining amount was a fine imposed under division (H) (1) of 868
this section. 869

~~(2) The court shall suspend the driver's or commercial 870
driver's license or permit of the offender in accordance with 871
division (G) of this section. 872~~

~~(3) If the offender is a professionally licensed person, 873
the court immediately shall comply with section 2925.38 of the 874
Revised Code. 875~~

(E) When a person is charged with the sale of or offer to 876
sell a bulk amount or a multiple of a bulk amount of a 877
controlled substance, the jury, or the court trying the accused, 878
shall determine the amount of the controlled substance involved 879
at the time of the offense and, if a guilty verdict is returned, 880
shall return the findings as part of the verdict. In any such 881
case, it is unnecessary to find and return the exact amount of 882
the controlled substance involved, and it is sufficient if the 883
finding and return is to the effect that the amount of the 884
controlled substance involved is the requisite amount, or that 885
the amount of the controlled substance involved is less than the 886
requisite amount. 887

(F) (1) Notwithstanding any contrary provision of section 888
3719.21 of the Revised Code and except as provided in division 889
(H) of this section, the clerk of the court shall pay any 890
mandatory fine imposed pursuant to division (D) (1) of this 891
section and any fine other than a mandatory fine that is imposed 892
for a violation of this section pursuant to division (A) or (B) 893
(5) of section 2929.18 of the Revised Code to the county, 894
township, municipal corporation, park district, as created 895
pursuant to section 511.18 or 1545.04 of the Revised Code, or 896
state law enforcement agencies in this state that primarily were 897
responsible for or involved in making the arrest of, and in 898
prosecuting, the offender. However, the clerk shall not pay a 899
mandatory fine so imposed to a law enforcement agency unless the 900
agency has adopted a written internal control policy under 901
division (F) (2) of this section that addresses the use of the 902
fine moneys that it receives. Each agency shall use the 903
mandatory fines so paid to subsidize the agency's law 904
enforcement efforts that pertain to drug offenses, in accordance 905
with the written internal control policy adopted by the 906
recipient agency under division (F) (2) of this section. 907

(2) Prior to receiving any fine moneys under division (F) 908
(1) of this section or division (B) of section 2925.42 of the 909
Revised Code, a law enforcement agency shall adopt a written 910
internal control policy that addresses the agency's use and 911
disposition of all fine moneys so received and that provides for 912
the keeping of detailed financial records of the receipts of 913
those fine moneys, the general types of expenditures made out of 914
those fine moneys, and the specific amount of each general type 915
of expenditure. The policy shall not provide for or permit the 916
identification of any specific expenditure that is made in an 917
ongoing investigation. All financial records of the receipts of 918

those fine moneys, the general types of expenditures made out of 919
those fine moneys, and the specific amount of each general type 920
of expenditure by an agency are public records open for 921
inspection under section 149.43 of the Revised Code. 922
Additionally, a written internal control policy adopted under 923
this division is such a public record, and the agency that 924
adopted it shall comply with it. 925

(3) As used in division (F) of this section: 926

(a) "Law enforcement agencies" includes, but is not 927
limited to, the state board of pharmacy and the office of a 928
prosecutor. 929

(b) "Prosecutor" has the same meaning as in section 930
2935.01 of the Revised Code. 931

~~(G) When required (1) If the sentencing court suspends the~~ 932
~~offender's driver's or commercial driver's license or permit~~ 933
under division (D) ~~(2)~~ of this section or any other provision of 934
this chapter, the court shall suspend the license, by order, for 935
~~not less than six months or more than five years the driver's or~~ 936
~~commercial driver's license or permit of any person who is~~ 937
~~convicted of or pleads guilty to any violation of this section~~ 938
~~or any other specified provision of this chapter. If an~~ 939
offender's driver's or commercial driver's license or permit is 940
suspended pursuant to this division, the offender, at any time 941
after the expiration of two years from the day on which the 942
offender's sentence was imposed or from the day on which the 943
offender finally was released from a prison term under the 944
sentence, whichever is later, may file a motion with the 945
sentencing court requesting termination of the suspension; upon 946
the filing of such a motion and the court's finding of good 947
cause for the termination, the court may terminate the 948

suspension. 949

(2) Any offender who received a mandatory suspension of 950
the offender's driver's or commercial driver's license or permit 951
under this section prior to the effective date of this amendment 952
may file a motion with the sentencing court requesting the 953
termination of the suspension. However, an offender who pleaded 954
guilty to or was convicted of a violation of section 4511.19 of 955
the Revised Code or a substantially similar municipal ordinance 956
or law of another state or the United States that arose out of 957
the same set of circumstances as the violation for which the 958
offender's license or permit was suspended under this section 959
shall not file such a motion. 960

Upon the filing of a motion under division (G) (2) of this 961
section, the sentencing court, in its discretion, may terminate 962
the suspension. 963

(H) (1) In addition to any prison term authorized or 964
required by division (C) of this section and sections 2929.13 965
and 2929.14 of the Revised Code, in addition to any other 966
penalty or sanction imposed for the offense under this section 967
or sections 2929.11 to 2929.18 of the Revised Code, and in 968
addition to the forfeiture of property in connection with the 969
offense as prescribed in Chapter 2981. of the Revised Code, the 970
court that sentences an offender who is convicted of or pleads 971
guilty to a violation of division (A) of this section may impose 972
upon the offender an additional fine specified for the offense 973
in division (B) (4) of section 2929.18 of the Revised Code. A 974
fine imposed under division (H) (1) of this section is not 975
subject to division (F) of this section and shall be used solely 976
for the support of one or more eligible community addiction 977
services providers in accordance with divisions (H) (2) and (3) 978

of this section. 979

(2) The court that imposes a fine under division (H) (1) of 980
this section shall specify in the judgment that imposes the fine 981
one or more eligible community addiction services providers for 982
the support of which the fine money is to be used. No community 983
addiction services provider shall receive or use money paid or 984
collected in satisfaction of a fine imposed under division (H) 985
(1) of this section unless the services provider is specified in 986
the judgment that imposes the fine. No community addiction 987
services provider shall be specified in the judgment unless the 988
services provider is an eligible community addiction services 989
provider and, except as otherwise provided in division (H) (2) of 990
this section, unless the services provider is located in the 991
county in which the court that imposes the fine is located or in 992
a county that is immediately contiguous to the county in which 993
that court is located. If no eligible community addiction 994
services provider is located in any of those counties, the 995
judgment may specify an eligible community addiction services 996
provider that is located anywhere within this state. 997

(3) Notwithstanding any contrary provision of section 998
3719.21 of the Revised Code, the clerk of the court shall pay 999
any fine imposed under division (H) (1) of this section to the 1000
eligible community addiction services provider specified 1001
pursuant to division (H) (2) of this section in the judgment. The 1002
eligible community addiction services provider that receives the 1003
fine moneys shall use the moneys only for the alcohol and drug 1004
addiction services identified in the application for 1005
certification of services under section 5119.36 of the Revised 1006
Code or in the application for a license under section 5119.391 1007
of the Revised Code filed with the department of mental health 1008
and addiction services by the community addiction services 1009

provider specified in the judgment. 1010

(4) Each community addiction services provider that 1011
receives in a calendar year any fine moneys under division (H) 1012
(3) of this section shall file an annual report covering that 1013
calendar year with the court of common pleas and the board of 1014
county commissioners of the county in which the services 1015
provider is located, with the court of common pleas and the 1016
board of county commissioners of each county from which the 1017
services provider received the moneys if that county is 1018
different from the county in which the services provider is 1019
located, and with the attorney general. The community addiction 1020
services provider shall file the report no later than the first 1021
day of March in the calendar year following the calendar year in 1022
which the services provider received the fine moneys. The report 1023
shall include statistics on the number of persons served by the 1024
community addiction services provider, identify the types of 1025
alcohol and drug addiction services provided to those persons, 1026
and include a specific accounting of the purposes for which the 1027
fine moneys received were used. No information contained in the 1028
report shall identify, or enable a person to determine the 1029
identity of, any person served by the community addiction 1030
services provider. Each report received by a court of common 1031
pleas, a board of county commissioners, or the attorney general 1032
is a public record open for inspection under section 149.43 of 1033
the Revised Code. 1034

(5) As used in divisions (H) (1) to (5) of this section: 1035

(a) "Community addiction services provider" and "alcohol 1036
and drug addiction services" have the same meanings as in 1037
section 5119.01 of the Revised Code. 1038

(b) "Eligible community addiction services provider" means 1039

a community addiction services provider, as defined in section 1040
5119.01 of the Revised Code, or a community addiction services 1041
provider that maintains a methadone treatment program licensed 1042
under section 5119.391 of the Revised Code. 1043

(I) As used in this section, "drug" includes any substance 1044
that is represented to be a drug. 1045

(J) It is an affirmative defense to a charge of 1046
trafficking in a controlled substance analog under division (C) 1047
(8) of this section that the person charged with violating that 1048
offense sold or offered to sell, or prepared for shipment, 1049
shipped, transported, delivered, prepared for distribution, or 1050
distributed an item described in division (HH) (2) (a), (b), or 1051
(c) of section 3719.01 of the Revised Code. 1052

Sec. 2925.04. (A) No person shall knowingly cultivate 1053
marihuana or knowingly manufacture or otherwise engage in any 1054
part of the production of a controlled substance. 1055

(B) This section does not apply to any person listed in 1056
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1057
Code to the extent and under the circumstances described in 1058
those divisions. 1059

(C) (1) Whoever commits a violation of division (A) of this 1060
section that involves any drug other than marihuana is guilty of 1061
illegal manufacture of drugs, and whoever commits a violation of 1062
division (A) of this section that involves marihuana is guilty 1063
of illegal cultivation of marihuana. 1064

(2) Except as otherwise provided in this division, if the 1065
drug involved in the violation of division (A) of this section 1066
is any compound, mixture, preparation, or substance included in 1067
schedule I or II, with the exception of methamphetamine or 1068

marihuana, illegal manufacture of drugs is a felony of the 1069
second degree, and, subject to division (E) of this section, the 1070
court shall impose as a mandatory prison term one of the prison 1071
terms prescribed for a felony of the second degree. 1072

If the drug involved in the violation is any compound, 1073
mixture, preparation, or substance included in schedule I or II, 1074
with the exception of methamphetamine or marihuana, and if the 1075
offense was committed in the vicinity of a juvenile or in the 1076
vicinity of a school, illegal manufacture of drugs is a felony 1077
of the first degree, and, subject to division (E) of this 1078
section, the court shall impose as a mandatory prison term one 1079
of the prison terms prescribed for a felony of the first degree. 1080

(3) If the drug involved in the violation of division (A) 1081
of this section is methamphetamine, the penalty for the 1082
violation shall be determined as follows: 1083

(a) Except as otherwise provided in division (C) (3) (b) of 1084
this section, if the drug involved in the violation is 1085
methamphetamine, illegal manufacture of drugs is a felony of the 1086
second degree, and, subject to division (E) of this section, the 1087
court shall impose a mandatory prison term on the offender 1088
determined in accordance with this division. Except as otherwise 1089
provided in this division, the court shall impose as a mandatory 1090
prison term one of the prison terms prescribed for a felony of 1091
the second degree that is not less than three years. If the 1092
offender previously has been convicted of or pleaded guilty to a 1093
violation of division (A) of this section, a violation of 1094
division (B) (6) of section 2919.22 of the Revised Code, or a 1095
violation of division (A) of section 2925.041 of the Revised 1096
Code, the court shall impose as a mandatory prison term one of 1097
the prison terms prescribed for a felony of the second degree 1098

that is not less than five years. 1099

(b) If the drug involved in the violation is 1100
methamphetamine and if the offense was committed in the vicinity 1101
of a juvenile, in the vicinity of a school, or on public 1102
premises, illegal manufacture of drugs is a felony of the first 1103
degree, and, subject to division (E) of this section, the court 1104
shall impose a mandatory prison term on the offender determined 1105
in accordance with this division. Except as otherwise provided 1106
in this division, the court shall impose as a mandatory prison 1107
term one of the prison terms prescribed for a felony of the 1108
first degree that is not less than four years. If the offender 1109
previously has been convicted of or pleaded guilty to a 1110
violation of division (A) of this section, a violation of 1111
division (B) (6) of section 2919.22 of the Revised Code, or a 1112
violation of division (A) of section 2925.041 of the Revised 1113
Code, the court shall impose as a mandatory prison term one of 1114
the prison terms prescribed for a felony of the first degree 1115
that is not less than five years. 1116

(4) If the drug involved in the violation of division (A) 1117
of this section is any compound, mixture, preparation, or 1118
substance included in schedule III, IV, or V, illegal 1119
manufacture of drugs is a felony of the third degree or, if the 1120
offense was committed in the vicinity of a school or in the 1121
vicinity of a juvenile, a felony of the second degree, and there 1122
is a presumption for a prison term for the offense. 1123

(5) If the drug involved in the violation is marihuana, 1124
the penalty for the offense shall be determined as follows: 1125

(a) Except as otherwise provided in division (C) (5) (b), 1126
(c), (d), (e), or (f) of this section, illegal cultivation of 1127
marihuana is a minor misdemeanor or, if the offense was 1128

committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree. 1129
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(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree. 1131
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(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1137
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(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 1144
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(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense. 1151
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(f) Except as otherwise provided in this division, if the 1157

amount of marihuana involved equals or exceeds twenty thousand 1158
grams, illegal cultivation of marihuana is a felony of the 1159
second degree, and the court shall impose as a mandatory prison 1160
term the maximum prison term prescribed for a felony of the 1161
second degree. If the amount of the drug involved equals or 1162
exceeds twenty thousand grams and if the offense was committed 1163
in the vicinity of a school or in the vicinity of a juvenile, 1164
illegal cultivation of marihuana is a felony of the first 1165
degree, and the court shall impose as a mandatory prison term 1166
the maximum prison term prescribed for a felony of the first 1167
degree. 1168

(D) In addition to any prison term authorized or required 1169
by division (C) or (E) of this section and sections 2929.13 and 1170
2929.14 of the Revised Code and in addition to any other 1171
sanction imposed for the offense under this section or sections 1172
2929.11 to 2929.18 of the Revised Code, the court that sentences 1173
an offender who is convicted of or pleads guilty to a violation 1174
of division (A) of this section may suspend the offender's 1175
driver's or commercial driver's license or permit in accordance 1176
with division (G) of section 2925.03 of the Revised Code. 1177
However, if the offender pleaded guilty to or was convicted of a 1178
violation of section 4511.19 of the Revised Code or a 1179
substantially similar municipal ordinance or the law of another 1180
state or the United States arising out of the same set of 1181
circumstances as the violation, the court shall suspend the 1182
offender's driver's or commercial driver's license or permit in 1183
accordance with division (G) of section 2925.03 of the Revised 1184
Code. If applicable, the court also shall do all of the 1185
following that are applicable regarding the offender: 1186

(1) If the violation of division (A) of this section is a 1187
felony of the first, second, or third degree, the court shall 1188

impose upon the offender the mandatory fine specified for the 1189
offense under division (B) (1) of section 2929.18 of the Revised 1190
Code unless, as specified in that division, the court determines 1191
that the offender is indigent. The clerk of the court shall pay 1192
a mandatory fine or other fine imposed for a violation of this 1193
section pursuant to division (A) of section 2929.18 of the 1194
Revised Code in accordance with and subject to the requirements 1195
of division (F) of section 2925.03 of the Revised Code. The 1196
agency that receives the fine shall use the fine as specified in 1197
division (F) of section 2925.03 of the Revised Code. If a person 1198
is charged with a violation of this section that is a felony of 1199
the first, second, or third degree, posts bail, and forfeits the 1200
bail, the clerk shall pay the forfeited bail as if the forfeited 1201
bail were a fine imposed for a violation of this section. 1202

~~(2) The court shall suspend the offender's driver's or 1203
commercial driver's license or permit in accordance with 1204
division (C) of section 2925.03 of the Revised Code. If an 1205
offender's driver's or commercial driver's license or permit is 1206
suspended in accordance with that division, the offender may 1207
request termination of, and the court may terminate, the 1208
suspension in accordance with that division. 1209~~

~~(3) If the offender is a professionally licensed person, 1210
the court immediately shall comply with section 2925.38 of the 1211
Revised Code. 1212~~

(E) Notwithstanding the prison term otherwise authorized 1213
or required for the offense under division (C) of this section 1214
and sections 2929.13 and 2929.14 of the Revised Code, if the 1215
violation of division (A) of this section involves the sale, 1216
offer to sell, or possession of a schedule I or II controlled 1217
substance, with the exception of marihuana, and if the court 1218

imposing sentence upon the offender finds that the offender as a 1219
result of the violation is a major drug offender and is guilty 1220
of a specification of the type described in section 2941.1410 of 1221
the Revised Code, the court, in lieu of the prison term 1222
otherwise authorized or required, shall impose upon the offender 1223
the mandatory prison term specified in division (B) (3) of 1224
section 2929.14 of the Revised Code. 1225

(F) It is an affirmative defense, as provided in section 1226
2901.05 of the Revised Code, to a charge under this section for 1227
a fifth degree felony violation of illegal cultivation of 1228
marihuana that the marihuana that gave rise to the charge is in 1229
an amount, is in a form, is prepared, compounded, or mixed with 1230
substances that are not controlled substances in a manner, or is 1231
possessed or cultivated under any other circumstances that 1232
indicate that the marihuana was solely for personal use. 1233

Notwithstanding any contrary provision of division (F) of 1234
this section, if, in accordance with section 2901.05 of the 1235
Revised Code, a person who is charged with a violation of 1236
illegal cultivation of marihuana that is a felony of the fifth 1237
degree sustains the burden of going forward with evidence of and 1238
establishes by a preponderance of the evidence the affirmative 1239
defense described in this division, the person may be prosecuted 1240
for and may be convicted of or plead guilty to a misdemeanor 1241
violation of illegal cultivation of marihuana. 1242

(G) Arrest or conviction for a minor misdemeanor violation 1243
of this section does not constitute a criminal record and need 1244
not be reported by the person so arrested or convicted in 1245
response to any inquiries about the person's criminal record, 1246
including any inquiries contained in an application for 1247
employment, a license, or any other right or privilege or made 1248

in connection with the person's appearance as a witness. 1249

(H) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division. 1250
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(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 the effective date of this amendment 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. 1256
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Upon the filing of a motion under division (H) (2) of this section, the sentencing court, in its discretion, may terminate the suspension. 1267
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Sec. 2925.041. (A) No person shall knowingly assemble or possess one or more chemicals that may be used to manufacture a controlled substance in schedule I or II with the intent to manufacture a controlled substance in schedule I or II in violation of section 2925.04 of the Revised Code. 1270
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(B) In a prosecution under this section, it is not necessary to allege or prove that the offender assembled or possessed all chemicals necessary to manufacture a controlled 1275
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substance in schedule I or II. The assembly or possession of a 1278
single chemical that may be used in the manufacture of a 1279
controlled substance in schedule I or II, with the intent to 1280
manufacture a controlled substance in either schedule, is 1281
sufficient to violate this section. 1282

(C) Whoever violates this section is guilty of illegal 1283
assembly or possession of chemicals for the manufacture of 1284
drugs. Except as otherwise provided in this division, illegal 1285
assembly or possession of chemicals for the manufacture of drugs 1286
is a felony of the third degree, and, except as otherwise 1287
provided in division (C)(1) or (2) of this section, division (C) 1288
of section 2929.13 of the Revised Code applies in determining 1289
whether to impose a prison term on the offender. If the offense 1290
was committed in the vicinity of a juvenile or in the vicinity 1291
of a school, illegal assembly or possession of chemicals for the 1292
manufacture of drugs is a felony of the second degree, and, 1293
except as otherwise provided in division (C)(1) or (2) of this 1294
section, division (C) of section 2929.13 of the Revised Code 1295
applies in determining whether to impose a prison term on the 1296
offender. If the violation of division (A) of this section is a 1297
felony of the third degree under this division and if the 1298
chemical or chemicals assembled or possessed in violation of 1299
division (A) of this section may be used to manufacture 1300
methamphetamine, there either is a presumption for a prison term 1301
for the offense or the court shall impose a mandatory prison 1302
term on the offender, determined as follows: 1303

(1) Except as otherwise provided in this division, there 1304
is a presumption for a prison term for the offense. If the 1305
offender two or more times previously has been convicted of or 1306
pleaded guilty to a felony drug abuse offense, except as 1307
otherwise provided in this division, the court shall impose as a 1308

mandatory prison term one of the prison terms prescribed for a 1309
felony of the third degree that is not less than two years. If 1310
the offender two or more times previously has been convicted of 1311
or pleaded guilty to a felony drug abuse offense and if at least 1312
one of those previous convictions or guilty pleas was to a 1313
violation of division (A) of this section, a violation of 1314
division (B) (6) of section 2919.22 of the Revised Code, or a 1315
violation of division (A) of section 2925.04 of the Revised 1316
Code, the court shall impose as a mandatory prison term one of 1317
the prison terms prescribed for a felony of the third degree 1318
that is not less than five years. 1319

(2) If the violation of division (A) of this section is a 1320
felony of the second degree under division (C) of this section 1321
and the chemical or chemicals assembled or possessed in 1322
committing the violation may be used to manufacture 1323
methamphetamine, the court shall impose as a mandatory prison 1324
term one of the prison terms prescribed for a felony of the 1325
second degree that is not less than three years. If the 1326
violation of division (A) of this section is a felony of the 1327
second degree under division (C) of this section, if the 1328
chemical or chemicals assembled or possessed in committing the 1329
violation may be used to manufacture methamphetamine, and if the 1330
offender previously has been convicted of or pleaded guilty to a 1331
violation of division (A) of this section, a violation of 1332
division (B) (6) of section 2919.22 of the Revised Code, or a 1333
violation of division (A) of section 2925.04 of the Revised 1334
Code, the court shall impose as a mandatory prison term one of 1335
the prison terms prescribed for a felony of the second degree 1336
that is not less than five years. 1337

(D) In addition to any prison term authorized by division 1338
(C) of this section and sections 2929.13 and 2929.14 of the 1339

Revised Code and in addition to any other sanction imposed for 1340
the offense under this section or sections 2929.11 to 2929.18 of 1341
the Revised Code, the court that sentences an offender who is 1342
convicted of or pleads guilty to a violation of this section may 1343
suspend the offender's driver's or commercial driver's license 1344
or permit in accordance with division (G) of section 2925.03 of 1345
the Revised Code. However, if the offender pleaded guilty to or 1346
was convicted of a violation of section 4511.19 of the Revised 1347
Code or a substantially similar municipal ordinance or the law 1348
of another state or the United States arising out of the same 1349
set of circumstances as the violation, the court shall suspend 1350
the offender's driver's or commercial driver's license or permit 1351
in accordance with division (G) of section 2925.03 of the 1352
Revised Code. If applicable, the court also shall do all of the 1353
following that are applicable regarding the offender: 1354

(1) The court shall impose upon the offender the mandatory 1355
fine specified for the offense under division (B)(1) of section 1356
2929.18 of the Revised Code unless, as specified in that 1357
division, the court determines that the offender is indigent. 1358
The clerk of the court shall pay a mandatory fine or other fine 1359
imposed for a violation of this section under division (A) of 1360
section 2929.18 of the Revised Code in accordance with and 1361
subject to the requirements of division (F) of section 2925.03 1362
of the Revised Code. The agency that receives the fine shall use 1363
the fine as specified in division (F) of section 2925.03 of the 1364
Revised Code. If a person charged with a violation of this 1365
section posts bail and forfeits the bail, the clerk shall pay 1366
the forfeited bail as if the forfeited bail were a fine imposed 1367
for a violation of this section. 1368

~~(2) The court shall revoke or suspend the offender's~~ 1369
~~driver's or commercial driver's license or permit in accordance~~ 1370

~~with division (G) of section 2925.03 of the Revised Code. If an
offender's driver's or commercial driver's license or permit is
revoked in accordance with that division, the offender may
request termination of, and the court may terminate, the
revocation in accordance with that division.~~

~~(3) If the offender is a professionally licensed person or
a person who has been admitted to the bar by order of the
supreme court in compliance with its prescribed and published
rules, the court shall comply with section 2925.38 of the
Revised Code.~~

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

(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 the effective date of this amendment
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 (E) (2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.

Sec. 2925.05. (A) No person shall knowingly provide money 1401
or other items of value to another person with the purpose that 1402
the recipient of the money or items of value use them to obtain 1403
any controlled substance for the purpose of violating section 1404
2925.04 of the Revised Code or for the purpose of selling or 1405
offering to sell the controlled substance in the following 1406
amount: 1407

(1) If the drug to be sold or offered for sale is any 1408
compound, mixture, preparation, or substance included in 1409
schedule I or II, with the exception of marihuana, cocaine, 1410
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 1411
amount of the drug that equals or exceeds the bulk amount of the 1412
drug; 1413

(2) If the drug to be sold or offered for sale is 1414
marihuana or a compound, mixture, preparation, or substance 1415
other than hashish containing marihuana, an amount of the 1416
marihuana that equals or exceeds two hundred grams; 1417

(3) If the drug to be sold or offered for sale is cocaine 1418
or a compound, mixture, preparation, or substance containing 1419
cocaine, an amount of the cocaine that equals or exceeds five 1420
grams; 1421

(4) If the drug to be sold or offered for sale is L.S.D. 1422
or a compound, mixture, preparation, or substance containing 1423
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1424
doses if the L.S.D. is in a solid form or equals or exceeds one 1425
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1426
or liquid distillate form; 1427

(5) If the drug to be sold or offered for sale is heroin 1428
or a compound, mixture, preparation, or substance containing 1429

heroin, an amount of the heroin that equals or exceeds ten unit 1430
doses or equals or exceeds one gram; 1431

(6) If the drug to be sold or offered for sale is hashish 1432
or a compound, mixture, preparation, or substance containing 1433
hashish, an amount of the hashish that equals or exceeds ten 1434
grams if the hashish is in a solid form or equals or exceeds two 1435
grams if the hashish is in a liquid concentrate, liquid extract, 1436
or liquid distillate form. 1437

(B) This section does not apply to any person listed in 1438
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1439
Code to the extent and under the circumstances described in 1440
those divisions. 1441

(C) (1) If the drug involved in the violation is any 1442
compound, mixture, preparation, or substance included in 1443
schedule I or II, with the exception of marihuana, whoever 1444
violates division (A) of this section is guilty of aggravated 1445
funding of drug trafficking, a felony of the first degree, and, 1446
subject to division (E) of this section, the court shall impose 1447
as a mandatory prison term one of the prison terms prescribed 1448
for a felony of the first degree. 1449

(2) If the drug involved in the violation is any compound, 1450
mixture, preparation, or substance included in schedule III, IV, 1451
or V, whoever violates division (A) of this section is guilty of 1452
funding of drug trafficking, a felony of the second degree, and 1453
the court shall impose as a mandatory prison term one of the 1454
prison terms prescribed for a felony of the second degree. 1455

(3) If the drug involved in the violation is marihuana, 1456
whoever violates division (A) of this section is guilty of 1457
funding of marihuana trafficking, a felony of the third degree, 1458

and, except as otherwise provided in this division, there is a 1459
presumption for a prison term for the offense. If funding of 1460
marihuana trafficking is a felony of the third degree under this 1461
division and if the offender two or more times previously has 1462
been convicted of or pleaded guilty to a felony drug abuse 1463
offense, the court shall impose as a mandatory prison term one 1464
of the prison terms prescribed for a felony of the third degree. 1465

(D) In addition to any prison term authorized or required 1466
by division (C) or (E) of this section and sections 2929.13 and 1467
2929.14 of the Revised Code and in addition to any other 1468
sanction imposed for the offense under this section or sections 1469
2929.11 to 2929.18 of the Revised Code, the court that sentences 1470
an offender who is convicted of or pleads guilty to a violation 1471
of division (A) of this section may suspend the offender's 1472
driver's or commercial driver's license or permit in accordance 1473
with division (G) of section 2925.03 of the Revised Code. 1474
However, if the offender pleaded guilty to or was convicted of a 1475
violation of section 4511.19 of the Revised Code or a 1476
substantially similar municipal ordinance or the law of another 1477
state or the United States arising out of the same set of 1478
circumstances as the violation, the court shall suspend the 1479
offender's driver's or commercial driver's license or permit in 1480
accordance with division (G) of section 2925.03 of the Revised 1481
Code. If applicable, the court also shall do all of the 1482
following that are applicable regarding the offender: 1483

(1) The court shall impose the mandatory fine specified 1484
for the offense under division (B)(1) of section 2929.18 of the 1485
Revised Code unless, as specified in that division, the court 1486
determines that the offender is indigent. The clerk of the court 1487
shall pay a mandatory fine or other fine imposed for a violation 1488
of this section pursuant to division (A) of section 2929.18 of 1489

the Revised Code in accordance with and subject to the 1490
requirements of division (F) of section 2925.03 of the Revised 1491
Code. The agency that receives the fine shall use the fine in 1492
accordance with division (F) of section 2925.03 of the Revised 1493
Code. If a person is charged with a violation of this section, 1494
posts bail, and forfeits the bail, the forfeited bail shall be 1495
paid as if the forfeited bail were a fine imposed for a 1496
violation of this section. 1497

~~(2) The court shall suspend the offender's driver's or 1498
commercial driver's license or permit in accordance with 1499
division (C) of section 2925.03 of the Revised Code. If an 1500
offender's driver's or commercial driver's license or permit is 1501
suspended in accordance with that division, the offender may 1502
request termination of, and the court may terminate, the 1503
suspension in accordance with that division. 1504~~

~~(3) If the offender is a professionally licensed person, 1505
the court immediately shall comply with section 2925.38 of the 1506
Revised Code. 1507~~

(E) Notwithstanding the prison term otherwise authorized 1508
or required for the offense under division (C) of this section 1509
and sections 2929.13 and 2929.14 of the Revised Code, if the 1510
violation of division (A) of this section involves the sale, 1511
offer to sell, or possession of a schedule I or II controlled 1512
substance, with the exception of marihuana, and if the court 1513
imposing sentence upon the offender finds that the offender as a 1514
result of the violation is a major drug offender and is guilty 1515
of a specification of the type described in section 2941.1410 of 1516
the Revised Code, the court, in lieu of the prison term 1517
otherwise authorized or required, shall impose upon the offender 1518
the mandatory prison term specified in division (B) (3) of 1519

section 2929.14 of the Revised Code. 1520

(F) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension in accordance with that division. 1521
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(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 the effective date of this amendment 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. 1527
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Upon the filing of a motion under division (F) (2) of this section, the sentencing court, in its discretion, may terminate the suspension. 1538
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Sec. 2925.06. (A) No person shall knowingly administer to a human being, or prescribe or dispense for administration to a human being, any anabolic steroid not approved by the United States food and drug administration for administration to human beings. 1541
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(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 1546
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those divisions. 1549

(C) Whoever violates division (A) of this section is 1550
guilty of illegal administration or distribution of anabolic 1551
steroids, a felony of the fourth degree, and division (C) of 1552
section 2929.13 of the Revised Code applies in determining 1553
whether to impose a prison term on the offender. 1554

(D) (1) In addition to any prison term authorized or 1555
required by division (C) of this section and sections 2929.13 1556
and 2929.14 of the Revised Code and in addition to any other 1557
sanction imposed for the offense under this section or sections 1558
2929.11 to 2929.18 of the Revised Code, the court that sentences 1559
an offender who is convicted of or pleads guilty to a violation 1560
of division (A) of this section ~~shall do both of the following:~~ 1561

~~(1)~~ The court shall may suspend the offender's driver's or 1562
commercial driver's license or permit in accordance with 1563
division (G) of section 2925.03 of the Revised Code. However, if 1564
the offender pleaded guilty to or was convicted of a violation 1565
of section 4511.19 of the Revised Code or a substantially 1566
similar municipal ordinance or the law of another state or the 1567
United States arising out of the same set of circumstances as 1568
the violation, the court shall suspend the offender's driver's 1569
or commercial driver's license or permit in accordance with 1570
division (G) of section 2925.03 of the Revised Code. If an 1571
offender's driver's or commercial driver's license or permit is 1572
suspended in accordance with that division, the offender may 1573
request termination of, and the court may terminate, the 1574
suspension in accordance with that division. 1575

~~(2)~~ If the offender is a professionally licensed person, 1576
the court immediately shall comply with section 2925.38 of the 1577
Revised Code. 1578

(2) Any offender who received a mandatory suspension of 1579
the offender's driver's or commercial driver's license or permit 1580
under this section prior to the effective date of this amendment 1581
may file a motion with the sentencing court requesting the 1582
termination of the suspension. However, an offender who pleaded 1583
guilty to or was convicted of a violation of section 4511.19 of 1584
the Revised Code or a substantially similar municipal ordinance 1585
or law of another state or the United States that arose out of 1586
the same set of circumstances as the violation for which the 1587
offender's license or permit was suspended under this section 1588
shall not file such a motion. 1589

Upon the filing of a motion under division (D) (2) of this 1590
section, the sentencing court, in its discretion, may terminate 1591
the suspension. 1592

(E) If a person commits any act that constitutes a 1593
violation of division (A) of this section and that also 1594
constitutes a violation of any other provision of the Revised 1595
Code, the prosecutor, as defined in section 2935.01 of the 1596
Revised Code, using customary prosecutorial discretion, may 1597
prosecute the person for a violation of the appropriate 1598
provision of the Revised Code. 1599

Sec. 2925.11. (A) No person shall knowingly obtain, 1600
possess, or use a controlled substance or a controlled substance 1601
analog. 1602

(B) This section does not apply to any of the following: 1603

(1) Manufacturers, licensed health professionals 1604
authorized to prescribe drugs, pharmacists, owners of 1605
pharmacies, and other persons whose conduct was in accordance 1606
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1607

4741. of the Revised Code; 1608

(2) If the offense involves an anabolic steroid, any 1609
person who is conducting or participating in a research project 1610
involving the use of an anabolic steroid if the project has been 1611
approved by the United States food and drug administration; 1612

(3) Any person who sells, offers for sale, prescribes, 1613
dispenses, or administers for livestock or other nonhuman 1614
species an anabolic steroid that is expressly intended for 1615
administration through implants to livestock or other nonhuman 1616
species and approved for that purpose under the "Federal Food, 1617
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1618
as amended, and is sold, offered for sale, prescribed, 1619
dispensed, or administered for that purpose in accordance with 1620
that act; 1621

(4) Any person who obtained the controlled substance 1622
pursuant to a lawful prescription issued by a licensed health 1623
professional authorized to prescribe drugs. 1624

(C) Whoever violates division (A) of this section is 1625
guilty of one of the following: 1626

(1) If the drug involved in the violation is a compound, 1627
mixture, preparation, or substance included in schedule I or II, 1628
with the exception of marihuana, cocaine, L.S.D., heroin, 1629
hashish, and controlled substance analogs, whoever violates 1630
division (A) of this section is guilty of aggravated possession 1631
of drugs. The penalty for the offense shall be determined as 1632
follows: 1633

(a) Except as otherwise provided in division (C) (1) (b), 1634
(c), (d), or (e) of this section, aggravated possession of drugs 1635
is a felony of the fifth degree, and division (B) of section 1636

2929.13 of the Revised Code applies in determining whether to 1637
impose a prison term on the offender. 1638

(b) If the amount of the drug involved equals or exceeds 1639
the bulk amount but is less than five times the bulk amount, 1640
aggravated possession of drugs is a felony of the third degree, 1641
and there is a presumption for a prison term for the offense. 1642

(c) If the amount of the drug involved equals or exceeds 1643
five times the bulk amount but is less than fifty times the bulk 1644
amount, aggravated possession of drugs is a felony of the second 1645
degree, and the court shall impose as a mandatory prison term 1646
one of the prison terms prescribed for a felony of the second 1647
degree. 1648

(d) If the amount of the drug involved equals or exceeds 1649
fifty times the bulk amount but is less than one hundred times 1650
the bulk amount, aggravated possession of drugs is a felony of 1651
the first degree, and the court shall impose as a mandatory 1652
prison term one of the prison terms prescribed for a felony of 1653
the first degree. 1654

(e) If the amount of the drug involved equals or exceeds 1655
one hundred times the bulk amount, aggravated possession of 1656
drugs is a felony of the first degree, the offender is a major 1657
drug offender, and the court shall impose as a mandatory prison 1658
term the maximum prison term prescribed for a felony of the 1659
first degree. 1660

(2) If the drug involved in the violation is a compound, 1661
mixture, preparation, or substance included in schedule III, IV, 1662
or V, whoever violates division (A) of this section is guilty of 1663
possession of drugs. The penalty for the offense shall be 1664
determined as follows: 1665

(a) Except as otherwise provided in division (C) (2) (b), 1666
(c), or (d) of this section, possession of drugs is a 1667
misdemeanor of the first degree or, if the offender previously 1668
has been convicted of a drug abuse offense, a felony of the 1669
fifth degree. 1670

(b) If the amount of the drug involved equals or exceeds 1671
the bulk amount but is less than five times the bulk amount, 1672
possession of drugs is a felony of the fourth degree, and 1673
division (C) of section 2929.13 of the Revised Code applies in 1674
determining whether to impose a prison term on the offender. 1675

(c) If the amount of the drug involved equals or exceeds 1676
five times the bulk amount but is less than fifty times the bulk 1677
amount, possession of drugs is a felony of the third degree, and 1678
there is a presumption for a prison term for the offense. 1679

(d) If the amount of the drug involved equals or exceeds 1680
fifty times the bulk amount, possession of drugs is a felony of 1681
the second degree, and the court shall impose upon the offender 1682
as a mandatory prison term one of the prison terms prescribed 1683
for a felony of the second degree. 1684

(3) If the drug involved in the violation is marihuana or 1685
a compound, mixture, preparation, or substance containing 1686
marihuana other than hashish, whoever violates division (A) of 1687
this section is guilty of possession of marihuana. The penalty 1688
for the offense shall be determined as follows: 1689

(a) Except as otherwise provided in division (C) (3) (b), 1690
(c), (d), (e), (f), or (g) of this section, possession of 1691
marihuana is a minor misdemeanor. 1692

(b) If the amount of the drug involved equals or exceeds 1693
one hundred grams but is less than two hundred grams, possession 1694

of marihuana is a misdemeanor of the fourth degree. 1695

(c) If the amount of the drug involved equals or exceeds 1696
two hundred grams but is less than one thousand grams, 1697
possession of marihuana is a felony of the fifth degree, and 1698
division (B) of section 2929.13 of the Revised Code applies in 1699
determining whether to impose a prison term on the offender. 1700

(d) If the amount of the drug involved equals or exceeds 1701
one thousand grams but is less than five thousand grams, 1702
possession of marihuana is a felony of the third degree, and 1703
division (C) of section 2929.13 of the Revised Code applies in 1704
determining whether to impose a prison term on the offender. 1705

(e) If the amount of the drug involved equals or exceeds 1706
five thousand grams but is less than twenty thousand grams, 1707
possession of marihuana is a felony of the third degree, and 1708
there is a presumption that a prison term shall be imposed for 1709
the offense. 1710

(f) If the amount of the drug involved equals or exceeds 1711
twenty thousand grams but is less than forty thousand grams, 1712
possession of marihuana is a felony of the second degree, and 1713
the court shall impose a mandatory prison term of five, six, 1714
seven, or eight years. 1715

(g) If the amount of the drug involved equals or exceeds 1716
forty thousand grams, possession of marihuana is a felony of the 1717
second degree, and the court shall impose as a mandatory prison 1718
term the maximum prison term prescribed for a felony of the 1719
second degree. 1720

(4) If the drug involved in the violation is cocaine or a 1721
compound, mixture, preparation, or substance containing cocaine, 1722
whoever violates division (A) of this section is guilty of 1723

possession of cocaine. The penalty for the offense shall be 1724
determined as follows: 1725

(a) Except as otherwise provided in division (C) (4) (b), 1726
(c), (d), (e), or (f) of this section, possession of cocaine is 1727
a felony of the fifth degree, and division (B) of section 1728
2929.13 of the Revised Code applies in determining whether to 1729
impose a prison term on the offender. 1730

(b) If the amount of the drug involved equals or exceeds 1731
five grams but is less than ten grams of cocaine, possession of 1732
cocaine is a felony of the fourth degree, and division (B) of 1733
section 2929.13 of the Revised Code applies in determining 1734
whether to impose a prison term on the offender. 1735

(c) If the amount of the drug involved equals or exceeds 1736
ten grams but is less than twenty grams of cocaine, possession 1737
of cocaine is a felony of the third degree, and, except as 1738
otherwise provided in this division, there is a presumption for 1739
a prison term for the offense. If possession of cocaine is a 1740
felony of the third degree under this division and if the 1741
offender two or more times previously has been convicted of or 1742
pleaded guilty to a felony drug abuse offense, the court shall 1743
impose as a mandatory prison term one of the prison terms 1744
prescribed for a felony of the third degree. 1745

(d) If the amount of the drug involved equals or exceeds 1746
twenty grams but is less than twenty-seven grams of cocaine, 1747
possession of cocaine is a felony of the second degree, and the 1748
court shall impose as a mandatory prison term one of the prison 1749
terms prescribed for a felony of the second degree. 1750

(e) If the amount of the drug involved equals or exceeds 1751
twenty-seven grams but is less than one hundred grams of 1752

cocaine, possession of cocaine is a felony of the first degree, 1753
and the court shall impose as a mandatory prison term one of the 1754
prison terms prescribed for a felony of the first degree. 1755

(f) If the amount of the drug involved equals or exceeds 1756
one hundred grams of cocaine, possession of cocaine is a felony 1757
of the first degree, the offender is a major drug offender, and 1758
the court shall impose as a mandatory prison term the maximum 1759
prison term prescribed for a felony of the first degree. 1760

(5) If the drug involved in the violation is L.S.D., 1761
whoever violates division (A) of this section is guilty of 1762
possession of L.S.D. The penalty for the offense shall be 1763
determined as follows: 1764

(a) Except as otherwise provided in division (C) (5) (b), 1765
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1766
felony of the fifth degree, and division (B) of section 2929.13 1767
of the Revised Code applies in determining whether to impose a 1768
prison term on the offender. 1769

(b) If the amount of L.S.D. involved equals or exceeds ten 1770
unit doses but is less than fifty unit doses of L.S.D. in a 1771
solid form or equals or exceeds one gram but is less than five 1772
grams of L.S.D. in a liquid concentrate, liquid extract, or 1773
liquid distillate form, possession of L.S.D. is a felony of the 1774
fourth degree, and division (C) of section 2929.13 of the 1775
Revised Code applies in determining whether to impose a prison 1776
term on the offender. 1777

(c) If the amount of L.S.D. involved equals or exceeds 1778
fifty unit doses, but is less than two hundred fifty unit doses 1779
of L.S.D. in a solid form or equals or exceeds five grams but is 1780
less than twenty-five grams of L.S.D. in a liquid concentrate, 1781

liquid extract, or liquid distillate form, possession of L.S.D. 1782
is a felony of the third degree, and there is a presumption for 1783
a prison term for the offense. 1784

(d) If the amount of L.S.D. involved equals or exceeds two 1785
hundred fifty unit doses but is less than one thousand unit 1786
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1787
grams but is less than one hundred grams of L.S.D. in a liquid 1788
concentrate, liquid extract, or liquid distillate form, 1789
possession of L.S.D. is a felony of the second degree, and the 1790
court shall impose as a mandatory prison term one of the prison 1791
terms prescribed for a felony of the second degree. 1792

(e) If the amount of L.S.D. involved equals or exceeds one 1793
thousand unit doses but is less than five thousand unit doses of 1794
L.S.D. in a solid form or equals or exceeds one hundred grams 1795
but is less than five hundred grams of L.S.D. in a liquid 1796
concentrate, liquid extract, or liquid distillate form, 1797
possession of L.S.D. is a felony of the first degree, and the 1798
court shall impose as a mandatory prison term one of the prison 1799
terms prescribed for a felony of the first degree. 1800

(f) If the amount of L.S.D. involved equals or exceeds 1801
five thousand unit doses of L.S.D. in a solid form or equals or 1802
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1803
liquid extract, or liquid distillate form, possession of L.S.D. 1804
is a felony of the first degree, the offender is a major drug 1805
offender, and the court shall impose as a mandatory prison term 1806
the maximum prison term prescribed for a felony of the first 1807
degree. 1808

(6) If the drug involved in the violation is heroin or a 1809
compound, mixture, preparation, or substance containing heroin, 1810
whoever violates division (A) of this section is guilty of 1811

possession of heroin. The penalty for the offense shall be 1812
determined as follows: 1813

(a) Except as otherwise provided in division (C) (6) (b), 1814
(c), (d), (e), or (f) of this section, possession of heroin is a 1815
felony of the fifth degree, and division (B) of section 2929.13 1816
of the Revised Code applies in determining whether to impose a 1817
prison term on the offender. 1818

(b) If the amount of the drug involved equals or exceeds 1819
ten unit doses but is less than fifty unit doses or equals or 1820
exceeds one gram but is less than five grams, possession of 1821
heroin is a felony of the fourth degree, and division (C) of 1822
section 2929.13 of the Revised Code applies in determining 1823
whether to impose a prison term on the offender. 1824

(c) If the amount of the drug involved equals or exceeds 1825
fifty unit doses but is less than one hundred unit doses or 1826
equals or exceeds five grams but is less than ten grams, 1827
possession of heroin is a felony of the third degree, and there 1828
is a presumption for a prison term for the offense. 1829

(d) If the amount of the drug involved equals or exceeds 1830
one hundred unit doses but is less than five hundred unit doses 1831
or equals or exceeds ten grams but is less than fifty grams, 1832
possession of heroin is a felony of the second degree, and the 1833
court shall impose as a mandatory prison term one of the prison 1834
terms prescribed for a felony of the second degree. 1835

(e) If the amount of the drug involved equals or exceeds 1836
five hundred unit doses but is less than two thousand five 1837
hundred unit doses or equals or exceeds fifty grams but is less 1838
than two hundred fifty grams, possession of heroin is a felony 1839
of the first degree, and the court shall impose as a mandatory 1840

prison term one of the prison terms prescribed for a felony of 1841
the first degree. 1842

(f) If the amount of the drug involved equals or exceeds 1843
two thousand five hundred unit doses or equals or exceeds two 1844
hundred fifty grams, possession of heroin is a felony of the 1845
first degree, the offender is a major drug offender, and the 1846
court shall impose as a mandatory prison term the maximum prison 1847
term prescribed for a felony of the first degree. 1848

(7) If the drug involved in the violation is hashish or a 1849
compound, mixture, preparation, or substance containing hashish, 1850
whoever violates division (A) of this section is guilty of 1851
possession of hashish. The penalty for the offense shall be 1852
determined as follows: 1853

(a) Except as otherwise provided in division (C) (7) (b), 1854
(c), (d), (e), (f), or (g) of this section, possession of 1855
hashish is a minor misdemeanor. 1856

(b) If the amount of the drug involved equals or exceeds 1857
five grams but is less than ten grams of hashish in a solid form 1858
or equals or exceeds one gram but is less than two grams of 1859
hashish in a liquid concentrate, liquid extract, or liquid 1860
distillate form, possession of hashish is a misdemeanor of the 1861
fourth degree. 1862

(c) If the amount of the drug involved equals or exceeds 1863
ten grams but is less than fifty grams of hashish in a solid 1864
form or equals or exceeds two grams but is less than ten grams 1865
of hashish in a liquid concentrate, liquid extract, or liquid 1866
distillate form, possession of hashish is a felony of the fifth 1867
degree, and division (B) of section 2929.13 of the Revised Code 1868
applies in determining whether to impose a prison term on the 1869

offender. 1870

(d) If the amount of the drug involved equals or exceeds 1871
fifty grams but is less than two hundred fifty grams of hashish 1872
in a solid form or equals or exceeds ten grams but is less than 1873
fifty grams of hashish in a liquid concentrate, liquid extract, 1874
or liquid distillate form, possession of hashish is a felony of 1875
the third degree, and division (C) of section 2929.13 of the 1876
Revised Code applies in determining whether to impose a prison 1877
term on the offender. 1878

(e) If the amount of the drug involved equals or exceeds 1879
two hundred fifty grams but is less than one thousand grams of 1880
hashish in a solid form or equals or exceeds fifty grams but is 1881
less than two hundred grams of hashish in a liquid concentrate, 1882
liquid extract, or liquid distillate form, possession of hashish 1883
is a felony of the third degree, and there is a presumption that 1884
a prison term shall be imposed for the offense. 1885

(f) If the amount of the drug involved equals or exceeds 1886
one thousand grams but is less than two thousand grams of 1887
hashish in a solid form or equals or exceeds two hundred grams 1888
but is less than four hundred grams of hashish in a liquid 1889
concentrate, liquid extract, or liquid distillate form, 1890
possession of hashish is a felony of the second degree, and the 1891
court shall impose a mandatory prison term of five, six, seven, 1892
or eight years. 1893

(g) If the amount of the drug involved equals or exceeds 1894
two thousand grams of hashish in a solid form or equals or 1895
exceeds four hundred grams of hashish in a liquid concentrate, 1896
liquid extract, or liquid distillate form, possession of hashish 1897
is a felony of the second degree, and the court shall impose as 1898
a mandatory prison term the maximum prison term prescribed for a 1899

felony of the second degree. 1900

(8) If the drug involved is a controlled substance analog 1901
or compound, mixture, preparation, or substance that contains a 1902
controlled substance analog, whoever violates division (A) of 1903
this section is guilty of possession of a controlled substance 1904
analog. The penalty for the offense shall be determined as 1905
follows: 1906

(a) Except as otherwise provided in division (C) (8) (b), 1907
(c), (d), (e), or (f) of this section, possession of a 1908
controlled substance analog is a felony of the fifth degree, and 1909
division (B) of section 2929.13 of the Revised Code applies in 1910
determining whether to impose a prison term on the offender. 1911

(b) If the amount of the drug involved equals or exceeds 1912
ten grams but is less than twenty grams, possession of a 1913
controlled substance analog is a felony of the fourth degree, 1914
and there is a presumption for a prison term for the offense. 1915

(c) If the amount of the drug involved equals or exceeds 1916
twenty grams but is less than thirty grams, possession of a 1917
controlled substance analog is a felony of the third degree, and 1918
there is a presumption for a prison term for the offense. 1919

(d) If the amount of the drug involved equals or exceeds 1920
thirty grams but is less than forty grams, possession of a 1921
controlled substance analog is a felony of the second degree, 1922
and the court shall impose as a mandatory prison term one of the 1923
prison terms prescribed for a felony of the second degree. 1924

(e) If the amount of the drug involved equals or exceeds 1925
forty grams but is less than fifty grams, possession of a 1926
controlled substance analog is a felony of the first degree, and 1927
the court shall impose as a mandatory prison term one of the 1928

prison terms prescribed for a felony of the first degree. 1929

(f) If the amount of the drug involved equals or exceeds 1930
fifty grams, possession of a controlled substance analog is a 1931
felony of the first degree, the offender is a major drug 1932
offender, and the court shall impose as a mandatory prison term 1933
the maximum prison term prescribed for a felony of the first 1934
degree. 1935

(D) Arrest or conviction for a minor misdemeanor violation 1936
of this section does not constitute a criminal record and need 1937
not be reported by the person so arrested or convicted in 1938
response to any inquiries about the person's criminal record, 1939
including any inquiries contained in any application for 1940
employment, license, or other right or privilege, or made in 1941
connection with the person's appearance as a witness. 1942

(E) In addition to any prison term or jail term authorized 1943
or required by division (C) of this section and sections 1944
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1945
Code and in addition to any other sanction that is imposed for 1946
the offense under this section, sections 2929.11 to 2929.18, or 1947
sections 2929.21 to 2929.28 of the Revised Code, the court that 1948
sentences an offender who is convicted of or pleads guilty to a 1949
violation of division (A) of this section may suspend the 1950
offender's driver's or commercial driver's license or permit for 1951
not more than five years. However, if the offender pleaded 1952
guilty to or was convicted of a violation of section 4511.19 of 1953
the Revised Code or a substantially similar municipal ordinance 1954
or the law of another state or the United States arising out of 1955
the same set of circumstances as the violation, the court shall 1956
suspend the offender's driver's or commercial driver's license 1957
or permit for not more than five years. If applicable, the court 1958

~~also shall do all of the following that are applicable regarding~~ 1959
~~the offender:~~ 1960

(1) (a) If the violation is a felony of the first, second, 1961
or third degree, the court shall impose upon the offender the 1962
mandatory fine specified for the offense under division (B) (1) 1963
of section 2929.18 of the Revised Code unless, as specified in 1964
that division, the court determines that the offender is 1965
indigent. 1966

(b) Notwithstanding any contrary provision of section 1967
3719.21 of the Revised Code, the clerk of the court shall pay a 1968
mandatory fine or other fine imposed for a violation of this 1969
section pursuant to division (A) of section 2929.18 of the 1970
Revised Code in accordance with and subject to the requirements 1971
of division (F) of section 2925.03 of the Revised Code. The 1972
agency that receives the fine shall use the fine as specified in 1973
division (F) of section 2925.03 of the Revised Code. 1974

(c) If a person is charged with a violation of this 1975
section that is a felony of the first, second, or third degree, 1976
posts bail, and forfeits the bail, the clerk shall pay the 1977
forfeited bail pursuant to division (E) (1) (b) of this section as 1978
if it were a mandatory fine imposed under division (E) (1) (a) of 1979
this section. 1980

~~(2) The court shall suspend for not less than six months~~ 1981
~~or more than five years the offender's driver's or commercial~~ 1982
~~driver's license or permit.~~ 1983

~~(3) If the offender is a professionally licensed person,~~ 1984
in addition to any other sanction imposed for a violation of 1985
this section, the court immediately shall comply with section 1986
2925.38 of the Revised Code. 1987

(F) It is an affirmative defense, as provided in section 1988
2901.05 of the Revised Code, to a charge of a fourth degree 1989
felony violation under this section that the controlled 1990
substance that gave rise to the charge is in an amount, is in a 1991
form, is prepared, compounded, or mixed with substances that are 1992
not controlled substances in a manner, or is possessed under any 1993
other circumstances, that indicate that the substance was 1994
possessed solely for personal use. Notwithstanding any contrary 1995
provision of this section, if, in accordance with section 1996
2901.05 of the Revised Code, an accused who is charged with a 1997
fourth degree felony violation of division (C) (2), (4), (5), or 1998
(6) of this section sustains the burden of going forward with 1999
evidence of and establishes by a preponderance of the evidence 2000
the affirmative defense described in this division, the accused 2001
may be prosecuted for and may plead guilty to or be convicted of 2002
a misdemeanor violation of division (C) (2) of this section or a 2003
fifth degree felony violation of division (C) (4), (5), or (6) of 2004
this section respectively. 2005

(G) When a person is charged with possessing a bulk amount 2006
or multiple of a bulk amount, division (E) of section 2925.03 of 2007
the Revised Code applies regarding the determination of the 2008
amount of the controlled substance involved at the time of the 2009
offense. 2010

(H) It is an affirmative defense to a charge of possession 2011
of a controlled substance analog under division (C) (8) of this 2012
section that the person charged with violating that offense 2013
obtained, possessed, or used an item described in division (HH) 2014
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 2015

(I) Any offender who received a mandatory suspension of 2016
the offender's driver's or commercial driver's license or permit 2017

under this section prior to the effective date of this amendment 2018
may file a motion with the sentencing court requesting the 2019
termination of the suspension. However, an offender who pleaded 2020
guilty to or was convicted of a violation of section 4511.19 of 2021
the Revised Code or a substantially similar municipal ordinance 2022
or law of another state or the United States that arose out of 2023
the same set of circumstances as the violation for which the 2024
offender's license or permit was suspended under this section 2025
shall not file such a motion. 2026

Upon the filing of a motion under division (I) of this 2027
section, the sentencing court, in its discretion, may terminate 2028
the suspension. 2029

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2030
possess, or use any instrument, article, or thing the customary 2031
and primary purpose of which is for the administration or use of 2032
a dangerous drug, other than marihuana, when the instrument 2033
involved is a hypodermic or syringe, whether or not of crude or 2034
extemporized manufacture or assembly, and the instrument, 2035
article, or thing involved has been used by the offender to 2036
unlawfully administer or use a dangerous drug, other than 2037
marihuana, or to prepare a dangerous drug, other than marihuana, 2038
for unlawful administration or use. 2039

(B) This section does not apply to manufacturers, licensed 2040
health professionals authorized to prescribe drugs, pharmacists, 2041
owners of pharmacies, and other persons whose conduct was in 2042
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2043
4731., and 4741. of the Revised Code. 2044

(C) Whoever violates this section is guilty of possessing 2045
drug abuse instruments, a misdemeanor of the second degree. If 2046
the offender previously has been convicted of a drug abuse 2047

offense, a violation of this section is a misdemeanor of the 2048
first degree. 2049

(D) (1) In addition to any other sanction imposed upon an 2050
offender for a violation of this section, the court ~~shall~~ may 2051
suspend for not ~~less than six months or~~ more than five years the 2052
offender's driver's or commercial driver's license or permit. 2053
However, if the offender pleaded guilty to or was convicted of a 2054
violation of section 4511.19 of the Revised Code or a 2055
substantially similar municipal ordinance or the law of another 2056
state or the United States arising out of the same set of 2057
circumstances as the violation, the court shall suspend the 2058
offender's driver's or commercial driver's license or permit for 2059
not more than five years. If the offender is a professionally 2060
licensed person, in addition to any other sanction imposed for a 2061
violation of this section, the court immediately shall comply 2062
with section 2925.38 of the Revised Code. 2063

(2) Any offender who received a mandatory suspension of 2064
the offender's driver's or commercial driver's license or permit 2065
under this section prior to the effective date of this amendment 2066
may file a motion with the sentencing court requesting the 2067
termination of the suspension. However, an offender who pleaded 2068
guilty to or was convicted of a violation of section 4511.19 of 2069
the Revised Code or a substantially similar municipal ordinance 2070
or law of another state or the United States that arose out of 2071
the same set of circumstances as the violation for which the 2072
offender's license or permit was suspended under this section 2073
shall not file such a motion. 2074

Upon the filing of a motion under division (D) (2) of this 2075
section, the sentencing court, in its discretion, may terminate 2076
the suspension. 2077

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

(B) No person who is the owner, lessee, or occupant, or who has custody, control, or supervision, of premises or real estate, including vacant land, shall knowingly permit the premises or real estate, including vacant land, to be used for the commission of a felony drug abuse offense by another person.

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

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

(3) Permitting drug abuse 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 felony drug abuse offense in question is a violation of section 2925.02 or 2925.03 of the Revised Code.

(D) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences a person who is convicted of or pleads guilty to a violation of division (A) of this section ~~shall do all of the following that are applicable regarding the offender:~~

~~(1) The court shall may suspend for not less than six months or more than five years the offender's driver's or~~

commercial driver's license or permit. However, if the offender 2107
pleaded guilty to or was convicted of a violation of section 2108
4511.19 of the Revised Code or a substantially similar municipal 2109
ordinance or the law of another state or the United States 2110
arising out of the same set of circumstances as the violation, 2111
the court shall suspend the offender's driver's or commercial 2112
driver's license or permit for not more than five years. 2113

~~(2)~~ If the offender is a professionally licensed person, 2114
in addition to any other sanction imposed for a violation of 2115
this section, the court immediately shall comply with section 2116
2925.38 of the Revised Code. 2117

(2) Any offender who received a mandatory suspension of 2118
the offender's driver's or commercial driver's license or permit 2119
under this section prior to the effective date of this amendment 2120
may file a motion with the sentencing court requesting the 2121
termination of the suspension. However, an offender who pleaded 2122
guilty to or was convicted of a violation of section 4511.19 of 2123
the Revised Code or a substantially similar municipal ordinance 2124
or law of another state or the United States that arose out of 2125
the same set of circumstances as the violation for which the 2126
offender's license or permit was suspended under this section 2127
shall not file such a motion. 2128

Upon the filing of a motion under division (D) (2) of this 2129
section, the sentencing court, in its discretion, may terminate 2130
the suspension. 2131

(E) Notwithstanding any contrary provision of section 2132
3719.21 of the Revised Code, the clerk of the court shall pay a 2133
fine imposed for a violation of this section pursuant to 2134
division (A) of section 2929.18 of the Revised Code in 2135
accordance with and subject to the requirements of division (F) 2136

of section 2925.03 of the Revised Code. The agency that receives 2137
the fine shall use the fine as specified in division (F) of 2138
section 2925.03 of the Revised Code. 2139

(F) Any premises or real estate that is permitted to be 2140
used in violation of division (B) of this section constitutes a 2141
nuisance subject to abatement pursuant to Chapter 3767. of the 2142
Revised Code. 2143

Sec. 2925.14. (A) As used in this section, "drug 2144
paraphernalia" means any equipment, product, or material of any 2145
kind that is used by the offender, intended by the offender for 2146
use, or designed for use, in propagating, cultivating, growing, 2147
harvesting, manufacturing, compounding, converting, producing, 2148
processing, preparing, testing, analyzing, packaging, 2149
repackaging, storing, containing, concealing, injecting, 2150
ingesting, inhaling, or otherwise introducing into the human 2151
body, a controlled substance in violation of this chapter. "Drug 2152
paraphernalia" includes, but is not limited to, any of the 2153
following equipment, products, or materials that are used by the 2154
offender, intended by the offender for use, or designed by the 2155
offender for use, in any of the following manners: 2156

(1) A kit for propagating, cultivating, growing, or 2157
harvesting any species of a plant that is a controlled substance 2158
or from which a controlled substance can be derived; 2159

(2) A kit for manufacturing, compounding, converting, 2160
producing, processing, or preparing a controlled substance; 2161

(3) Any object, instrument, or device for manufacturing, 2162
compounding, converting, producing, processing, or preparing 2163
methamphetamine; 2164

(4) An isomerization device for increasing the potency of 2165

any species of a plant that is a controlled substance;	2166
(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance;	2167 2168
(6) A scale or balance for weighing or measuring a controlled substance;	2169 2170
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	2171 2172 2173
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	2174 2175
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	2176 2177
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2178 2179
(11) A container or device for storing or concealing a controlled substance;	2180 2181
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2182 2183 2184
(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 carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine	2185 2186 2187 2188 2189 2190 2191 2192 2193

spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2194
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(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 2196
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(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2199
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(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 2201
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(3) The proximity of the equipment, product, or material to any controlled substance; 2205
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(4) The existence of any residue of a controlled substance on the equipment, product, or material; 2207
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(5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia. 2209
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(6) Any oral or written instruction provided with the equipment, product, or material concerning its use; 2220
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(7) Any descriptive material accompanying the equipment,	2222
product, or material and explaining or depicting its use;	2223
(8) National or local advertising concerning the use of	2224
the equipment, product, or material;	2225
(9) The manner and circumstances in which the equipment,	2226
product, or material is displayed for sale;	2227
(10) Direct or circumstantial evidence of the ratio of the	2228
sales of the equipment, product, or material to the total sales	2229
of the business enterprise;	2230
(11) The existence and scope of legitimate uses of the	2231
equipment, product, or material in the community;	2232
(12) Expert testimony concerning the use of the equipment,	2233
product, or material.	2234
(C) (1) Subject to division (D) (2) of this section, no	2235
person shall knowingly use, or possess with purpose to use, drug	2236
paraphernalia.	2237
(2) No person shall knowingly sell, or possess or	2238
manufacture with purpose to sell, drug paraphernalia, if the	2239
person knows or reasonably should know that the equipment,	2240
product, or material will be used as drug paraphernalia.	2241
(3) No person shall place an advertisement in any	2242
newspaper, magazine, handbill, or other publication that is	2243
published and printed and circulates primarily within this	2244
state, if the person knows that the purpose of the advertisement	2245
is to promote the illegal sale in this state of the equipment,	2246
product, or material that the offender intended or designed for	2247
use as drug paraphernalia.	2248
(D) (1) This section does not apply to manufacturers,	2249

licensed health professionals authorized to prescribe drugs, 2250
pharmacists, owners of pharmacies, and other persons whose 2251
conduct is in accordance with Chapters 3719., 4715., 4723., 2252
4729., 4730., 4731., and 4741. of the Revised Code. This section 2253
shall not be construed to prohibit the possession or use of a 2254
hypodermic as authorized by section 3719.172 of the Revised 2255
Code. 2256

(2) Division (C) (1) of this section does not apply to a 2257
person's use, or possession with purpose to use, any drug 2258
paraphernalia that is equipment, a product, or material of any 2259
kind that is used by the person, intended by the person for use, 2260
or designed for use in storing, containing, concealing, 2261
injecting, ingesting, inhaling, or otherwise introducing into 2262
the human body marihuana. 2263

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2264
drug paraphernalia that was used, possessed, sold, or 2265
manufactured in a violation of this section shall be seized, 2266
after a conviction for that violation shall be forfeited, and 2267
upon forfeiture shall be disposed of pursuant to division (B) of 2268
section 2981.12 of the Revised Code. 2269

(F) (1) Whoever violates division (C) (1) of this section is 2270
guilty of illegal use or possession of drug paraphernalia, a 2271
misdemeanor of the fourth degree. 2272

(2) Except as provided in division (F) (3) of this section, 2273
whoever violates division (C) (2) of this section is guilty of 2274
dealing in drug paraphernalia, a misdemeanor of the second 2275
degree. 2276

(3) Whoever violates division (C) (2) of this section by 2277
selling drug paraphernalia to a juvenile is guilty of selling 2278

drug paraphernalia to juveniles, a misdemeanor of the first 2279
degree. 2280

(4) Whoever violates division (C)(3) of this section is 2281
guilty of illegal advertising of drug paraphernalia, a 2282
misdemeanor of the second degree. 2283

(G) (1) In addition to any other sanction imposed upon an 2284
offender for a violation of this section, the court ~~shall~~ may 2285
suspend for not ~~less than six months or more than five years~~ the 2286
offender's driver's or commercial driver's license or permit. 2287
However, if the offender pleaded guilty to or was convicted of a 2288
violation of section 4511.19 of the Revised Code or a 2289
substantially similar municipal ordinance or the law of another 2290
state or the United States arising out of the same set of 2291
circumstances as the violation, the court shall suspend the 2292
offender's driver's or commercial driver's license or permit for 2293
not more than five years. If the offender is a professionally 2294
licensed person, in addition to any other sanction imposed for a 2295
violation of this section, the court immediately shall comply 2296
with section 2925.38 of the Revised Code. 2297

(2) Any offender who received a mandatory suspension of 2298
the offender's driver's or commercial driver's license or permit 2299
under this section prior to the effective date of this amendment 2300
may file a motion with the sentencing court requesting the 2301
termination of the suspension. However, an offender who pleaded 2302
guilty to or was convicted of a violation of section 4511.19 of 2303
the Revised Code or a substantially similar municipal ordinance 2304
or law of another state or the United States that arose out of 2305
the same set of circumstances as the violation for which the 2306
offender's license or permit was suspended under this section 2307
shall not file such a motion. 2308

Upon the filing of a motion under division (G) (2) of this section, the sentencing court, in its discretion, may terminate the suspension. 2309
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Sec. 2925.141. (A) As used in this section, "drug paraphernalia" has the same meaning as in section 2925.14 of the Revised Code. 2312
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(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, all factors identified in division (B) of section 2925.14 of the Revised Code. 2315
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(C) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana. 2320
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(D) This section does not apply to any person identified in division (D) (1) of section 2925.14 of the Revised Code, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code. 2326
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(E) Division (E) of section 2925.14 of the Revised Code applies with respect to any drug paraphernalia that was used or possessed in violation of this section. 2331
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(F) Whoever violates division (C) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor. 2334
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(G) (1) In addition to any other sanction imposed upon an 2337

offender for a violation of this section, the court ~~shall~~may 2338
suspend for not ~~less than six months or more~~ than five years the 2339
offender's driver's or commercial driver's license or permit. 2340
However, if the offender pleaded guilty to or was convicted of a 2341
violation of section 4511.19 of the Revised Code or a 2342
substantially similar municipal ordinance or the law of another 2343
state or the United States arising out of the same set of 2344
circumstances as the violation, the court shall suspend the 2345
offender's driver's or commercial driver's license or permit for 2346
not more than five years. If the offender is a professionally 2347
licensed person, in addition to any other sanction imposed for a 2348
violation of this section, the court immediately shall comply 2349
with section 2925.38 of the Revised Code. 2350

(2) Any offender who received a mandatory suspension of 2351
the offender's driver's or commercial driver's license or permit 2352
under this section prior to the effective date of this amendment 2353
may file a motion with the sentencing court requesting the 2354
termination of the suspension. However, an offender who pleaded 2355
guilty to or was convicted of a violation of section 4511.19 of 2356
the Revised Code or a substantially similar municipal ordinance 2357
or law of another state or the United States that arose out of 2358
the same set of circumstances as the violation for which the 2359
offender's license or permit was suspended under this section 2360
shall not file such a motion. 2361

Upon the filing of a motion under division (G) (2) of this 2362
section, the sentencing court, in its discretion, may terminate 2363
the suspension. 2364

Sec. 2925.22. (A) No person, by deception, shall procure 2365
the administration of, a prescription for, or the dispensing of, 2366
a dangerous drug or shall possess an uncompleted preprinted 2367

prescription blank used for writing a prescription for a 2368
dangerous drug. 2369

(B) Whoever violates this section is guilty of deception 2370
to obtain a dangerous drug. The penalty for the offense shall be 2371
determined as follows: 2372

(1) If the person possesses an uncompleted preprinted 2373
prescription blank used for writing a prescription for a 2374
dangerous drug or if the drug involved is a dangerous drug, 2375
except as otherwise provided in division (B) (2) or (3) of this 2376
section, deception to obtain a dangerous drug is a felony of the 2377
fifth degree or, if the offender previously has been convicted 2378
of or pleaded guilty to a drug abuse offense, a felony of the 2379
fourth degree. Division (C) of section 2929.13 of the Revised 2380
Code applies in determining whether to impose a prison term on 2381
the offender pursuant to this division. 2382

(2) If the drug involved is a compound, mixture, 2383
preparation, or substance included in schedule I or II, with the 2384
exception of marihuana, the penalty for deception to obtain 2385
drugs is one of the following: 2386

(a) Except as otherwise provided in division (B) (2) (b), 2387
(c), or (d) of this section, it is a felony of the fourth 2388
degree, and division (C) of section 2929.13 of the Revised Code 2389
applies in determining whether to impose a prison term on the 2390
offender. 2391

(b) If the amount of the drug involved equals or exceeds 2392
the bulk amount but is less than five times the bulk amount, or 2393
if the amount of the drug involved that could be obtained 2394
pursuant to the prescription would equal or exceed the bulk 2395
amount but would be less than five times the bulk amount, it is 2396

a felony of the third degree, and there is a presumption for a 2397
prison term for the offense. 2398

(c) If the amount of the drug involved equals or exceeds 2399
five times the bulk amount but is less than fifty times the bulk 2400
amount, or if the amount of the drug involved that could be 2401
obtained pursuant to the prescription would equal or exceed five 2402
times the bulk amount but would be less than fifty times the 2403
bulk amount, it is a felony of the second degree, and there is a 2404
presumption for a prison term for the offense. 2405

(d) If the amount of the drug involved equals or exceeds 2406
fifty times the bulk amount, or if the amount of the drug 2407
involved that could be obtained pursuant to the prescription 2408
would equal or exceed fifty times the bulk amount, it is a 2409
felony of the first degree, and there is a presumption for a 2410
prison term for the offense. 2411

(3) If the drug involved is a compound, mixture, 2412
preparation, or substance included in schedule III, IV, or V or 2413
is marihuana, the penalty for deception to obtain a dangerous 2414
drug is one of the following: 2415

(a) Except as otherwise provided in division (B) (3) (b), 2416
(c), or (d) of this section, it is a felony of the fifth degree, 2417
and division (C) of section 2929.13 of the Revised Code applies 2418
in determining whether to impose a prison term on the offender. 2419

(b) If the amount of the drug involved equals or exceeds 2420
the bulk amount but is less than five times the bulk amount, or 2421
if the amount of the drug involved that could be obtained 2422
pursuant to the prescription would equal or exceed the bulk 2423
amount but would be less than five times the bulk amount, it is 2424
a felony of the fourth degree, and division (C) of section 2425

2929.13 of the Revised Code applies in determining whether to 2426
impose a prison term on the offender. 2427

(c) If the amount of the drug involved equals or exceeds 2428
five times the bulk amount but is less than fifty times the bulk 2429
amount, or if the amount of the drug involved that could be 2430
obtained pursuant to the prescription would equal or exceed five 2431
times the bulk amount but would be less than fifty times the 2432
bulk amount, it is a felony of the third degree, and there is a 2433
presumption for a prison term for the offense. 2434

(d) If the amount of the drug involved equals or exceeds 2435
fifty times the bulk amount, or if the amount of the drug 2436
involved that could be obtained pursuant to the prescription 2437
would equal or exceed fifty times the bulk amount, it is a 2438
felony of the second degree, and there is a presumption for a 2439
prison term for the offense. 2440

(C) (1) In addition to any prison term authorized or 2441
required by division (B) of this section and sections 2929.13 2442
and 2929.14 of the Revised Code and in addition to any other 2443
sanction imposed for the offense under this section or sections 2444
2929.11 to 2929.18 of the Revised Code, the court that sentences 2445
an offender who is convicted of or pleads guilty to a violation 2446
of division (A) of this section ~~shall do both of the following:~~ 2447

~~(1) The court shall may suspend for not less than six~~ 2448
~~months or more than five years the offender's driver's or~~ 2449
~~commercial driver's license or permit. However, if the offender~~ 2450
~~pleaded guilty to or was convicted of a violation of section~~ 2451
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2452
~~ordinance or the law of another state or the United States~~ 2453
~~arising out of the same set of circumstances as the violation,~~ 2454
~~the court shall suspend the offender's driver's or commercial~~ 2455

driver's license or permit for not more than five years. 2456

~~(2)~~—If the offender is a professionally licensed person, 2457
in addition to any other sanction imposed for a violation of 2458
this section, the court immediately shall comply with section 2459
2925.38 of the Revised Code. 2460

(2) Any offender who received a mandatory suspension of 2461
the offender's driver's or commercial driver's license or permit 2462
under this section prior to the effective date of this amendment 2463
may file a motion with the sentencing court requesting the 2464
termination of the suspension. However, an offender who pleaded 2465
guilty to or was convicted of a violation of section 4511.19 of 2466
the Revised Code or a substantially similar municipal ordinance 2467
or law of another state or the United States that arose out of 2468
the same set of circumstances as the violation for which the 2469
offender's license or permit was suspended under this section 2470
shall not file such a motion. 2471

Upon the filing of a motion under division (C)(2) of this 2472
section, the sentencing court, in its discretion, may terminate 2473
the suspension. 2474

(D) Notwithstanding any contrary provision of section 2475
3719.21 of the Revised Code, the clerk of the court shall pay a 2476
fine imposed for a violation of this section pursuant to 2477
division (A) of section 2929.18 of the Revised Code in 2478
accordance with and subject to the requirements of division (F) 2479
of section 2925.03 of the Revised Code. The agency that receives 2480
the fine shall use the fine as specified in division (F) of 2481
section 2925.03 of the Revised Code. 2482

Sec. 2925.23. (A) No person shall knowingly make a false 2483
statement in any prescription, order, report, or record required 2484

by Chapter 3719. or 4729. of the Revised Code.	2485
(B) No person shall intentionally make, utter, or sell, or	2486
knowingly possess any of the following that is a false or	2487
forged:	2488
(1) Prescription;	2489
(2) Uncompleted preprinted prescription blank used for	2490
writing a prescription;	2491
(3) Official written order;	2492
(4) License for a terminal distributor of dangerous drugs	2493
as required in section 4729.60 of the Revised Code;	2494
(5) Registration certificate for a wholesale distributor	2495
of dangerous drugs as required in section 4729.60 of the Revised	2496
Code.	2497
(C) No person, by theft as defined in section 2913.02 of	2498
the Revised Code, shall acquire any of the following:	2499
(1) A prescription;	2500
(2) An uncompleted preprinted prescription blank used for	2501
writing a prescription;	2502
(3) An official written order;	2503
(4) A blank official written order;	2504
(5) A license or blank license for a terminal distributor	2505
of dangerous drugs as required in section 4729.60 of the Revised	2506
Code;	2507
(6) A registration certificate or blank registration	2508
certificate for a wholesale distributor of dangerous drugs as	2509
required in section 4729.60 of the Revised Code.	2510

(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 2511
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(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2514
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(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: 2519
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(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents 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. 2527
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(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents 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. 2533
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(G) (1) In addition to any prison term authorized or 2539

required by division (F) of this section and sections 2929.13 2540
and 2929.14 of the Revised Code and in addition to any other 2541
sanction imposed for the offense under this section or sections 2542
2929.11 to 2929.18 of the Revised Code, the court that sentences 2543
an offender who is convicted of or pleads guilty to any 2544
violation of divisions (A) to (D) of this section ~~shall do both~~ 2545
~~of the following:~~ 2546

~~(1) The court shall~~ may suspend for not ~~less than six~~ 2547
~~months or more than five years~~ the offender's driver's or 2548
commercial driver's license or permit. However, if the offender 2549
pleaded guilty to or was convicted of a violation of section 2550
4511.19 of the Revised Code or a substantially similar municipal 2551
ordinance or the law of another state or the United States 2552
arising out of the same set of circumstances as the violation, 2553
the court shall suspend the offender's driver's or commercial 2554
driver's license or permit for not more than five years. 2555

~~(2)~~ If the offender is a professionally licensed person, 2556
in addition to any other sanction imposed for a violation of 2557
this section, the court immediately shall comply with section 2558
2925.38 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 the effective date of this amendment 2562
may file a motion with the sentencing court requesting the 2563
termination of the suspension. However, an offender who pleaded 2564
guilty to or was convicted of a violation of section 4511.19 of 2565
the Revised Code or a substantially similar municipal ordinance 2566
or law of another state or the United States that arose out of 2567
the same set of circumstances as the violation for which the 2568
offender's license or permit was suspended under this section 2569

shall not file such a motion. 2570

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

(H) Notwithstanding any contrary provision of section 2574
3719.21 of the Revised Code, the clerk of court shall pay a fine 2575
imposed for a violation of this section pursuant to division (A) 2576
of section 2929.18 of the Revised Code in accordance with and 2577
subject to the requirements of division (F) of section 2925.03 2578
of the Revised Code. The agency that receives the fine shall use 2579
the fine as specified in division (F) of section 2925.03 of the 2580
Revised Code. 2581

Sec. 2925.31. (A) Except for lawful research, clinical, 2582
medical, dental, or veterinary purposes, no person, with purpose 2583
to induce intoxication or similar physiological effects, shall 2584
obtain, possess, or use a harmful intoxicant. 2585

(B) Whoever violates this section is guilty of abusing 2586
harmful intoxicants, a misdemeanor of the first degree. If the 2587
offender previously has been convicted of a drug abuse offense, 2588
abusing harmful intoxicants is a felony of the fifth degree. 2589

(C) (1) In addition to any other sanction imposed upon an 2590
offender for a violation of this section, the court ~~shall~~may 2591
suspend for not ~~less than six months or more than five years~~ the 2592
offender's driver's or commercial driver's license or permit. 2593
However, if the offender pleaded guilty to or was convicted of a 2594
violation of section 4511.19 of the Revised Code or a 2595
substantially similar municipal ordinance or the law of another 2596
state or the United States arising out of the same set of 2597
circumstances as the violation, the court shall suspend the 2598

offender's driver's or commercial driver's license or permit for 2599
not more than five years. If the offender is a professionally 2600
licensed person, in addition to any other sanction imposed for a 2601
violation of this section, the court immediately shall comply 2602
with section 2925.38 of the Revised Code. 2603

(2) Any offender who received a mandatory suspension of 2604
the offender's driver's or commercial driver's license or permit 2605
under this section prior to the effective date of this amendment 2606
may file a motion with the sentencing court requesting the 2607
termination of the suspension. However, an offender who pleaded 2608
guilty to or was convicted of a violation of section 4511.19 of 2609
the Revised Code or a substantially similar municipal ordinance 2610
or law of another state or the United States that arose out of 2611
the same set of circumstances as the violation for which the 2612
offender's license or permit was suspended under this section 2613
shall not file such a motion. 2614

Upon the filing of a motion under division (C) (2) of this 2615
section, the sentencing court, in its discretion, may terminate 2616
the suspension. 2617

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 2618
do not apply to the dispensing or distributing of nitrous oxide. 2619

(1) No person shall knowingly dispense or distribute a 2620
harmful intoxicant to a person age eighteen or older if the 2621
person who dispenses or distributes it knows or has reason to 2622
believe that the harmful intoxicant will be used in violation of 2623
section 2925.31 of the Revised Code. 2624

(2) No person shall knowingly dispense or distribute a 2625
harmful intoxicant to a person under age eighteen if the person 2626
who dispenses or distributes it knows or has reason to believe 2627

that the harmful intoxicant will be used in violation of section 2628
2925.31 of the Revised Code. Division (A) (2) of this section 2629
does not prohibit either of the following: 2630

(a) Dispensing or distributing a harmful intoxicant to a 2631
person under age eighteen if a written order from the juvenile's 2632
parent or guardian is provided to the dispenser or distributor; 2633

(b) Dispensing or distributing gasoline or diesel fuel to 2634
a person under age eighteen if the dispenser or distributor does 2635
not know or have reason to believe the product will be used in 2636
violation of section 2925.31 of the Revised Code. Division (A) 2637
(2) (a) of this section does not require a person to obtain a 2638
written order from the parent or guardian of a person under age 2639
eighteen in order to distribute or dispense gasoline or diesel 2640
fuel to the person. 2641

(B) (1) No person shall knowingly dispense or distribute 2642
nitrous oxide to a person age twenty-one or older if the person 2643
who dispenses or distributes it knows or has reason to believe 2644
the nitrous oxide will be used in violation of section 2925.31 2645
of the Revised Code. 2646

(2) Except for lawful medical, dental, or clinical 2647
purposes, no person shall knowingly dispense or distribute 2648
nitrous oxide to a person under age twenty-one. 2649

(3) No person, at the time a cartridge of nitrous oxide is 2650
sold to another person, shall sell a device that allows the 2651
purchaser to inhale nitrous oxide from cartridges or to hold 2652
nitrous oxide released from cartridges for purposes of 2653
inhalation. The sale of any such device constitutes a rebuttable 2654
presumption that the person knew or had reason to believe that 2655
the purchaser intended to abuse the nitrous oxide. 2656

(4) No person who dispenses or distributes nitrous oxide 2657
in cartridges shall fail to comply with either of the following: 2658

(a) The record-keeping requirements established under 2659
division (F) of this section; 2660

(b) The labeling and transaction identification 2661
requirements established under division (G) of this section. 2662

(C) This section does not apply to products used in 2663
making, fabricating, assembling, transporting, or constructing a 2664
product or structure by manual labor or machinery for sale or 2665
lease to another person, or to the mining, refining, or 2666
processing of natural deposits. 2667

(D) (1) (a) Whoever violates division (A) (1) or (2) or 2668
division (B) (1), (2), or (3) of this section is guilty of 2669
trafficking in harmful intoxicants, a felony of the fifth 2670
degree. If the offender previously has been convicted of a drug 2671
abuse offense, trafficking in harmful intoxicants is a felony of 2672
the fourth degree. In addition to any other sanction imposed 2673
upon an offender for trafficking in harmful intoxicants, the 2674
court ~~shall~~ may suspend for not ~~less than six months or more~~ 2675
than five years the offender's driver's or commercial driver's 2676
license or permit. However, if the offender pleaded guilty to or 2677
was convicted of a violation of section 4511.19 of the Revised 2678
Code or a substantially similar municipal ordinance or the law 2679
of another state or the United States arising out of the same 2680
set of circumstances as the violation, the court shall suspend 2681
the offender's driver's or commercial driver's license or permit 2682
for not more than five years. If the offender is a 2683
professionally licensed person, in addition to any other 2684
sanction imposed for trafficking in harmful intoxicants, the 2685
court immediately shall comply with section 2925.38 of the 2686

Revised Code. 2687

(b) Any offender who received a mandatory suspension of 2688
the offender's driver's or commercial driver's license or permit 2689
under this section prior to the effective date of this amendment 2690
may file a motion with the sentencing court requesting the 2691
termination of the suspension. However, an offender who pleaded 2692
guilty to or was convicted of a violation of section 4511.19 of 2693
the Revised Code or a substantially similar municipal ordinance 2694
or law of another state or the United States that arose out of 2695
the same set of circumstances as the violation for which the 2696
offender's license or permit was suspended under this section 2697
shall not file such a motion. 2698

Upon the filing of a motion under division (D) (1) (b) of 2699
this section, the sentencing court, in its discretion, may 2700
terminate the suspension. 2701

(2) Whoever violates division (B) (4) (a) or (b) of this 2702
section is guilty of improperly dispensing or distributing 2703
nitrous oxide, a misdemeanor of the fourth degree. 2704

(E) It is an affirmative defense to a charge of a 2705
violation of division (A) (2) or (B) (2) of this section that: 2706

(1) An individual exhibited to the defendant or an officer 2707
or employee of the defendant, for purposes of establishing the 2708
individual's age, a driver's license or permit issued by this 2709
state, a commercial driver's license or permit issued by this 2710
state, an identification card issued pursuant to section 4507.50 2711
of the Revised Code, for another document that purports to be a 2712
license, permit, or identification card described in this 2713
division; 2714

(2) The document exhibited appeared to be a genuine, 2715

unaltered document, to pertain to the individual, and to 2716
establish the individual's age; 2717

(3) The defendant or the officer or employee of the 2718
defendant otherwise did not have reasonable cause to believe 2719
that the individual was under the age represented. 2720

(F) Beginning July 1, 2001, a person who dispenses or 2721
distributes nitrous oxide shall record each transaction 2722
involving the dispensing or distributing of the nitrous oxide on 2723
a separate card. The person shall require the purchaser to sign 2724
the card and provide a complete residence address. The person 2725
dispensing or distributing the nitrous oxide shall sign and date 2726
the card. The person shall retain the card recording a 2727
transaction for one year from the date of the transaction. The 2728
person shall maintain the cards at the person's business address 2729
and make them available during normal business hours for 2730
inspection and copying by officers or employees of the state 2731
board of pharmacy or of other law enforcement agencies of this 2732
state or the United States that are authorized to investigate 2733
violations of Chapter 2925., 3719., or 4729. of the Revised Code 2734
or the federal drug abuse control laws. 2735

The cards used to record each transaction shall inform the 2736
purchaser of the following: 2737

(1) That nitrous oxide cartridges are to be used only for 2738
purposes of preparing food; 2739

(2) That inhalation of nitrous oxide can have dangerous 2740
health effects; 2741

(3) That it is a violation of state law to distribute or 2742
dispense cartridges of nitrous oxide to any person under age 2743
twenty-one, punishable as a felony of the fifth degree. 2744

(G) (1) Each cartridge of nitrous oxide dispensed or 2745
distributed in this state shall bear the following printed 2746
warning: 2747

"Nitrous oxide cartridges are to be used only for purposes 2748
of preparing food. Nitrous oxide cartridges may not be sold to 2749
persons under age twenty-one. Do not inhale contents. Misuse can 2750
be dangerous to your health." 2751

(2) Each time a person dispenses or distributes one or 2752
more cartridges of nitrous oxide, the person shall mark the 2753
packaging containing the cartridges with a label or other device 2754
that identifies the person who dispensed or distributed the 2755
nitrous oxide and the person's business address. 2756

Sec. 2925.33. (A) As used in this section, "motor 2757
vehicle," "street," and "highway" have the same meanings as in 2758
section 4511.01 of the Revised Code. 2759

(B) Unless authorized under Chapter 3719., 4715., 4729., 2760
4731., 4741., or 4765. of the Revised Code, no person shall 2761
possess an open cartridge of nitrous oxide in either of the 2762
following circumstances: 2763

(1) While operating or being a passenger in or on a motor 2764
vehicle on a street, highway, or other public or private 2765
property open to the public for purposes of vehicular traffic or 2766
parking; 2767

(2) While being in or on a stationary motor vehicle on a 2768
street, highway, or other public or private property open to the 2769
public for purposes of vehicular traffic or parking. 2770

(C) Whoever violates this section is guilty of possessing 2771
nitrous oxide in a motor vehicle, a misdemeanor of the fourth 2772
degree. 2773

(D) In addition to any other sanction imposed upon an 2774
offender for possessing nitrous oxide in a motor vehicle, the 2775
court may suspend for not more than five years the offender's 2776
driver's or commercial driver's license or permit. 2777

Sec. 2925.36. (A) No person shall knowingly furnish 2778
another a sample drug. 2779

(B) Division (A) of this section does not apply to 2780
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2781
licensed health professionals authorized to prescribe drugs, and 2782
other persons whose conduct is in accordance with Chapters 2783
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2784
the Revised Code. 2785

(C) (1) Whoever violates this section is guilty of illegal 2786
dispensing of drug samples. 2787

(2) If the drug involved in the offense is a compound, 2788
mixture, preparation, or substance included in schedule I or II, 2789
with the exception of marihuana, the penalty for the offense 2790
shall be determined as follows: 2791

(a) Except as otherwise provided in division (C) (2) (b) of 2792
this section, illegal dispensing of drug samples is a felony of 2793
the fifth degree, and, subject to division (E) of this section, 2794
division (C) of section 2929.13 of the Revised Code applies in 2795
determining whether to impose a prison term on the offender. 2796

(b) If the offense was committed in the vicinity of a 2797
school or in the vicinity of a juvenile, illegal dispensing of 2798
drug samples is a felony of the fourth degree, and, subject to 2799
division (E) of this section, division (C) of section 2929.13 of 2800
the Revised Code applies in determining whether to impose a 2801
prison term on the offender. 2802

(3) If the drug involved in the offense is a dangerous 2803
drug or a compound, mixture, preparation, or substance included 2804
in schedule III, IV, or V, or is marihuana, the penalty for the 2805
offense shall be determined as follows: 2806

(a) Except as otherwise provided in division (C) (3) (b) of 2807
this section, illegal dispensing of drug samples is a 2808
misdemeanor of the second degree. 2809

(b) If the offense was committed in the vicinity of a 2810
school or in the vicinity of a juvenile, illegal dispensing of 2811
drug samples is a misdemeanor of the first degree. 2812

(D) (1) In addition to any prison term authorized or 2813
required by division (C) or (E) of this section and sections 2814
2929.13 and 2929.14 of the Revised Code and in addition to any 2815
other sanction imposed for the offense under this section or 2816
sections 2929.11 to 2929.18 of the Revised Code, the court that 2817
sentences an offender who is convicted of or pleads guilty to a 2818
violation of division (A) of this section ~~shall do both of the~~ 2819
~~following:~~ 2820

~~(1) The court shall~~ may suspend for not ~~less than six~~ 2821
~~months or more than five years~~ the offender's driver's or 2822
commercial driver's license or permit. However, if the offender 2823
pleaded guilty to or was convicted of a violation of section 2824
4511.19 of the Revised Code or a substantially similar municipal 2825
ordinance or the law of another state or the United States 2826
arising out of the same set of circumstances as the violation, 2827
the court shall suspend the offender's driver's or commercial 2828
driver's license or permit for not more than five years. 2829

~~(2)~~ If the offender is a professionally licensed person, 2830
in addition to any other sanction imposed for a violation of 2831

this section, the court immediately shall comply with section 2832
2925.38 of the Revised Code. 2833

(2) Any offender who received a mandatory suspension of 2834
the offender's driver's or commercial driver's license or permit 2835
under this section prior to the effective date of this amendment 2836
may file a motion with the sentencing court requesting the 2837
termination of the suspension. However, an offender who pleaded 2838
guilty to or was convicted of a violation of section 4511.19 of 2839
the Revised Code or a substantially similar municipal ordinance 2840
or law of another state or the United States that arose out of 2841
the same set of circumstances as the violation for which the 2842
offender's license or permit was suspended under this section 2843
shall not file such a motion. 2844

Upon the filing of a motion under division (D)(2) of this 2845
section, the sentencing court, in its discretion, may terminate 2846
the suspension. 2847

(E) Notwithstanding the prison term authorized or required 2848
by division (C) of this section and sections 2929.13 and 2929.14 2849
of the Revised Code, if the violation of division (A) of this 2850
section involves the sale, offer to sell, or possession of a 2851
schedule I or II controlled substance, with the exception of 2852
marihuana, and if the court imposing sentence upon the offender 2853
finds that the offender as a result of the violation is a major 2854
drug offender and is guilty of a specification of the type 2855
described in section 2941.1410 of the Revised Code, the court, 2856
in lieu of the prison term otherwise authorized or required, 2857
shall impose upon the offender the mandatory prison term 2858
specified in division (B)(3)(a) of section 2929.14 of the 2859
Revised Code. 2860

(F) Notwithstanding any contrary provision of section 2861

3719.21 of the Revised Code, the clerk of the court shall pay a 2862
fine imposed for a violation of this section pursuant to 2863
division (A) of section 2929.18 of the Revised Code in 2864
accordance with and subject to the requirements of division (F) 2865
of section 2925.03 of the Revised Code. The agency that receives 2866
the fine shall use the fine as specified in division (F) of 2867
section 2925.03 of the Revised Code. 2868

Sec. 2925.37. (A) No person shall knowingly possess any 2869
counterfeit controlled substance. 2870

(B) No person shall knowingly make, sell, offer to sell, 2871
or deliver any substance that the person knows is a counterfeit 2872
controlled substance. 2873

(C) No person shall make, possess, sell, offer to sell, or 2874
deliver any punch, die, plate, stone, or other device knowing or 2875
having reason to know that it will be used to print or reproduce 2876
a trademark, trade name, or other identifying mark upon a 2877
counterfeit controlled substance. 2878

(D) No person shall sell, offer to sell, give, or deliver 2879
any counterfeit controlled substance to a juvenile. 2880

(E) No person shall directly or indirectly represent a 2881
counterfeit controlled substance as a controlled substance by 2882
describing its effects as the physical or psychological effects 2883
associated with use of a controlled substance. 2884

(F) No person shall directly or indirectly falsely 2885
represent or advertise a counterfeit controlled substance as a 2886
controlled substance. As used in this division, "advertise" 2887
means engaging in "advertisement," as defined in section 3715.01 2888
of the Revised Code. 2889

(G) Whoever violates division (A) of this section is 2890

guilty of possession of counterfeit controlled substances, a 2891
misdemeanor of the first degree. 2892

(H) Whoever violates division (B) or (C) of this section 2893
is guilty of trafficking in counterfeit controlled substances. 2894
Except as otherwise provided in this division, trafficking in 2895
counterfeit controlled substances is a felony of the fifth 2896
degree, and division (C) of section 2929.13 of the Revised Code 2897
applies in determining whether to impose a prison term on the 2898
offender. If the offense was committed in the vicinity of a 2899
school or in the vicinity of a juvenile, trafficking in 2900
counterfeit controlled substances is a felony of the fourth 2901
degree, and division (C) of section 2929.13 of the Revised Code 2902
applies in determining whether to impose a prison term on the 2903
offender. 2904

(I) Whoever violates division (D) of this section is 2905
guilty of aggravated trafficking in counterfeit controlled 2906
substances. Except as otherwise provided in this division, 2907
aggravated trafficking in counterfeit controlled substances is a 2908
felony of the fourth degree, and division (C) of section 2929.13 2909
of the Revised Code applies in determining whether to impose a 2910
prison term on the offender. 2911

(J) Whoever violates division (E) of this section is 2912
guilty of promoting and encouraging drug abuse. Except as 2913
otherwise provided in this division, promoting and encouraging 2914
drug abuse is a felony of the fifth degree, and division (C) of 2915
section 2929.13 of the Revised Code applies in determining 2916
whether to impose a prison term on the offender. If the offense 2917
was committed in the vicinity of a school or in the vicinity of 2918
a juvenile, promoting and encouraging drug abuse is a felony of 2919
the fourth degree, and division (C) of section 2929.13 of the 2920

Revised Code applies in determining whether to impose a prison term on the offender. 2921
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(K) Whoever violates division (F) of this section is guilty of fraudulent drug advertising. Except as otherwise provided in this division, fraudulent drug advertising 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, fraudulent drug advertising 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. 2923
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(L) (1) In addition to any prison term authorized or required by divisions (H) to (K) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (B), (C), (D), (E), or (F) of this section shall do both of the following: 2933
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~~(1) The court shall may suspend for not less than six months or more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~ 2941
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~~(2)~~ If the offender is a professionally licensed person, 2950

in addition to any other sanction imposed for a violation of 2951
this section, the court immediately shall comply with section 2952
2925.38 of the Revised Code. 2953

(2) Any offender who received a mandatory suspension of 2954
the offender's driver's or commercial driver's license or permit 2955
under this section prior to the effective date of this amendment 2956
may file a motion with the sentencing court requesting the 2957
termination of the suspension. However, an offender who pleaded 2958
guilty to or was convicted of a violation of section 4511.19 of 2959
the Revised Code or a substantially similar municipal ordinance 2960
or law of another state or the United States that arose out of 2961
the same set of circumstances as the violation for which the 2962
offender's license or permit was suspended under this section 2963
shall not file such a motion. 2964

Upon the filing of a motion under division (L)(2) of this 2965
section, the sentencing court, in its discretion, may terminate 2966
the suspension. 2967

(M) Notwithstanding any contrary provision of section 2968
3719.21 of the Revised Code, the clerk of the court shall pay a 2969
fine imposed for a violation of this section pursuant to 2970
division (A) of section 2929.18 of the Revised Code in 2971
accordance with and subject to the requirements of division (F) 2972
of section 2925.03 of the Revised Code. The agency that receives 2973
the fine shall use the fine as specified in division (F) of 2974
section 2925.03 of the Revised Code. 2975

Sec. 4510.021. (A) Unless expressly prohibited by section 2976
2919.22, section 4510.13, or any other section of the Revised 2977
Code, a court may grant limited driving privileges for any 2978
purpose described in division (A) ~~(1), (2), or (3)~~ of this 2979
section during any suspension imposed by the court. In granting 2980

the privileges, the court shall specify the purposes, times, and 2981
places of the privileges and may impose any other reasonable 2982
conditions on the person's driving of a motor vehicle. The 2983
privileges shall be for any of the following limited purposes: 2984

(1) Occupational, educational, vocational, or medical 2985
purposes; 2986

(2) Taking the driver's or commercial driver's license 2987
examination; 2988

(3) Attending court-ordered treatment; 2989

(4) Any other purpose the court determines to be 2990
appropriate. 2991

(B) Unless expressly authorized by a section of the 2992
Revised Code, a court may not grant limited driving privileges 2993
during any suspension imposed by the bureau of motor vehicles. 2994
To obtain limited driving privileges during a suspension imposed 2995
by the bureau, the person under suspension may file a petition 2996
in a court of record in the county in which the person resides. 2997
A person who is not a resident of this state shall file any 2998
petition for privileges either in the Franklin county municipal 2999
court or in the municipal or county court located in the county 3000
where the offense occurred. If the person who is not a resident 3001
of this state is a minor, the person may file the petition 3002
either in the Franklin county juvenile court or in the juvenile 3003
court with jurisdiction over the offense. If a court grants 3004
limited driving privileges as described in this division, the 3005
privileges shall be for any of the limited purposes identified 3006
in division (A) of this section. 3007

(C) When the use of an immobilizing or disabling device is 3008
not otherwise required by law, the court, as a condition of 3009

granting limited driving privileges, may require that the 3010
person's vehicle be equipped with an immobilizing or disabling 3011
device, except as provided in division (C) of section 4510.43 of 3012
the Revised Code. When the use of restricted license plates 3013
issued under section 4503.231 of the Revised Code is not 3014
otherwise required by law, the court, as a condition of granting 3015
limited driving privileges, may require that the person's 3016
vehicle be equipped with restricted license plates of that 3017
nature, except as provided in division (B) of that section. 3018

(D) When the court grants limited driving privileges under 3019
section 4510.31 of the Revised Code or any other provision of 3020
law during the suspension of the temporary instruction permit or 3021
probationary driver's license of a person who is under eighteen 3022
years of age, the court may include as a purpose of the 3023
privilege the person's practicing of driving with the person's 3024
parent, guardian, or other custodian during the period of the 3025
suspension. If the court grants limited driving privileges for 3026
this purpose, the court, in addition to all other conditions it 3027
imposes, shall impose as a condition that the person exercise 3028
the privilege only when a parent, guardian, or custodian of the 3029
person who holds a current valid driver's or commercial driver's 3030
license issued by this state actually occupies the seat beside 3031
the person in the vehicle the person is operating. 3032

(E) Before granting limited driving privileges under this 3033
section, the court shall require the offender to provide proof 3034
of financial responsibility pursuant to section 4509.45 of the 3035
Revised Code. 3036

Sec. 4510.17. (A) The registrar of motor vehicles shall 3037
impose a class D suspension of the person's driver's license, 3038
commercial driver's license, temporary instruction permit, 3039

probationary license, or nonresident operating privilege for the 3040
period of time specified in division (B) (4) of section 4510.02 3041
of the Revised Code on any person who is a resident of this 3042
state and is convicted of or pleads guilty to a violation of a 3043
statute of any other state or any federal statute that is 3044
substantially similar to section 2925.02, 2925.03, 2925.04, 3045
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3046
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 3047
2925.37 of the Revised Code. Upon receipt of a report from a 3048
court, court clerk, or other official of any other state or from 3049
any federal authority that a resident of this state was 3050
convicted of or pleaded guilty to an offense described in this 3051
division, the registrar shall send a notice by regular first 3052
class mail to the person, at the person's last known address as 3053
shown in the records of the bureau of motor vehicles, informing 3054
the person of the suspension, that the suspension will take 3055
effect twenty-one days from the date of the notice, and that, if 3056
the person wishes to appeal the suspension or denial, the person 3057
must file a notice of appeal within twenty-one days of the date 3058
of the notice requesting a hearing on the matter. If the person 3059
requests a hearing, the registrar shall hold the hearing not 3060
more than forty days after receipt by the registrar of the 3061
notice of appeal. The filing of a notice of appeal does not stay 3062
the operation of the suspension that must be imposed pursuant to 3063
this division. The scope of the hearing shall be limited to 3064
whether the person actually was convicted of or pleaded guilty 3065
to the offense for which the suspension is to be imposed. 3066

The suspension the registrar is required to impose under 3067
this division shall end either on the last day of the class D 3068
suspension period or of the suspension of the person's 3069
nonresident operating privilege imposed by the state or federal 3070

court, whichever is earlier. 3071

The registrar shall subscribe to or otherwise participate 3072
in any information system or register, or enter into reciprocal 3073
and mutual agreements with other states and federal authorities, 3074
in order to facilitate the exchange of information with other 3075
states and the United States government regarding persons who 3076
plead guilty to or are convicted of offenses described in this 3077
division and therefore are subject to the suspension or denial 3078
described in this division. 3079

(B) The registrar shall impose a class D suspension of the 3080
person's driver's license, commercial driver's license, 3081
temporary instruction permit, probationary license, or 3082
nonresident operating privilege for the period of time specified 3083
in division (B) (4) of section 4510.02 of the Revised Code on any 3084
person who is a resident of this state and is convicted of or 3085
pleads guilty to a violation of a statute of any other state or 3086
a municipal ordinance of a municipal corporation located in any 3087
other state that is substantially similar to section 4511.19 of 3088
the Revised Code. Upon receipt of a report from another state 3089
made pursuant to section 4510.61 of the Revised Code indicating 3090
that a resident of this state was convicted of or pleaded guilty 3091
to an offense described in this division, the registrar shall 3092
send a notice by regular first class mail to the person, at the 3093
person's last known address as shown in the records of the 3094
bureau of motor vehicles, informing the person of the 3095
suspension, that the suspension or denial will take effect 3096
twenty-one days from the date of the notice, and that, if the 3097
person wishes to appeal the suspension, the person must file a 3098
notice of appeal within twenty-one days of the date of the 3099
notice requesting a hearing on the matter. If the person 3100
requests a hearing, the registrar shall hold the hearing not 3101

more than forty days after receipt by the registrar of the 3102
notice of appeal. The filing of a notice of appeal does not stay 3103
the operation of the suspension that must be imposed pursuant to 3104
this division. The scope of the hearing shall be limited to 3105
whether the person actually was convicted of or pleaded guilty 3106
to the offense for which the suspension is to be imposed. 3107

The suspension the registrar is required to impose under 3108
this division shall end either on the last day of the class D 3109
suspension period or of the suspension of the person's 3110
nonresident operating privilege imposed by the state or federal 3111
court, whichever is earlier. 3112

(C) The registrar shall impose a class D suspension of the 3113
child's driver's license, commercial driver's license, temporary 3114
instruction permit, or nonresident operating privilege for the 3115
period of time specified in division (B) (4) of section 4510.02 3116
of the Revised Code on any child who is a resident of this state 3117
and is convicted of or pleads guilty to a violation of a statute 3118
of any other state or any federal statute that is substantially 3119
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3120
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 3121
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 3122
Code. Upon receipt of a report from a court, court clerk, or 3123
other official of any other state or from any federal authority 3124
that a child who is a resident of this state was convicted of or 3125
pleaded guilty to an offense described in this division, the 3126
registrar shall send a notice by regular first class mail to the 3127
child, at the child's last known address as shown in the records 3128
of the bureau of motor vehicles, informing the child of the 3129
suspension, that the suspension or denial will take effect 3130
twenty-one days from the date of the notice, and that, if the 3131
child wishes to appeal the suspension, the child must file a 3132

notice of appeal within twenty-one days of the date of the 3133
notice requesting a hearing on the matter. If the child requests 3134
a hearing, the registrar shall hold the hearing not more than 3135
forty days after receipt by the registrar of the notice of 3136
appeal. The filing of a notice of appeal does not stay the 3137
operation of the suspension that must be imposed pursuant to 3138
this division. The scope of the hearing shall be limited to 3139
whether the child actually was convicted of or pleaded guilty to 3140
the offense for which the suspension is to be imposed. 3141

The suspension the registrar is required to impose under 3142
this division shall end either on the last day of the class D 3143
suspension period or of the suspension of the child's 3144
nonresident operating privilege imposed by the state or federal 3145
court, whichever is earlier. If the child is a resident of this 3146
state who is sixteen years of age or older and does not have a 3147
current, valid Ohio driver's or commercial driver's license or 3148
permit, the notice shall inform the child that the child will be 3149
denied issuance of a driver's or commercial driver's license or 3150
permit for six months beginning on the date of the notice. If 3151
the child has not attained the age of sixteen years on the date 3152
of the notice, the notice shall inform the child that the period 3153
of denial of six months shall commence on the date the child 3154
attains the age of sixteen years. 3155

The registrar shall subscribe to or otherwise participate 3156
in any information system or register, or enter into reciprocal 3157
and mutual agreements with other states and federal authorities, 3158
in order to facilitate the exchange of information with other 3159
states and the United States government regarding children who 3160
are residents of this state and plead guilty to or are convicted 3161
of offenses described in this division and therefore are subject 3162
to the suspension or denial described in this division. 3163

(D) The registrar shall impose a class D suspension of the 3164
child's driver's license, commercial driver's license, temporary 3165
instruction permit, probationary license, or nonresident 3166
operating privilege for the period of time specified in division 3167
(B) (4) of section 4510.02 of the Revised Code on any child who 3168
is a resident of this state and is convicted of or pleads guilty 3169
to a violation of a statute of any other state or a municipal 3170
ordinance of a municipal corporation located in any other state 3171
that is substantially similar to section 4511.19 of the Revised 3172
Code. Upon receipt of a report from another state made pursuant 3173
to section 4510.61 of the Revised Code indicating that a child 3174
who is a resident of this state was convicted of or pleaded 3175
guilty to an offense described in this division, the registrar 3176
shall send a notice by regular first class mail to the child, at 3177
the child's last known address as shown in the records of the 3178
bureau of motor vehicles, informing the child of the suspension, 3179
that the suspension will take effect twenty-one days from the 3180
date of the notice, and that, if the child wishes to appeal the 3181
suspension, the child must file a notice of appeal within 3182
twenty-one days of the date of the notice requesting a hearing 3183
on the matter. If the child requests a hearing, the registrar 3184
shall hold the hearing not more than forty days after receipt by 3185
the registrar of the notice of appeal. The filing of a notice of 3186
appeal does not stay the operation of the suspension that must 3187
be imposed pursuant to this division. The scope of the hearing 3188
shall be limited to whether the child actually was convicted of 3189
or pleaded guilty to the offense for which the suspension is to 3190
be imposed. 3191

The suspension the registrar is required to impose under 3192
this division shall end either on the last day of the class D 3193
suspension period or of the suspension of the child's 3194

nonresident operating privilege imposed by the state or federal 3195
court, whichever is earlier. If the child is a resident of this 3196
state who is sixteen years of age or older and does not have a 3197
current, valid Ohio driver's or commercial driver's license or 3198
permit, the notice shall inform the child that the child will be 3199
denied issuance of a driver's or commercial driver's license or 3200
permit for six months beginning on the date of the notice. If 3201
the child has not attained the age of sixteen years on the date 3202
of the notice, the notice shall inform the child that the period 3203
of denial of six months shall commence on the date the child 3204
attains the age of sixteen years. 3205

(E) (1) Any person whose license or permit has been 3206
suspended pursuant to this section may file a petition in the 3207
municipal or county court, or in case the person is under 3208
eighteen years of age, the juvenile court, in whose jurisdiction 3209
the person resides, requesting limited driving privileges and 3210
agreeing to pay the cost of the proceedings~~and alleging that~~ 3211
~~the suspension would seriously affect the person's ability to~~ 3212
~~continue the person's employment. Upon satisfactory proof that~~ 3213
~~there is reasonable cause to believe that the suspension would~~ 3214
~~seriously affect the person's ability to continue the person's~~ 3215
~~employment, the~~. Except as provided in division (E) (2) of this 3216
section, the judge may grant the person limited driving 3217
privileges during the period during which the suspension 3218
otherwise would be imposed,~~except that the~~ for any of the 3219
purposes set forth in division (A) of section 4510.021 of the 3220
Revised Code. 3221

(2) No judge shall ~~not~~ grant limited driving privileges 3222
for employment as a driver of a commercial motor vehicle to any 3223
person who would be disqualified from operating a commercial 3224
motor vehicle under section 4506.16 of the Revised Code if the 3225

violation had occurred in this state, ~~or~~. Further, no judge 3226
shall grant limited driving privileges during any of the 3227
following periods of time: 3228

~~(1)~~ (a) The first fifteen days of a suspension under 3229
division (B) or (D) of this section, if the person has not been 3230
convicted within six years of the date of the offense giving 3231
rise to the suspension under this section of a violation of any 3232
of the following: 3233

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 3234
municipal ordinance relating to operating a vehicle while under 3235
the influence of alcohol, a drug of abuse, or alcohol and a drug 3236
of abuse; 3237

~~(b)~~ (ii) A municipal ordinance relating to operating a 3238
motor vehicle with a prohibited concentration of alcohol, a 3239
controlled substance, or a metabolite of a controlled substance 3240
in the whole blood, blood serum or plasma, breath, or urine; 3241

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 3242
which the person was subject to the sanctions described in 3243
division (D) of that section; 3244

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 3245
(A) (1) of section 2903.08 of the Revised Code or a municipal 3246
ordinance that is substantially similar to either of those 3247
divisions; 3248

~~(e)~~ (v) Division (A) (2), (3), or (4) of section 2903.06, 3249
division (A) (2) of section 2903.08, or as it existed prior to 3250
March 23, 2000, section 2903.07 of the Revised Code, or a 3251
municipal ordinance that is substantially similar to any of 3252
those divisions or that former section, in a case in which the 3253
jury or judge found that the person was under the influence of 3254

alcohol, a drug of abuse, or alcohol and a drug of abuse. 3255

~~(2)~~ (b) The first thirty days of a suspension under 3256
division (B) or (D) of this section, if the person has been 3257
convicted one time within six years of the date of the offense 3258
giving rise to the suspension under this section of any 3259
violation identified in division (E)(1) of this section. 3260

~~(3)~~ (c) The first one hundred eighty days of a suspension 3261
under division (B) or (D) of this section, if the person has 3262
been convicted two times within six years of the date of the 3263
offense giving rise to the suspension under this section of any 3264
violation identified in division (E)(1) of this section. 3265

~~(4)~~ (d) No limited driving privileges may be granted if 3266
the person has been convicted three or more times within five 3267
years of the date of the offense giving rise to a suspension 3268
under division (B) or (D) of this section of any violation 3269
identified in division (E)(1) of this section. 3270

(3) If a person petitions for limited driving privileges 3271
under division (E) (1) of this section, the registrar shall be 3272
represented by the county prosecutor of the county in which the 3273
person resides if the petition is filed in a juvenile court or 3274
county court, except that if the person resides within a city or 3275
village that is located within the jurisdiction of the county in 3276
which the petition is filed, the city director of law or village 3277
solicitor of that city or village shall represent the registrar. 3278
If the petition is filed in a municipal court, the registrar 3279
shall be represented as provided in section 1901.34 of the 3280
Revised Code. 3281

(4) In granting limited driving privileges under division 3282
(E) of this section, the court may impose any condition it 3283

considers reasonable and necessary to limit the use of a vehicle 3284
by the person. The court shall deliver to the person a permit 3285
card, in a form to be prescribed by the court, setting forth the 3286
time, place, and other conditions limiting the person's use of a 3287
motor vehicle. The grant of limited driving privileges shall be 3288
conditioned upon the person's having the permit in the person's 3289
possession at all times during which the person is operating a 3290
vehicle. 3291

(5) A person granted limited driving privileges who 3292
operates a vehicle for other than limited purposes, in violation 3293
of any condition imposed by the court or without having the 3294
permit in the person's possession, is guilty of a violation of 3295
section 4510.11 of the Revised Code. 3296

(F) Any person whose license or permit has been suspended 3297
under division (A) or (C) of this section may file a petition in 3298
the municipal or county court, or in case the person is under 3299
eighteen years of age, the juvenile court, in whose jurisdiction 3300
the person resides, requesting the termination of the suspension 3301
and agreeing to pay the cost of the proceedings. If the court, 3302
in its discretion, determines that a termination of the 3303
suspension is appropriate, the court shall issue an order to the 3304
registrar to terminate the suspension. Upon receiving such an 3305
order, the registrar shall reinstate the license. 3306

(G) As used in divisions (C) and (D) of this section: 3307

(1) "Child" means a person who is under the age of 3308
eighteen years, except that any person who violates a statute or 3309
ordinance described in division (C) or (D) of this section prior 3310
to attaining eighteen years of age shall be deemed a "child" 3311
irrespective of the person's age at the time the complaint or 3312
other equivalent document is filed in the other state or a 3313

hearing, trial, or other proceeding is held in the other state 3314
on the complaint or other equivalent document, and irrespective 3315
of the person's age when the period of license suspension or 3316
denial prescribed in division (C) or (D) of this section is 3317
imposed. 3318

(2) "Is convicted of or pleads guilty to" means, as it 3319
relates to a child who is a resident of this state, that in a 3320
proceeding conducted in a state or federal court located in 3321
another state for a violation of a statute or ordinance 3322
described in division (C) or (D) of this section, the result of 3323
the proceeding is any of the following: 3324

(a) Under the laws that govern the proceedings of the 3325
court, the child is adjudicated to be or admits to being a 3326
delinquent child or a juvenile traffic offender for a violation 3327
described in division (C) or (D) of this section that would be a 3328
crime if committed by an adult; 3329

(b) Under the laws that govern the proceedings of the 3330
court, the child is convicted of or pleads guilty to a violation 3331
described in division (C) or (D) of this section; 3332

(c) Under the laws that govern the proceedings of the 3333
court, irrespective of the terminology utilized in those laws, 3334
the result of the court's proceedings is the functional 3335
equivalent of division ~~(F)~~(G) (2) (a) or (b) of this section. 3336

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) 3337
or (2) of this section, the registrar of motor vehicles shall 3338
suspend the probationary driver's license, restricted license, 3339
or temporary instruction permit issued to any person when the 3340
person has been convicted of, pleaded guilty to, or been 3341
adjudicated in juvenile court of having committed, prior to the 3342

person's eighteenth birthday, any of the following: 3343

(a) Three separate violations of section 2903.06, 2903.08, 3344
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 3345
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 3346
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 3347
Revised Code, section 4510.14 of the Revised Code involving a 3348
suspension imposed under section 4511.191 or 4511.196 of the 3349
Revised Code, section 2903.04 of the Revised Code in a case in 3350
which the person would have been subject to the sanctions 3351
described in division (D) of that section had the person been 3352
convicted of the violation of that section, former section 3353
2903.07 of the Revised Code, or any municipal ordinances 3354
similarly relating to the offenses referred to in those 3355
sections; 3356

(b) One violation of section 4511.19 of the Revised Code 3357
or a substantially similar municipal ordinance; 3358

(c) Two separate violations of any of the Revised Code 3359
sections referred to in division (A)(1)(a) of this section, or 3360
any municipal ordinance that is substantially similar to any of 3361
those sections. 3362

(2) Any person whose license or permit is suspended under 3363
division (A)(1)(a), (b), or (c) of this section shall mail or 3364
deliver the person's probationary driver's license, restricted 3365
license, or temporary instruction permit to the registrar within 3366
fourteen days of notification of the suspension. The registrar 3367
shall retain the license or permit during the period of the 3368
suspension. A suspension pursuant to division (A)(1)(a) of this 3369
section shall be a class C suspension, a suspension pursuant to 3370
division (A)(1)(b) of this section shall be a class D 3371
suspension, and a suspension pursuant to division (A)(1)(c) of 3372

this section shall be a class E suspension, all for the periods 3373
of time specified in division (B) of section 4510.02 of the 3374
Revised Code. If the person's probationary driver's license, 3375
restricted license, or temporary instruction permit is under 3376
suspension on the date the court imposes sentence upon the 3377
person for a violation described in division (A) (1) (b) of this 3378
section, the suspension shall take effect on the next day 3379
immediately following the end of that period of suspension. If 3380
the person is sixteen years of age or older and pleads guilty to 3381
or is convicted of a violation described in division (A) (1) (b) 3382
of this section and the person does not have a current, valid 3383
probationary driver's license, restricted license, or temporary 3384
instruction permit, the registrar shall deny the issuance to the 3385
person of a probationary driver's license, restricted license, 3386
driver's license, commercial driver's license, or temporary 3387
instruction permit, as the case may be, for six months beginning 3388
on the date the court imposes sentence upon the person for the 3389
violation. If the person has not attained the age of sixteen 3390
years on the date the court imposes sentence upon the person for 3391
the violation, the period of denial shall commence on the date 3392
the person attains the age of sixteen years. 3393

(3) The registrar shall suspend the person's license or 3394
permit under division (A) of this section regardless of whether 3395
the disposition of the case in juvenile court occurred after the 3396
person's eighteenth birthday. 3397

(B) The registrar also shall impose a class D suspension 3398
for the period of time specified in division (B) (4) of section 3399
4510.02 of the Revised Code of the temporary instruction permit 3400
or probationary driver's license of any person under the age of 3401
eighteen who has been adjudicated an unruly child, delinquent 3402
child, or juvenile traffic offender for having committed any act 3403

that if committed by an adult would be a drug abuse offense or a 3404
violation of division (B) of section 2917.11 of the Revised 3405
Code. The registrar, in the registrar's discretion, may 3406
terminate the suspension if the child, at the discretion of the 3407
court, attends and satisfactorily completes a drug abuse or 3408
alcohol abuse education, intervention, or treatment program 3409
specified by the court. Any person whose temporary instruction 3410
permit or probationary driver's license is suspended under this 3411
division shall mail or deliver the person's permit or license to 3412
the registrar within fourteen days of notification of the 3413
suspension. The registrar shall retain the permit or license 3414
during the period of the suspension. 3415

(C) (1) (a) Except as provided in division (C) (1) (c) of this 3416
section, for any person who is convicted of, pleads guilty to, 3417
or is adjudicated in juvenile court of having committed a second 3418
or third violation of section 4511.12, 4511.13, 4511.20 to 3419
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3420
4511.75 of the Revised Code or any similar municipal ordinances 3421
and whose license or permit is suspended under division (A) (1) 3422
(a) or (c) of this section, the court in which the second or 3423
third conviction, finding, plea, or adjudication resulting in 3424
the suspension was made, upon petition of the person, may grant 3425
the person limited driving privileges during the period during 3426
which the suspension otherwise would be imposed under division 3427
(A) (1) (a) or (c) of this section ~~if the court finds reasonable~~ 3428
~~cause to believe that the suspension will seriously affect the~~ 3429
~~person's ability to continue in employment, educational~~ 3430
~~training, vocational training, or treatment~~ for any of the 3431
purposes set forth in division (A) of section 4510.021 of the 3432
Revised Code. In granting the limited driving privileges, the 3433
court shall specify the purposes, times, and places of the 3434

privileges and may impose any other conditions upon the person's 3435
driving a motor vehicle that the court considers reasonable and 3436
necessary. 3437

A court that grants limited driving privileges to a person 3438
under this division shall retain the person's probationary 3439
driver's license, restricted license, or temporary instruction 3440
permit during the period the license or permit is suspended and 3441
also during the period for which limited driving privileges are 3442
granted, and shall deliver to the person a permit card, in a 3443
form to be prescribed by the court, setting forth the date on 3444
which the limited driving privileges will become effective, the 3445
purposes for which the person may drive, the times and places at 3446
which the person may drive, and any other conditions imposed 3447
upon the person's use of a motor vehicle. 3448

The court immediately shall notify the registrar, in 3449
writing, of a grant of limited driving privileges under this 3450
division. The notification shall specify the date on which the 3451
limited driving privileges will become effective, the purposes 3452
for which the person may drive, the times and places at which 3453
the person may drive, and any other conditions imposed upon the 3454
person's use of a motor vehicle. The registrar shall not suspend 3455
the probationary driver's license, restricted license, or 3456
temporary instruction permit of any person pursuant to division 3457
(A) of this section during any period for which the person has 3458
been granted limited driving privileges as provided in this 3459
division, if the registrar has received the notification 3460
described in this division from the court. 3461

(b) Except as provided in division (C)(1)(c) of this 3462
section, in any case in which the temporary instruction permit 3463
or probationary driver's license of a person under eighteen 3464

years of age has been suspended under division (A) or (B) of 3465
this section or any other provision of law, the court may grant 3466
the person limited driving privileges for the purpose of the 3467
person's practicing of driving with the person's parent, 3468
guardian, or other custodian during the period of the 3469
suspension. Any grant of limited driving privileges under this 3470
division shall comply with division (D) of section 4510.021 of 3471
the Revised Code. 3472

(c) A court shall not grant limited driving privileges to 3473
a person identified in division (C) (1) (a) or (b) of this section 3474
if the person, within the preceding six years, has been 3475
convicted of, pleaded guilty to, or adjudicated in juvenile 3476
court of having committed three or more violations of one or 3477
more of the divisions or sections set forth in divisions (G) (2) 3478
(b) to (g) of section 2919.22 of the Revised Code. 3479

(2) (a) In a case in which a person is convicted of, pleads 3480
guilty to, or is adjudicated in juvenile court of having 3481
committed, prior to the person's eighteenth birthday, a second 3482
or third violation of section 4511.12, 4511.13, 4511.20 to 3483
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3484
4511.75 of the Revised Code or any similar municipal ordinances 3485
and division (A) (1) (a) or (c) of this section requires the 3486
registrar of motor vehicles to suspend the person's license or 3487
permit, the court in which the person is convicted of, pleads 3488
guilty to, or is adjudicated of having committed the second or 3489
third violation may elect to order the registrar of motor 3490
vehicles to waive the suspension if all of the following apply: 3491

(i) Prior to the date on which the court imposes sentence 3492
upon, or makes an order of disposition for, the person for the 3493
second or third violation, the person submits to the court a 3494

petition requesting the court to order the registrar to waive 3495
the prescribed suspension and describing the reasons why the 3496
person believes the suspension, if imposed, would seriously 3497
affect the person's ability to continue in employment, 3498
educational training, vocational training, or treatment. 3499

(ii) Prior to the date specified in division (C) (2) (a) (i) 3500
of this section, the person submits to the court satisfactory 3501
proof showing that the person successfully completed an advanced 3502
juvenile driver improvement program approved by the director of 3503
public safety under division (B) of section 4510.311 of the 3504
Revised Code after the date the person committed that second or 3505
third violation. 3506

(iii) Prior to imposing sentence upon, or making an order 3507
of disposition for, the person for the second or third 3508
violation, the court finds reasonable cause to believe that the 3509
suspension, if imposed, would seriously affect the person's 3510
ability to continue in employment, educational training, 3511
vocational training, or treatment. 3512

(iv) If the court is imposing sentence upon, or making an 3513
order of disposition for, the person for a third violation, the 3514
person did not submit to the court that imposed sentence upon, 3515
or made an order of disposition for, the person for the second 3516
violation a petition of the type described in division (C) (2) (a) 3517
(i) of this section, and the court that imposed sentence upon, 3518
or made an order of disposition for, the person for that second 3519
violation did not order the registrar of motor vehicles to waive 3520
the suspension of the person's license or permit required under 3521
division (A) (1) (c) of this section for the conviction of, plea 3522
of guilty to, or adjudication in juvenile court of having 3523
committed that second violation. 3524

(b) If a court elects pursuant to division (C) (2) (a) of 3525
this section to order the registrar of motor vehicles to waive a 3526
suspension that otherwise is required under division (A) (1) (a) 3527
or (c) of this section, the court immediately shall send a 3528
written copy of the order to the registrar. Upon receipt of the 3529
written copy of the order, the registrar shall not suspend 3530
pursuant to division (A) (1) (a) or (c) of this section the 3531
probationary driver's license, restricted license, or temporary 3532
instruction permit of the person who is the subject of the order 3533
for the second or third violation for which the suspension 3534
otherwise would be imposed under that division. 3535

(D) If a person who has been granted limited driving 3536
privileges under division (C) (1) of this section is convicted 3537
of, pleads guilty to, or is adjudicated in juvenile court of 3538
having committed, a violation of Chapter 4510. of the Revised 3539
Code, or a subsequent violation of any of the sections of the 3540
Revised Code listed in division (A) (1) (a) of this section or any 3541
similar municipal ordinance during the period for which the 3542
person was granted limited driving privileges, the court that 3543
granted the limited driving privileges shall suspend the 3544
person's permit card. The court or the clerk of the court 3545
immediately shall forward the person's probationary driver's 3546
license, restricted license, or temporary instruction permit 3547
together with written notification of the court's action to the 3548
registrar. Upon receipt of the license or permit and 3549
notification, the registrar shall impose a class C suspension of 3550
the person's probationary driver's license, restricted license, 3551
or temporary instruction permit for the period of time specified 3552
in division (B) (3) of section 4510.02 of the Revised Code. The 3553
registrar shall retain the license or permit during the period 3554
of suspension, and no further limited driving privileges shall 3555

be granted during that period. 3556

(E) No application for a driver's or commercial driver's 3557
license shall be received from any person whose probationary 3558
driver's license, restricted license, or temporary instruction 3559
permit has been suspended under this section until each of the 3560
following has occurred: 3561

(1) The suspension period has expired; 3562

(2) A temporary instruction permit or commercial driver's 3563
license temporary instruction permit has been issued; 3564

(3) The person successfully completes a juvenile driver 3565
improvement program approved by the director of public safety 3566
under division (A) of section 4510.311 of the Revised Code; 3567

(4) The applicant has submitted to the examination for a 3568
driver's license as provided for in section 4507.11 or a 3569
commercial driver's license as provided in Chapter 4506. of the 3570
Revised Code. 3571

Section 2. That existing sections 2925.02, 2925.03, 3572
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 3573
2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 3574
2925.36, 2925.37, 4510.021, 4510.17, and 4510.31 of the Revised 3575
Code are hereby repealed. 3576