

**As Reported by the Senate Judiciary Committee**

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**Sub. H. B. No. 296**

**Representative Gavarone**

**Cosponsors: Representatives Wiggam, Riedel, Lipps, Smith, R., Ryan, Sprague, Schuring, Butler, Cupp, Arndt, Carfagna, Kick, LaTourette, Patton, Manning, Rezabek, Lang, Anielski, Antani, Antonio, Faber, Ginter, Green, Greenspan, Hambley, Hughes, Johnson, Koehler, Landis, Lanese, Leland, Miller, Perales, Reineke, Rogers, Romanchuk, Schaffer, Scherer, Slaby, Stein, Sweeney, West, Wilkin, Young**

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**A BILL**

To amend sections 2925.01 and 2925.03 of the Revised Code to enhance penalties for certain drug trafficking offenses committed in the vicinity of a community addiction services provider and to amend the version of section 2925.03 of the Revised Code that is scheduled to take effect June 29, 2019, to continue the provisions of this act on and after that effective date.

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

**Section 1.** That sections 2925.01 and 2925.03 of the Revised Code be amended to read as follows:

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

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic,"

"manufacturer," "official written order," "person," 15  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 16  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 17  
have the same meanings as in section 3719.01 of the Revised 18  
Code. 19

(B) "Drug dependent person" and "drug of abuse" have the 20  
same meanings as in section 3719.011 of the Revised Code. 21

(C) "Drug," "dangerous drug," "licensed health 22  
professional authorized to prescribe drugs," and "prescription" 23  
have the same meanings as in section 4729.01 of the Revised 24  
Code. 25

(D) "Bulk amount" of a controlled substance means any of 26  
the following: 27

(1) For any compound, mixture, preparation, or substance 28  
included in schedule I, schedule II, or schedule III, with the 29  
exception of any controlled substance analog, marihuana, 30  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 31  
hashish and except as provided in division (D) (2), (5), or (6) 32  
of this section, whichever of the following is applicable: 33

(a) An amount equal to or exceeding ten grams or twenty- 34  
five unit doses of a compound, mixture, preparation, or 35  
substance that is or contains any amount of a schedule I opiate 36  
or opium derivative; 37

(b) An amount equal to or exceeding ten grams of a 38  
compound, mixture, preparation, or substance that is or contains 39  
any amount of raw or gum opium; 40

(c) An amount equal to or exceeding thirty grams or ten 41  
unit doses of a compound, mixture, preparation, or substance 42  
that is or contains any amount of a schedule I hallucinogen 43

other than tetrahydrocannabinol or lysergic acid amide, or a 44  
schedule I stimulant or depressant; 45

(d) An amount equal to or exceeding twenty grams or five 46  
times the maximum daily dose in the usual dose range specified 47  
in a standard pharmaceutical reference manual of a compound, 48  
mixture, preparation, or substance that is or contains any 49  
amount of a schedule II opiate or opium derivative; 50

(e) An amount equal to or exceeding five grams or ten unit 51  
doses of a compound, mixture, preparation, or substance that is 52  
or contains any amount of phencyclidine; 53

(f) An amount equal to or exceeding one hundred twenty 54  
grams or thirty times the maximum daily dose in the usual dose 55  
range specified in a standard pharmaceutical reference manual of 56  
a compound, mixture, preparation, or substance that is or 57  
contains any amount of a schedule II stimulant that is in a 58  
final dosage form manufactured by a person authorized by the 59  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 60  
U.S.C.A. 301, as amended, and the federal drug abuse control 61  
laws, as defined in section 3719.01 of the Revised Code, that is 62  
or contains any amount of a schedule II depressant substance or 63  
a schedule II hallucinogenic substance; 64

(g) An amount equal to or exceeding three grams of a 65  
compound, mixture, preparation, or substance that is or contains 66  
any amount of a schedule II stimulant, or any of its salts or 67  
isomers, that is not in a final dosage form manufactured by a 68  
person authorized by the Federal Food, Drug, and Cosmetic Act 69  
and the federal drug abuse control laws. 70

(2) An amount equal to or exceeding one hundred twenty 71  
grams or thirty times the maximum daily dose in the usual dose 72

range specified in a standard pharmaceutical reference manual of 73  
a compound, mixture, preparation, or substance that is or 74  
contains any amount of a schedule III or IV substance other than 75  
an anabolic steroid or a schedule III opiate or opium 76  
derivative; 77

(3) An amount equal to or exceeding twenty grams or five 78  
times the maximum daily dose in the usual dose range specified 79  
in a standard pharmaceutical reference manual of a compound, 80  
mixture, preparation, or substance that is or contains any 81  
amount of a schedule III opiate or opium derivative; 82

(4) An amount equal to or exceeding two hundred fifty 83  
milliliters or two hundred fifty grams of a compound, mixture, 84  
preparation, or substance that is or contains any amount of a 85  
schedule V substance; 86

(5) An amount equal to or exceeding two hundred solid 87  
dosage units, sixteen grams, or sixteen milliliters of a 88  
compound, mixture, preparation, or substance that is or contains 89  
any amount of a schedule III anabolic steroid; 90

(6) For any compound, mixture, preparation, or substance 91  
that is a combination of a fentanyl-related compound and any 92  
other compound, mixture, preparation, or substance included in 93  
schedule III, schedule IV, or schedule V, if the defendant is 94  
charged with a violation of section 2925.11 of the Revised Code 95  
and the sentencing provisions set forth in divisions (C)(10)(b) 96  
and (C)(11) of that section will not apply regarding the 97  
defendant and the violation, the bulk amount of the controlled 98  
substance for purposes of the violation is the amount specified 99  
in division (D)(1), (2), (3), (4), or (5) of this section for 100  
the other schedule III, IV, or V controlled substance that is 101  
combined with the fentanyl-related compound. 102

(E) "Unit dose" means an amount or unit of a compound, 103  
mixture, or preparation containing a controlled substance that 104  
is separately identifiable and in a form that indicates that it 105  
is the amount or unit by which the controlled substance is 106  
separately administered to or taken by an individual. 107

(F) "Cultivate" includes planting, watering, fertilizing, 108  
or tilling. 109

(G) "Drug abuse offense" means any of the following: 110

(1) A violation of division (A) of section 2913.02 that 111  
constitutes theft of drugs, or a violation of section 2925.02, 112  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 113  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 114  
or 2925.37 of the Revised Code; 115

(2) A violation of an existing or former law of this or 116  
any other state or of the United States that is substantially 117  
equivalent to any section listed in division (G) (1) of this 118  
section; 119

(3) An offense under an existing or former law of this or 120  
any other state, or of the United States, of which planting, 121  
cultivating, harvesting, processing, making, manufacturing, 122  
producing, shipping, transporting, delivering, acquiring, 123  
possessing, storing, distributing, dispensing, selling, inducing 124  
another to use, administering to another, using, or otherwise 125  
dealing with a controlled substance is an element; 126

(4) A conspiracy to commit, attempt to commit, or 127  
complicity in committing or attempting to commit any offense 128  
under division (G) (1), (2), or (3) of this section. 129

(H) "Felony drug abuse offense" means any drug abuse 130  
offense that would constitute a felony under the laws of this 131

state, any other state, or the United States.	132
(I) "Harmful intoxicant" does not include beer or	133
intoxicating liquor but means any of the following:	134
(1) Any compound, mixture, preparation, or substance the	135
gas, fumes, or vapor of which when inhaled can induce	136
intoxication, excitement, giddiness, irrational behavior,	137
depression, stupefaction, paralysis, unconsciousness,	138
asphyxiation, or other harmful physiological effects, and	139
includes, but is not limited to, any of the following:	140
(a) Any volatile organic solvent, plastic cement, model	141
cement, fingernail polish remover, lacquer thinner, cleaning	142
fluid, gasoline, or other preparation containing a volatile	143
organic solvent;	144
(b) Any aerosol propellant;	145
(c) Any fluorocarbon refrigerant;	146
(d) Any anesthetic gas.	147
(2) Gamma Butyrolactone;	148
(3) 1,4 Butanediol.	149
(J) "Manufacture" means to plant, cultivate, harvest,	150
process, make, prepare, or otherwise engage in any part of the	151
production of a drug, by propagation, extraction, chemical	152
synthesis, or compounding, or any combination of the same, and	153
includes packaging, repackaging, labeling, and other activities	154
incident to production.	155
(K) "Possess" or "possession" means having control over a	156
thing or substance, but may not be inferred solely from mere	157
access to the thing or substance through ownership or occupation	158

of the premises upon which the thing or substance is found.	159
(L) "Sample drug" means a drug or pharmaceutical	160
preparation that would be hazardous to health or safety if used	161
without the supervision of a licensed health professional	162
authorized to prescribe drugs, or a drug of abuse, and that, at	163
one time, had been placed in a container plainly marked as a	164
sample by a manufacturer.	165
(M) "Standard pharmaceutical reference manual" means the	166
current edition, with cumulative changes if any, of references	167
that are approved by the state board of pharmacy.	168
(N) "Juvenile" means a person under eighteen years of age.	169
(O) "Counterfeit controlled substance" means any of the	170
following:	171
(1) Any drug that bears, or whose container or label	172
bears, a trademark, trade name, or other identifying mark used	173
without authorization of the owner of rights to that trademark,	174
trade name, or identifying mark;	175
(2) Any unmarked or unlabeled substance that is	176
represented to be a controlled substance manufactured,	177
processed, packed, or distributed by a person other than the	178
person that manufactured, processed, packed, or distributed it;	179
(3) Any substance that is represented to be a controlled	180
substance but is not a controlled substance or is a different	181
controlled substance;	182
(4) Any substance other than a controlled substance that a	183
reasonable person would believe to be a controlled substance	184
because of its similarity in shape, size, and color, or its	185
markings, labeling, packaging, distribution, or the price for	186

which it is sold or offered for sale. 187

(P) An offense is "committed in the vicinity of a school" 188  
if the offender commits the offense on school premises, in a 189  
school building, or within one thousand feet of the boundaries 190  
of any school premises, regardless of whether the offender knows 191  
the offense is being committed on school premises, in a school 192  
building, or within one thousand feet of the boundaries of any 193  
school premises. 194

(Q) "School" means any school operated by a board of 195  
education, any community school established under Chapter 3314. 196  
of the Revised Code, or any nonpublic school for which the state 197  
board of education prescribes minimum standards under section 198  
3301.07 of the Revised Code, whether or not any instruction, 199  
extracurricular activities, or training provided by the school 200  
is being conducted at the time a criminal offense is committed. 201

(R) "School premises" means either of the following: 202

(1) The parcel of real property on which any school is 203  
situated, whether or not any instruction, extracurricular 204  
activities, or training provided by the school is being 205  
conducted on the premises at the time a criminal offense is 206  
committed; 207

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

extracurricular activities, or training provided by the school 216  
is being conducted on the parcel of real property at the time a 217  
criminal offense is committed. 218

(S) "School building" means any building in which any of 219  
the instruction, extracurricular activities, or training 220  
provided by a school is conducted, whether or not any 221  
instruction, extracurricular activities, or training provided by 222  
the school is being conducted in the school building at the time 223  
a criminal offense is committed. 224

(T) "Disciplinary counsel" means the disciplinary counsel 225  
appointed by the board of commissioners on grievances and 226  
discipline of the supreme court under the Rules for the 227  
Government of the Bar of Ohio. 228

(U) "Certified grievance committee" means a duly 229  
constituted and organized committee of the Ohio state bar 230  
association or of one or more local bar associations of the 231  
state of Ohio that complies with the criteria set forth in Rule 232  
V, section 6 of the Rules for the Government of the Bar of Ohio. 233

(V) "Professional license" means any license, permit, 234  
certificate, registration, qualification, admission, temporary 235  
license, temporary permit, temporary certificate, or temporary 236  
registration that is described in divisions (W)(1) to (36) of 237  
this section and that qualifies a person as a professionally 238  
licensed person. 239

(W) "Professionally licensed person" means any of the 240  
following: 241

(1) A person who has obtained a license as a manufacturer 242  
of controlled substances or a wholesaler of controlled 243  
substances under Chapter 3719. of the Revised Code; 244

(2) A person who has received a certificate or temporary	245
certificate as a certified public accountant or who has	246
registered as a public accountant under Chapter 4701. of the	247
Revised Code and who holds an Ohio permit issued under that	248
chapter;	249
(3) A person who holds a certificate of qualification to	250
practice architecture issued or renewed and registered under	251
Chapter 4703. of the Revised Code;	252
(4) A person who is registered as a landscape architect	253
under Chapter 4703. of the Revised Code or who holds a permit as	254
a landscape architect issued under that chapter;	255
(5) A person licensed under Chapter 4707. of the Revised	256
Code;	257
(6) A person who has been issued a certificate of	258
registration as a registered barber under Chapter 4709. of the	259
Revised Code;	260
(7) A person licensed and regulated to engage in the	261
business of a debt pooling company by a legislative authority,	262
under authority of Chapter 4710. of the Revised Code;	263
(8) A person who has been issued a cosmetologist's	264
license, hair designer's license, manicurist's license,	265
esthetician's license, natural hair stylist's license, advanced	266
cosmetologist's license, advanced hair designer's license,	267
advanced manicurist's license, advanced esthetician's license,	268
advanced natural hair stylist's license, cosmetology	269
instructor's license, hair design instructor's license,	270
manicurist instructor's license, esthetics instructor's license,	271
natural hair style instructor's license, independent	272
contractor's license, or tanning facility permit under Chapter	273

4713. of the Revised Code;	274
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	275 276 277 278 279 280
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	281 282 283 284 285
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	286 287 288 289
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	290 291 292
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	293 294
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	295 296
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	297 298 299 300
(16) A person who is authorized to practice as a physician	301

assistant under Chapter 4730. of the Revised Code;	302
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	303 304 305 306 307
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	308 309
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	310 311 312
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	313 314
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	315 316
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	317 318
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	319 320
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	321 322
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	323 324
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	325 326 327 328

(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	329 330 331
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	332 333 334
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	335 336 337
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	338 339 340
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	341 342 343
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	344 345 346 347 348 349
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	350 351
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	352 353 354
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	355 356

(36) A person who has been admitted to the bar by order of 357  
the supreme court in compliance with its prescribed and 358  
published rules. 359

(X) "Cocaine" means any of the following: 360

(1) A cocaine salt, isomer, or derivative, a salt of a 361  
cocaine isomer or derivative, or the base form of cocaine; 362

(2) Coca leaves or a salt, compound, derivative, or 363  
preparation of coca leaves, including ecgonine, a salt, isomer, 364  
or derivative of ecgonine, or a salt of an isomer or derivative 365  
of ecgonine; 366

(3) A salt, compound, derivative, or preparation of a 367  
substance identified in division (X) (1) or (2) of this section 368  
that is chemically equivalent to or identical with any of those 369  
substances, except that the substances shall not include 370  
decocainized coca leaves or extraction of coca leaves if the 371  
extractions do not contain cocaine or ecgonine. 372

(Y) "L.S.D." means lysergic acid diethylamide. 373

(Z) "Hashish" means the resin or a preparation of the 374  
resin contained in marihuana, whether in solid form or in a 375  
liquid concentrate, liquid extract, or liquid distillate form. 376

(AA) "Marihuana" has the same meaning as in section 377  
3719.01 of the Revised Code, except that it does not include 378  
hashish. 379

(BB) An offense is "committed in the vicinity of a 380  
juvenile" if the offender commits the offense within one hundred 381  
feet of a juvenile or within the view of a juvenile, regardless 382  
of whether the offender knows the age of the juvenile, whether 383  
the offender knows the offense is being committed within one 384

hundred feet of or within view of the juvenile, or whether the 385  
juvenile actually views the commission of the offense. 386

(CC) "Presumption for a prison term" or "presumption that 387  
a prison term shall be imposed" means a presumption, as 388  
described in division (D) of section 2929.13 of the Revised 389  
Code, that a prison term is a necessary sanction for a felony in 390  
order to comply with the purposes and principles of sentencing 391  
under section 2929.11 of the Revised Code. 392

(DD) "Major drug offender" has the same meaning as in 393  
section 2929.01 of the Revised Code. 394

(EE) "Minor drug possession offense" means either of the 395  
following: 396

(1) A violation of section 2925.11 of the Revised Code as 397  
it existed prior to July 1, 1996; 398

(2) A violation of section 2925.11 of the Revised Code as 399  
it exists on and after July 1, 1996, that is a misdemeanor or a 400  
felony of the fifth degree. 401

(FF) "Mandatory prison term" has the same meaning as in 402  
section 2929.01 of the Revised Code. 403

(GG) "Adulterate" means to cause a drug to be adulterated 404  
as described in section 3715.63 of the Revised Code. 405

(HH) "Public premises" means any hotel, restaurant, 406  
tavern, store, arena, hall, or other place of public 407  
accommodation, business, amusement, or resort. 408

(II) "Methamphetamine" means methamphetamine, any salt, 409  
isomer, or salt of an isomer of methamphetamine, or any 410  
compound, mixture, preparation, or substance containing 411  
methamphetamine or any salt, isomer, or salt of an isomer of 412

methamphetamine. 413

(JJ) "Lawful prescription" means a prescription that is 414  
issued for a legitimate medical purpose by a licensed health 415  
professional authorized to prescribe drugs, that is not altered 416  
or forged, and that was not obtained by means of deception or by 417  
the commission of any theft offense. 418

(KK) "Deception" and "theft offense" have the same 419  
meanings as in section 2913.01 of the Revised Code. 420

(LL) "Fentanyl-related compound" means any of the 421  
following: 422

(1) Fentanyl; 423

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 424  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 425  
phenylethyl)-4-(N-propanilido) piperidine); 426

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 427  
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 428

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 429  
piperidinyl]-N-phenylpropanamide); 430

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 431  
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 432  
phenylpropanamide); 433

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 434  
piperidyl]-N- phenylpropanamide); 435

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]- 436  
4-piperidinyl]-N-phenylpropanamide); 437

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 438  
phenethyl)-4-piperidinyl]propanamide; 439

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	440
	441
(10) Alfentanil;	442
(11) Carfentanil;	443
(12) Remifentanil;	444
(13) Sufentanil;	445
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	446
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(15) A schedule I narcotic-opiate that meets the fentanyl pharmacophore requirements specified in division (A) (56) of section 3719.41 of the Revised Code, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl.	448
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<u>(MM) An offense is "committed in the vicinity of a community addiction services provider" if the offender commits the offense on the premises of a community addiction services provider, including a facility licensed to provide methadone treatment under section 5119.391 of the Revised Code, or within one thousand feet of a community addiction services provider, when the offender recklessly disregards whether the offense is being committed within that vicinity.</u>	454
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<u>(NN) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.</u>	462
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<b>Sec. 2925.03.</b> (A) No person shall knowingly do any of the following:	464
	465
(1) Sell or offer to sell a controlled substance or a	466

controlled substance analog; 467

(2) Prepare for shipment, ship, transport, deliver, 468  
prepare for distribution, or distribute a controlled substance 469  
or a controlled substance analog, when the offender knows or has 470  
reasonable cause to believe that the controlled substance or a 471  
controlled substance analog is intended for sale or resale by 472  
the offender or another person. 473

(B) This section does not apply to any of the following: 474

(1) Manufacturers, licensed health professionals 475  
authorized to prescribe drugs, pharmacists, owners of 476  
pharmacies, and other persons whose conduct is in accordance 477  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 478  
4741. of the Revised Code; 479

(2) If the offense involves an anabolic steroid, any 480  
person who is conducting or participating in a research project 481  
involving the use of an anabolic steroid if the project has been 482  
approved by the United States food and drug administration; 483

(3) Any person who sells, offers for sale, prescribes, 484  
dispenses, or administers for livestock or other nonhuman 485  
species an anabolic steroid that is expressly intended for 486  
administration through implants to livestock or other nonhuman 487  
species and approved for that purpose under the "Federal Food, 488  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 489  
as amended, and is sold, offered for sale, prescribed, 490  
dispensed, or administered for that purpose in accordance with 491  
that act. 492

(C) Whoever violates division (A) of this section is 493  
guilty of one of the following: 494

(1) If the drug involved in the violation is any compound, 495

mixture, preparation, or substance included in schedule I or 496  
schedule II, with the exception of marihuana, cocaine, L.S.D., 497  
heroin, any fentanyl-related compound, hashish, and any 498  
controlled substance analog, whoever violates division (A) of 499  
this section is guilty of aggravated trafficking in drugs. The 500  
penalty for the offense shall be determined as follows: 501

(a) Except as otherwise provided in division (C) (1) (b), 502  
(c), (d), (e), or (f) of this section, aggravated trafficking in 503  
drugs is a felony of the fourth degree, and division (C) of 504  
section 2929.13 of the Revised Code applies in determining 505  
whether to impose a prison term on the offender. 506

(b) Except as otherwise provided in division (C) (1) (c), 507  
(d), (e), or (f) of this section, if the offense was committed 508  
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 509  
or in the vicinity of a community addiction services provider, 510  
aggravated trafficking in drugs is a felony of the third degree, 511  
and division (C) of section 2929.13 of the Revised Code applies 512  
in determining whether to impose a prison term on the offender. 513

(c) Except as otherwise provided in this division, if the 514  
amount of the drug involved equals or exceeds the bulk amount 515  
but is less than five times the bulk amount, aggravated 516  
trafficking in drugs is a felony of the third degree, and, 517  
except as otherwise provided in this division, there is a 518  
presumption for a prison term for the offense. If aggravated 519  
trafficking in drugs is a felony of the third degree under this 520  
division and if the offender two or more times previously has 521  
been convicted of or pleaded guilty to a felony drug abuse 522  
offense, the court shall impose as a mandatory prison term one 523  
of the prison terms prescribed for a felony of the third degree. 524  
If the amount of the drug involved is within that range and if 525

the offense was committed in the vicinity of a school ~~or,~~ in the 526  
vicinity of a juvenile, or in the vicinity of a community 527  
addiction services provider, aggravated trafficking in drugs is 528  
a felony of the second degree, and the court shall impose as a 529  
mandatory prison term one of the prison terms prescribed for a 530  
felony of the second degree. 531

(d) Except as otherwise provided in this division, if the 532  
amount of the drug involved equals or exceeds five times the 533  
bulk amount but is less than fifty times the bulk amount, 534  
aggravated trafficking in drugs is a felony of the second 535  
degree, and the court shall impose as a mandatory prison term 536  
one of the prison terms prescribed for a felony of the second 537  
degree. If the amount of the drug involved is within that range 538  
and if the offense was committed in the vicinity of a school ~~or,~~ 539  
in the vicinity of a juvenile, or in the vicinity of a community 540  
addiction services provider, aggravated trafficking in drugs is 541  
a felony of the first degree, and the court shall impose as a 542  
mandatory prison term one of the prison terms prescribed for a 543  
felony of the first degree. 544

(e) If the amount of the drug involved equals or exceeds 545  
fifty times the bulk amount but is less than one hundred times 546  
the bulk amount and regardless of whether the offense was 547  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 548  
juvenile, or in the vicinity of a community addiction services 549  
provider, aggravated trafficking in drugs is a felony of the 550  
first degree, and the court shall impose as a mandatory prison 551  
term one of the prison terms prescribed for a felony of the 552  
first degree. 553

(f) If the amount of the drug involved equals or exceeds 554  
one hundred times the bulk amount and regardless of whether the 555

offense was committed in the vicinity of a school ~~or~~, in the 556  
vicinity of a juvenile, or in the vicinity of a community 557  
addiction services provider, aggravated trafficking in drugs is 558  
a felony of the first degree, the offender is a major drug 559  
offender, and the court shall impose as a mandatory prison term 560  
the maximum prison term prescribed for a felony of the first 561  
degree. 562

(2) If the drug involved in the violation is any compound, 563  
mixture, preparation, or substance included in schedule III, IV, 564  
or V, whoever violates division (A) of this section is guilty of 565  
trafficking in drugs. The penalty for the offense shall be 566  
determined as follows: 567

(a) Except as otherwise provided in division (C) (2) (b), 568  
(c), (d), or (e) of this section, trafficking in drugs is a 569  
felony of the fifth degree, and division (B) of section 2929.13 570  
of the Revised Code applies in determining whether to impose a 571  
prison term on the offender. 572

(b) Except as otherwise provided in division (C) (2) (c), 573  
(d), or (e) of this section, if the offense was committed in the 574  
vicinity of a school or in the vicinity of a juvenile, 575  
trafficking in drugs is a felony of the fourth degree, and 576  
division (C) of section 2929.13 of the Revised Code applies in 577  
determining whether to impose a prison term on the offender. 578

(c) Except as otherwise provided in this division, if the 579  
amount of the drug involved equals or exceeds the bulk amount 580  
but is less than five times the bulk amount, trafficking in 581  
drugs is a felony of the fourth degree, and division (B) of 582  
section 2929.13 of the Revised Code applies in determining 583  
whether to impose a prison term for the offense. If the amount 584  
of the drug involved is within that range and if the offense was 585

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs 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 five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for 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 drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

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

(c), (d), (e), (f), (g), or (h) of this section, trafficking in 616  
marihuana is a felony of the fifth degree, and division (B) of 617  
section 2929.13 of the Revised Code applies in determining 618  
whether to impose a prison term on the offender. 619

(b) Except as otherwise provided in division (C)(3)(c), 620  
(d), (e), (f), (g), or (h) of this section, if the offense was 621  
committed in the vicinity of a school or in the vicinity of a 622  
juvenile, trafficking in marihuana is a felony of the fourth 623  
degree, and division (B) of section 2929.13 of the Revised Code 624  
applies in determining whether to impose a prison term on the 625  
offender. 626

(c) Except as otherwise provided in this division, if the 627  
amount of the drug involved equals or exceeds two hundred grams 628  
but is less than one thousand grams, trafficking in marihuana is 629  
a felony of the fourth degree, and division (B) of section 630  
2929.13 of the Revised Code applies in determining whether to 631  
impose a prison term on the offender. If the amount of the drug 632  
involved is within that range and if the offense was committed 633  
in the vicinity of a school or in the vicinity of a juvenile, 634  
trafficking in marihuana is a felony of the third degree, and 635  
division (C) of section 2929.13 of the Revised Code applies in 636  
determining whether to impose a prison term on the offender. 637

(d) Except as otherwise provided in this division, if the 638  
amount of the drug involved equals or exceeds one thousand grams 639  
but is less than five thousand grams, trafficking in marihuana 640  
is a felony of the third degree, and division (C) of section 641  
2929.13 of the Revised Code applies in determining whether to 642  
impose a prison term on the offender. If the amount of the drug 643  
involved is within that range and if the offense was committed 644  
in the vicinity of a school or in the vicinity of a juvenile, 645

trafficking in marihuana is a felony of the second degree, and 646  
there is a presumption that a prison term shall be imposed for 647  
the offense. 648

(e) Except as otherwise provided in this division, if the 649  
amount of the drug involved equals or exceeds five thousand 650  
grams but is less than twenty thousand grams, trafficking in 651  
marihuana is a felony of the third degree, and there is a 652  
presumption that a prison term shall be imposed for the offense. 653  
If the amount of the drug involved is within that range and if 654  
the offense was committed in the vicinity of a school or in the 655  
vicinity of a juvenile, trafficking in marihuana is a felony of 656  
the second degree, and there is a presumption that a prison term 657  
shall be imposed for the offense. 658

(f) Except as otherwise provided in this division, if the 659  
amount of the drug involved equals or exceeds twenty thousand 660  
grams but is less than forty thousand grams, trafficking in 661  
marihuana is a felony of the second degree, and the court shall 662  
impose a mandatory prison term of five, six, seven, or eight 663  
years. If the amount of the drug involved is within that range 664  
and if the offense was committed in the vicinity of a school or 665  
in the vicinity of a juvenile, trafficking in marihuana is a 666  
felony of the first degree, and the court shall impose as a 667  
mandatory prison term the maximum prison term prescribed for a 668  
felony of the first degree. 669

(g) Except as otherwise provided in this division, if the 670  
amount of the drug involved equals or exceeds forty thousand 671  
grams, trafficking in marihuana is a felony of the second 672  
degree, and the court shall impose as a mandatory prison term 673  
the maximum prison term prescribed for a felony of the second 674  
degree. If the amount of the drug involved equals or exceeds 675

forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

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

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

(a) Except as otherwise provided in division (C) (4) (b), (c), (d), (e), (f), or (g) of this section, trafficking in cocaine 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) (4) (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, or in the vicinity of a community addiction services provider, trafficking in cocaine 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. 706

(c) Except as otherwise provided in this division, if the 707  
amount of the drug involved equals or exceeds five grams but is 708  
less than ten grams of cocaine, trafficking in cocaine is a 709  
felony of the fourth degree, and division (B) of section 2929.13 710  
of the Revised Code applies in determining whether to impose a 711  
prison term for the offense. If the amount of the drug involved 712  
is within that range and if the offense was committed in the 713  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 714  
the vicinity of a community addiction services provider, 715  
trafficking in cocaine is a felony of the third degree, and 716  
there is a presumption for a prison term for the offense. 717

(d) Except as otherwise provided in this division, if the 718  
amount of the drug involved equals or exceeds ten grams but is 719  
less than twenty grams of cocaine, trafficking in cocaine is a 720  
felony of the third degree, and, except as otherwise provided in 721  
this division, there is a presumption for a prison term for the 722  
offense. If trafficking in cocaine is a felony of the third 723  
degree under this division and if the offender two or more times 724  
previously has been convicted of or pleaded guilty to a felony 725  
drug abuse offense, the court shall impose as a mandatory prison 726  
term one of the prison terms prescribed for a felony of the 727  
third degree. If the amount of the drug involved is within that 728  
range and if the offense was committed in the vicinity of a 729  
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 730  
a community addiction services provider, trafficking in cocaine 731  
is a felony of the second degree, and the court shall impose as 732  
a mandatory prison term one of the prison terms prescribed for a 733  
felony of the second degree. 734

(e) Except as otherwise provided in this division, if the 735

amount of the drug involved equals or exceeds twenty grams but 736  
is less than twenty-seven grams of cocaine, trafficking in 737  
cocaine is a felony of the second degree, and the court shall 738  
impose as a mandatory prison term one of the prison terms 739  
prescribed for a felony of the second degree. If the amount of 740  
the drug involved is within that range and if the offense was 741  
committed in the vicinity of a school ~~or~~, in the vicinity of a 742  
juvenile, or in the vicinity of a community addiction services 743  
provider, trafficking in cocaine is a felony of the first 744  
degree, and the court shall impose as a mandatory prison term 745  
one of the prison terms prescribed for a felony of the first 746  
degree. 747

(f) If the amount of the drug involved equals or exceeds 748  
twenty-seven grams but is less than one hundred grams of cocaine 749  
and regardless of whether the offense was committed in the 750  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 751  
the vicinity of a community addiction services provider, 752  
trafficking in cocaine is a felony of the first degree, and the 753  
court shall impose as a mandatory prison term one of the prison 754  
terms prescribed for a felony of the first degree. 755

(g) If the amount of the drug involved equals or exceeds 756  
one hundred grams of cocaine and regardless of whether the 757  
offense was committed in the vicinity of a school ~~or~~, in the 758  
vicinity of a juvenile, or in the vicinity of a community 759  
addiction services provider, trafficking in cocaine is a felony 760  
of the first degree, the offender is a major drug offender, and 761  
the court shall impose as a mandatory prison term the maximum 762  
prison term prescribed for a felony of the first degree. 763

(5) If the drug involved in the violation is L.S.D. or a 764  
compound, mixture, preparation, or substance containing L.S.D., 765

whoever violates division (A) of this section is guilty of 766  
trafficking in L.S.D. The penalty for the offense shall be 767  
determined as follows: 768

(a) Except as otherwise provided in division (C) (5) (b), 769  
(c), (d), (e), (f), or (g) of this section, trafficking in 770  
L.S.D. is a felony of the fifth degree, and division (B) of 771  
section 2929.13 of the Revised Code applies in determining 772  
whether to impose a prison term on the offender. 773

(b) Except as otherwise provided in division (C) (5) (c), 774  
(d), (e), (f), or (g) of this section, if the offense was 775  
committed in the vicinity of a school ~~or~~, in the vicinity of a 776  
juvenile, or in the vicinity of a community addiction services 777  
provider, trafficking in L.S.D. is a felony of the fourth 778  
degree, and division (C) of section 2929.13 of the Revised Code 779  
applies in determining whether to impose a prison term on the 780  
offender. 781

(c) Except as otherwise provided in this division, if the 782  
amount of the drug involved equals or exceeds ten unit doses but 783  
is less than fifty unit doses of L.S.D. in a solid form or 784  
equals or exceeds one gram but is less than five grams of L.S.D. 785  
in a liquid concentrate, liquid extract, or liquid distillate 786  
form, trafficking in L.S.D. is a felony of the fourth degree, 787  
and division (B) of section 2929.13 of the Revised Code applies 788  
in determining whether to impose a prison term for the offense. 789  
If the amount of the drug involved is within that range and if 790  
the offense was committed in the vicinity of a school ~~or~~, in the 791  
vicinity of a juvenile, or in the vicinity of a community 792  
addiction services provider, trafficking in L.S.D. is a felony 793  
of the third degree, and there is a presumption for a prison 794  
term for the offense. 795

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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, or in the vicinity of a community addiction services provider, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 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, or in

the vicinity of a community addiction services provider, 827  
trafficking in L.S.D. is a felony of the first degree, and the 828  
court shall impose as a mandatory prison term one of the prison 829  
terms prescribed for a felony of the first degree. 830

(f) If the amount of the drug involved equals or exceeds 831  
one thousand unit doses but is less than five thousand unit 832  
doses of L.S.D. in a solid form or equals or exceeds one hundred 833  
grams but is less than five hundred grams of L.S.D. in a liquid 834  
concentrate, liquid extract, or liquid distillate form and 835  
regardless of whether the offense was committed in the vicinity 836  
of a school ~~or~~, in the vicinity of a juvenile, or in the 837  
vicinity of a community addiction services provider, trafficking 838  
in L.S.D. is a felony of the first degree, and the court shall 839  
impose as a mandatory prison term one of the prison terms 840  
prescribed for a felony of the first degree. 841

(g) If the amount of the drug involved equals or exceeds 842  
five thousand unit doses of L.S.D. in a solid form or equals or 843  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 844  
liquid extract, or liquid distillate form and regardless of 845  
whether the offense was committed in the vicinity of a school 846  
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 847  
community addiction services provider, trafficking in L.S.D. is 848  
a felony of the first degree, the offender is a major drug 849  
offender, and the court shall impose as a mandatory prison term 850  
the maximum prison term prescribed for a felony of the first 851  
degree. 852

(6) If the drug involved in the violation is heroin or a 853  
compound, mixture, preparation, or substance containing heroin, 854  
whoever violates division (A) of this section is guilty of 855  
trafficking in heroin. The penalty for the offense shall be 856

determined as follows: 857

(a) Except as otherwise provided in division (C) (6) (b), 858  
(c), (d), (e), (f), or (g) of this section, trafficking in 859  
heroin is a felony of the fifth degree, and division (B) of 860  
section 2929.13 of the Revised Code applies in determining 861  
whether to impose a prison term on the offender. 862

(b) Except as otherwise provided in division (C) (6) (c), 863  
(d), (e), (f), or (g) of this section, if the offense was 864  
committed in the vicinity of a school ~~or~~, in the vicinity of a 865  
juvenile, or in the vicinity of a community addiction services 866  
provider, trafficking in heroin is a felony of the fourth 867  
degree, and division (C) of section 2929.13 of the Revised Code 868  
applies in determining whether to impose a prison term on the 869  
offender. 870

(c) Except as otherwise provided in this division, if the 871  
amount of the drug involved equals or exceeds ten unit doses but 872  
is less than fifty unit doses or equals or exceeds one gram but 873  
is less than five grams, trafficking in heroin is a felony of 874  
the fourth degree, and division (B) of section 2929.13 of the 875  
Revised Code applies in determining whether to impose a prison 876  
term for the offense. If the amount of the drug involved is 877  
within that range and if the offense was committed in the 878  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 879  
the vicinity of a community addiction services provider, 880  
trafficking in heroin is a felony of the third degree, and there 881  
is a presumption for a prison term for the offense. 882

(d) Except as otherwise provided in this division, if the 883  
amount of the drug involved equals or exceeds fifty unit doses 884  
but is less than one hundred unit doses or equals or exceeds 885  
five grams but is less than ten grams, trafficking in heroin is 886

a felony of the third degree, and there is a presumption for a 887  
prison term for the offense. If the amount of the drug involved 888  
is within that range and if the offense was committed in the 889  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 890  
the vicinity of a community addiction services provider, 891  
trafficking in heroin is a felony of the second degree, and 892  
there is a presumption for a prison term for the offense. 893

(e) Except as otherwise provided in this division, if the 894  
amount of the drug involved equals or exceeds one hundred unit 895  
doses but is less than five hundred unit doses or equals or 896  
exceeds ten grams but is less than fifty grams, trafficking in 897  
heroin is a felony of the second degree, and the court shall 898  
impose as a mandatory prison term one of the prison terms 899  
prescribed for a felony of the second degree. If the amount of 900  
the drug involved is within that range and if the offense was 901  
committed in the vicinity of a school ~~or~~, in the vicinity of a 902  
juvenile, or in the vicinity of a community addiction services 903  
provider, trafficking in heroin is a felony of the first degree, 904  
and the court shall impose as a mandatory prison term one of the 905  
prison terms prescribed for a felony of the first degree. 906

(f) If the amount of the drug involved equals or exceeds 907  
five hundred unit doses but is less than one thousand unit doses 908  
or equals or exceeds fifty grams but is less than one hundred 909  
grams and regardless of whether the offense was committed in the 910  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 911  
the vicinity of a community addiction services provider, 912  
trafficking in heroin is a felony of the first degree, and the 913  
court shall impose as a mandatory prison term one of the prison 914  
terms prescribed for a felony of the first degree. 915

(g) If the amount of the drug involved equals or exceeds 916

one thousand unit doses or equals or exceeds one hundred grams 917  
and regardless of whether the offense was committed in the 918  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 919  
the vicinity of a community addiction services provider, 920  
trafficking in heroin is a felony of the first degree, the 921  
offender is a major drug offender, and the court shall impose as 922  
a mandatory prison term the maximum prison term prescribed for a 923  
felony of the first degree. 924

(7) If the drug involved in the violation is hashish or a 925  
compound, mixture, preparation, or substance containing hashish, 926  
whoever violates division (A) of this section is guilty of 927  
trafficking in hashish. The penalty for the offense shall be 928  
determined as follows: 929

(a) Except as otherwise provided in division (C) (7) (b), 930  
(c), (d), (e), (f), or (g) of this section, trafficking in 931  
hashish is a felony of the fifth degree, and division (B) of 932  
section 2929.13 of the Revised Code applies in determining 933  
whether to impose a prison term on the offender. 934

(b) Except as otherwise provided in division (C) (7) (c), 935  
(d), (e), (f), or (g) of this section, if the offense was 936  
committed in the vicinity of a school ~~or~~, in the vicinity of a 937  
juvenile, or in the vicinity of a community addiction services 938  
provider, trafficking in hashish is a felony of the fourth 939  
degree, and division (B) of section 2929.13 of the Revised Code 940  
applies in determining whether to impose a prison term on the 941  
offender. 942

(c) Except as otherwise provided in this division, if the 943  
amount of the drug involved equals or exceeds ten grams but is 944  
less than fifty grams of hashish in a solid form or equals or 945  
exceeds two grams but is less than ten grams of hashish in a 946

liquid concentrate, liquid extract, or liquid distillate form, 947  
trafficking in hashish is a felony of the fourth degree, and 948  
division (B) of section 2929.13 of the Revised Code applies in 949  
determining whether to impose a prison term on the offender. If 950  
the amount of the drug involved is within that range and if the 951  
offense was committed in the vicinity of a school ~~or~~, in the 952  
vicinity of a juvenile, or in the vicinity of a community 953  
addiction services provider, trafficking in hashish is a felony 954  
of the third degree, and division (C) of section 2929.13 of the 955  
Revised Code applies in determining whether to impose a prison 956  
term on the offender. 957

(d) Except as otherwise provided in this division, if the 958  
amount of the drug involved equals or exceeds fifty grams but is 959  
less than two hundred fifty grams of hashish in a solid form or 960  
equals or exceeds ten grams but is less than fifty grams of 961  
hashish in a liquid concentrate, liquid extract, or liquid 962  
distillate form, trafficking in hashish is a felony of the third 963  
degree, and division (C) of section 2929.13 of the Revised Code 964  
applies in determining whether to impose a prison term on the 965  
offender. If the amount of the drug involved is within that 966  
range and if the offense was committed in the vicinity of a 967  
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 968  
a community addiction services provider, trafficking in hashish 969  
is a felony of the second degree, and there is a presumption 970  
that a prison term shall be imposed for the offense. 971

(e) Except as otherwise provided in this division, if the 972  
amount of the drug involved equals or exceeds two hundred fifty 973  
grams but is less than one thousand grams of hashish in a solid 974  
form or equals or exceeds fifty grams but is less than two 975  
hundred grams of hashish in a liquid concentrate, liquid 976  
extract, or liquid distillate form, trafficking in hashish is a 977

felony of the third degree, and there is a presumption that a 978  
prison term shall be imposed for the offense. If the amount of 979  
the drug involved is within that range and if the offense was 980  
committed in the vicinity of a school ~~or~~, in the vicinity of a 981  
juvenile, or in the vicinity of a community addiction services 982  
provider, trafficking in hashish is a felony of the second 983  
degree, and there is a presumption that a prison term shall be 984  
imposed for the offense. 985

(f) Except as otherwise provided in this division, if the 986  
amount of the drug involved equals or exceeds one thousand grams 987  
but is less than two thousand grams of hashish in a solid form 988  
or equals or exceeds two hundred grams but is less than four 989  
hundred grams of hashish in a liquid concentrate, liquid 990  
extract, or liquid distillate form, trafficking in hashish is a 991  
felony of the second degree, and the court shall impose a 992  
mandatory prison term of five, six, seven, or eight years. If 993  
the amount of the drug involved is within that range and if the 994  
offense was committed in the vicinity of a school ~~or~~, in the 995  
vicinity of a juvenile, or in the vicinity of a community 996  
addiction services provider, trafficking in hashish is a felony 997  
of the first degree, and the court shall impose as a mandatory 998  
prison term the maximum prison term prescribed for a felony of 999  
the first degree. 1000

(g) Except as otherwise provided in this division, if the 1001  
amount of the drug involved equals or exceeds two thousand grams 1002  
of hashish in a solid form or equals or exceeds four hundred 1003  
grams of hashish in a liquid concentrate, liquid extract, or 1004  
liquid distillate form, trafficking in hashish is a felony of 1005  
the second degree, and the court shall impose as a mandatory 1006  
prison term the maximum prison term prescribed for a felony of 1007  
the second degree. If the amount of the drug involved equals or 1008

exceeds two thousand grams of hashish in a solid form or equals 1009  
or exceeds four hundred grams of hashish in a liquid 1010  
concentrate, liquid extract, or liquid distillate form and if 1011  
the offense was committed in the vicinity of a school ~~or~~, in the 1012  
vicinity of a juvenile, or in the vicinity of a community 1013  
addiction services provider, trafficking in hashish is a felony 1014  
of the first degree, and the court shall impose as a mandatory 1015  
prison term the maximum prison term prescribed for a felony of 1016  
the first degree. 1017

(8) If the drug involved in the violation is a controlled 1018  
substance analog or compound, mixture, preparation, or substance 1019  
that contains a controlled substance analog, whoever violates 1020  
division (A) of this section is guilty of trafficking in a 1021  
controlled substance analog. The penalty for the offense shall 1022  
be determined as follows: 1023

(a) Except as otherwise provided in division (C) (8) (b), 1024  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1025  
controlled substance analog is a felony of the fifth degree, and 1026  
division (C) of section 2929.13 of the Revised Code applies in 1027  
determining whether to impose a prison term on the offender. 1028

(b) Except as otherwise provided in division (C) (8) (c), 1029  
(d), (e), (f), or (g) of this section, if the offense was 1030  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1031  
juvenile, or in the vicinity of a community addiction services 1032  
provider, trafficking in a controlled substance analog is a 1033  
felony of the fourth degree, and division (C) of section 2929.13 1034  
of the Revised Code applies in determining whether to impose a 1035  
prison term on the offender. 1036

(c) Except as otherwise provided in this division, if the 1037  
amount of the drug involved equals or exceeds ten grams but is 1038

less than twenty grams, trafficking in a controlled substance 1039  
analog is a felony of the fourth degree, and division (B) of 1040  
section 2929.13 of the Revised Code applies in determining 1041  
whether to impose a prison term for the offense. If the amount 1042  
of the drug involved is within that range and if the offense was 1043  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1044  
juvenile, or in the vicinity of a community addiction services 1045  
provider, trafficking in a controlled substance analog is a 1046  
felony of the third degree, and there is a presumption for a 1047  
prison term for the offense. 1048

(d) Except as otherwise provided in this division, if the 1049  
amount of the drug involved equals or exceeds twenty grams but 1050  
is less than thirty grams, trafficking in a controlled substance 1051  
analog is a felony of the third degree, and there is a 1052  
presumption for a prison term for the offense. If the amount of 1053  
the drug involved is within that range and if the offense was 1054  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1055  
juvenile, or in the vicinity of a community addiction services 1056  
provider, trafficking in a controlled substance analog is a 1057  
felony of the second degree, and there is a presumption for a 1058  
prison term for the offense. 1059

(e) Except as otherwise provided in this division, if the 1060  
amount of the drug involved equals or exceeds thirty grams but 1061  
is less than forty grams, trafficking in a controlled substance 1062  
analog is a felony of the second degree, and the court shall 1063  
impose as a mandatory prison term one of the prison terms 1064  
prescribed for a felony of the second degree. If the amount of 1065  
the drug involved is within that range and if the offense was 1066  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1067  
juvenile, or in the vicinity of a community addiction services 1068  
provider, trafficking in a controlled substance analog is a 1069

felony of the first degree, and the court shall impose as a 1070  
mandatory prison term one of the prison terms prescribed for a 1071  
felony of the first degree. 1072

(f) If the amount of the drug involved equals or exceeds 1073  
forty grams but is less than fifty grams and regardless of 1074  
whether the offense was committed in the vicinity of a school 1075  
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1076  
community addiction services provider, trafficking in a 1077  
controlled substance analog is a felony of the first degree, and 1078  
the court shall impose as a mandatory prison term one of the 1079  
prison terms prescribed for a felony of the first degree. 1080

(g) If the amount of the drug involved equals or exceeds 1081  
fifty grams and regardless of whether the offense was committed 1082  
in the vicinity of a school~~or~~, in the vicinity of a juvenile, 1083  
or in the vicinity of a community addiction services provider, 1084  
trafficking in a controlled substance analog is a felony of the 1085  
first degree, the offender is a major drug offender, and the 1086  
court shall impose as a mandatory prison term the maximum prison 1087  
term prescribed for a felony of the first degree. 1088

(9) If the drug involved in the violation is a fentanyl- 1089  
related compound or a compound, mixture, preparation, or 1090  
substance containing a fentanyl-related compound and division 1091  
(C)(10)(a) of this section does not apply to the drug involved, 1092  
whoever violates division (A) of this section is guilty of 1093  
trafficking in a fentanyl-related compound. The penalty for the 1094  
offense shall be determined as follows: 1095

(a) Except as otherwise provided in division (C)(9)(b), 1096  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1097  
a fentanyl-related compound is a felony of the fifth degree, and 1098  
division (B) of section 2929.13 of the Revised Code applies in 1099

determining whether to impose a prison term on the offender. 1100

(b) Except as otherwise provided in division (C) (9) (c), 1101  
(d), (e), (f), (g), or (h) of this section, if the offense was 1102  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1103  
juvenile, or in the vicinity of a community addiction services 1104  
provider, trafficking in a fentanyl-related compound is a felony 1105  
of the fourth degree, and division (C) of section 2929.13 of the 1106  
Revised Code applies in determining whether to impose a prison 1107  
term on the offender. 1108

(c) Except as otherwise provided in this division, if the 1109  
amount of the drug involved equals or exceeds ten unit doses but 1110  
is less than fifty unit doses or equals or exceeds one gram but 1111  
is less than five grams, trafficking in a fentanyl-related 1112  
compound is a felony of the fourth degree, and division (B) of 1113  
section 2929.13 of the Revised Code applies in determining 1114  
whether to impose a prison term for the offense. If the amount 1115  
of the drug involved is within that range and if the offense was 1116  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1117  
juvenile, or in the vicinity of a community addiction services 1118  
provider, trafficking in a fentanyl-related compound is a felony 1119  
of the third degree, and there is a presumption for a prison 1120  
term for the offense. 1121

(d) Except as otherwise provided in this division, if the 1122  
amount of the drug involved equals or exceeds fifty unit doses 1123  
but is less than one hundred unit doses or equals or exceeds 1124  
five grams but is less than ten grams, trafficking in a 1125  
fentanyl-related compound is a felony of the third degree, and 1126  
there is a presumption for a prison term for the offense. If the 1127  
amount of the drug involved is within that range and if the 1128  
offense was committed in the vicinity of a school ~~or~~, in the 1129

vicinity of a juvenile, or in the vicinity of a community 1130  
addiction services provider, trafficking in a fentanyl-related 1131  
compound is a felony of the second degree, and there is a 1132  
presumption for a prison term for the offense. 1133

(e) Except as otherwise provided in this division, if the 1134  
amount of the drug involved equals or exceeds one hundred unit 1135  
doses but is less than two hundred unit doses or equals or 1136  
exceeds ten grams but is less than twenty grams, trafficking in 1137  
a fentanyl-related compound is a felony of the second degree, 1138  
and the court shall impose as a mandatory prison term one of the 1139  
prison terms prescribed for a felony of the second degree. If 1140  
the amount of the drug involved is within that range and if the 1141  
offense was committed in the vicinity of a school-~~or,~~ in the 1142  
vicinity of a juvenile, or in the vicinity of a community 1143  
addiction services provider, trafficking in a fentanyl-related 1144  
compound is a felony of the first degree, and the court shall 1145  
impose as a mandatory prison term one of the prison terms 1146  
prescribed for a felony of the first degree. 1147

(f) If the amount of the drug involved equals or exceeds 1148  
two hundred unit doses but is less than five hundred unit doses 1149  
or equals or exceeds twenty grams but is less than fifty grams 1150  
and regardless of whether the offense was committed in the 1151  
vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 1152  
the vicinity of a community addiction services provider, 1153  
trafficking in a fentanyl-related compound is a felony of the 1154  
first degree, and the court shall impose as a mandatory prison 1155  
term one of the prison terms prescribed for a felony of the 1156  
first degree. 1157

(g) If the amount of the drug involved equals or exceeds 1158  
five hundred unit doses but is less than one thousand unit doses 1159

or equals or exceeds fifty grams but is less than one hundred 1160  
grams and regardless of whether the offense was committed in the 1161  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1162  
the vicinity of a community addiction services provider, 1163  
trafficking in a fentanyl-related compound is a felony of the 1164  
first degree, and the court shall impose as a mandatory prison 1165  
term the maximum prison term prescribed for a felony of the 1166  
first degree. 1167

(h) If the amount of the drug involved equals or exceeds 1168  
one thousand unit doses or equals or exceeds one hundred grams 1169  
and regardless of whether the offense was committed in the 1170  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1171  
the vicinity of a community addiction services provider, 1172  
trafficking in a fentanyl-related compound is a felony of the 1173  
first degree, the offender is a major drug offender, and the 1174  
court shall impose as a mandatory prison term the maximum prison 1175  
term prescribed for a felony of the first degree. 1176

(10) If the drug involved in the violation is a compound, 1177  
mixture, preparation, or substance that is a combination of a 1178  
fentanyl-related compound and marihuana, one of the following 1179  
applies: 1180

(a) Except as otherwise provided in division (C) (10) (b) of 1181  
this section, the offender is guilty of trafficking in marihuana 1182  
and shall be punished under division (C) (3) of this section. The 1183  
offender is not guilty of trafficking in a fentanyl-related 1184  
compound and shall not be charged with, convicted of, or 1185  
punished under division (C) (9) of this section for trafficking 1186  
in a fentanyl-related compound. 1187

(b) If the offender knows or has reason to know that the 1188  
compound, mixture, preparation, or substance that is the drug 1189

involved contains a fentanyl-related compound, the offender is 1190  
guilty of trafficking in a fentanyl-related compound and shall 1191  
be punished under division (C) (9) of this section. 1192

(D) In addition to any prison term authorized or required 1193  
by division (C) of this section and sections 2929.13 and 2929.14 1194  
of the Revised Code, and in addition to any other sanction 1195  
imposed for the offense under this section or sections 2929.11 1196  
to 2929.18 of the Revised Code, the court that sentences an 1197  
offender who is convicted of or pleads guilty to a violation of 1198  
division (A) of this section may suspend the driver's or 1199  
commercial driver's license or permit of the offender in 1200  
accordance with division (G) of this section. However, if the 1201  
offender pleaded guilty to or was convicted of a violation of 1202  
section 4511.19 of the Revised Code or a substantially similar 1203  
municipal ordinance or the law of another state or the United 1204  
States arising out of the same set of circumstances as the 1205  
violation, the court shall suspend the offender's driver's or 1206  
commercial driver's license or permit in accordance with 1207  
division (G) of this section. If applicable, the court also 1208  
shall do the following: 1209

(1) If the violation of division (A) of this section is a 1210  
felony of the first, second, or third degree, the court shall 1211  
impose upon the offender the mandatory fine specified for the 1212  
offense under division (B) (1) of section 2929.18 of the Revised 1213  
Code unless, as specified in that division, the court determines 1214  
that the offender is indigent. Except as otherwise provided in 1215  
division (H) (1) of this section, a mandatory fine or any other 1216  
fine imposed for a violation of this section is subject to 1217  
division (F) of this section. If a person is charged with a 1218  
violation of this section that is a felony of the first, second, 1219  
or third degree, posts bail, and forfeits the bail, the clerk of 1220

the court shall pay the forfeited bail pursuant to divisions (D) 1221  
(1) and (F) of this section, as if the forfeited bail was a fine 1222  
imposed for a violation of this section. If any amount of the 1223  
forfeited bail remains after that payment and if a fine is 1224  
imposed under division (H) (1) of this section, the clerk of the 1225  
court shall pay the remaining amount of the forfeited bail 1226  
pursuant to divisions (H) (2) and (3) of this section, as if that 1227  
remaining amount was a fine imposed under division (H) (1) of 1228  
this section. 1229

(2) If the offender is a professionally licensed person, 1230  
the court immediately shall comply with section 2925.38 of the 1231  
Revised Code. 1232

(E) When a person is charged with the sale of or offer to 1233  
sell a bulk amount or a multiple of a bulk amount of a 1234  
controlled substance, the jury, or the court trying the accused, 1235  
shall determine the amount of the controlled substance involved 1236  
at the time of the offense and, if a guilty verdict is returned, 1237  
shall return the findings as part of the verdict. In any such 1238  
case, it is unnecessary to find and return the exact amount of 1239  
the controlled substance involved, and it is sufficient if the 1240  
finding and return is to the effect that the amount of the 1241  
controlled substance involved is the requisite amount, or that 1242  
the amount of the controlled substance involved is less than the 1243  
requisite amount. 1244

(F) (1) Notwithstanding any contrary provision of section 1245  
3719.21 of the Revised Code and except as provided in division 1246  
(H) of this section, the clerk of the court shall pay any 1247  
mandatory fine imposed pursuant to division (D) (1) of this 1248  
section and any fine other than a mandatory fine that is imposed 1249  
for a violation of this section pursuant to division (A) or (B) 1250

(5) of section 2929.18 of the Revised Code to the county, 1251  
township, municipal corporation, park district, as created 1252  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1253  
state law enforcement agencies in this state that primarily were 1254  
responsible for or involved in making the arrest of, and in 1255  
prosecuting, the offender. However, the clerk shall not pay a 1256  
mandatory fine so imposed to a law enforcement agency unless the 1257  
agency has adopted a written internal control policy under 1258  
division (F) (2) of this section that addresses the use of the 1259  
fine moneys that it receives. Each agency shall use the 1260  
mandatory fines so paid to subsidize the agency's law 1261  
enforcement efforts that pertain to drug offenses, in accordance 1262  
with the written internal control policy adopted by the 1263  
recipient agency under division (F) (2) of this section. 1264

(2) Prior to receiving any fine moneys under division (F) 1265  
(1) of this section or division (B) of section 2925.42 of the 1266  
Revised Code, a law enforcement agency shall adopt a written 1267  
internal control policy that addresses the agency's use and 1268  
disposition of all fine moneys so received and that provides for 1269  
the keeping of detailed financial records of the receipts of 1270  
those fine moneys, the general types of expenditures made out of 1271  
those fine moneys, and the specific amount of each general type 1272  
of expenditure. The policy shall not provide for or permit the 1273  
identification of any specific expenditure that is made in an 1274  
ongoing investigation. All financial records of the receipts of 1275  
those fine moneys, the general types of expenditures made out of 1276  
those fine moneys, and the specific amount of each general type 1277  
of expenditure by an agency are public records open for 1278  
inspection under section 149.43 of the Revised Code. 1279  
Additionally, a written internal control policy adopted under 1280  
this division is such a public record, and the agency that 1281

adopted it shall comply with it. 1282

(3) As used in division (F) of this section: 1283

(a) "Law enforcement agencies" includes, but is not 1284  
limited to, the state board of pharmacy and the office of a 1285  
prosecutor. 1286

(b) "Prosecutor" has the same meaning as in section 1287  
2935.01 of the Revised Code. 1288

(G)(1) If the sentencing court suspends the offender's 1289  
driver's or commercial driver's license or permit under division 1290  
(D) of this section or any other provision of this chapter, the 1291  
court shall suspend the license, by order, for not more than 1292  
five years. If an offender's driver's or commercial driver's 1293  
license or permit is suspended pursuant to this division, the 1294  
offender, at any time after the expiration of two years from the 1295  
day on which the offender's sentence was imposed or from the day 1296  
on which the offender finally was released from a prison term 1297  
under the sentence, whichever is later, may file a motion with 1298  
the sentencing court requesting termination of the suspension; 1299  
upon the filing of such a motion and the court's finding of good 1300  
cause for the termination, the court may terminate the 1301  
suspension. 1302

(2) Any offender who received a mandatory suspension of 1303  
the offender's driver's or commercial driver's license or permit 1304  
under this section prior to September 13, 2016, may file a 1305  
motion with the sentencing court requesting the termination of 1306  
the suspension. However, an offender who pleaded guilty to or 1307  
was convicted of a violation of section 4511.19 of the Revised 1308  
Code or a substantially similar municipal ordinance or law of 1309  
another state or the United States that arose out of the same 1310

set of circumstances as the violation for which the offender's 1311  
license or permit was suspended under this section shall not 1312  
file such a motion. 1313

Upon the filing of a motion under division (G) (2) of this 1314  
section, the sentencing court, in its discretion, may terminate 1315  
the suspension. 1316

(H) (1) In addition to any prison term authorized or 1317  
required by division (C) of this section and sections 2929.13 1318  
and 2929.14 of the Revised Code, in addition to any other 1319  
penalty or sanction imposed for the offense under this section 1320  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1321  
addition to the forfeiture of property in connection with the 1322  
offense as prescribed in Chapter 2981. of the Revised Code, the 1323  
court that sentences an offender who is convicted of or pleads 1324  
guilty to a violation of division (A) of this section may impose 1325  
upon the offender an additional fine specified for the offense 1326  
in division (B) (4) of section 2929.18 of the Revised Code. A 1327  
fine imposed under division (H) (1) of this section is not 1328  
subject to division (F) of this section and shall be used solely 1329  
for the support of one or more eligible community addiction 1330  
services providers in accordance with divisions (H) (2) and (3) 1331  
of this section. 1332

(2) The court that imposes a fine under division (H) (1) of 1333  
this section shall specify in the judgment that imposes the fine 1334  
one or more eligible community addiction services providers for 1335  
the support of which the fine money is to be used. No community 1336  
addiction services provider shall receive or use money paid or 1337  
collected in satisfaction of a fine imposed under division (H) 1338  
(1) of this section unless the services provider is specified in 1339  
the judgment that imposes the fine. No community addiction 1340

services provider shall be specified in the judgment unless the 1341  
services provider is an eligible community addiction services 1342  
provider and, except as otherwise provided in division (H) (2) of 1343  
this section, unless the services provider is located in the 1344  
county in which the court that imposes the fine is located or in 1345  
a county that is immediately contiguous to the county in which 1346  
that court is located. If no eligible community addiction 1347  
services provider is located in any of those counties, the 1348  
judgment may specify an eligible community addiction services 1349  
provider that is located anywhere within this state. 1350

(3) Notwithstanding any contrary provision of section 1351  
3719.21 of the Revised Code, the clerk of the court shall pay 1352  
any fine imposed under division (H) (1) of this section to the 1353  
eligible community addiction services provider specified 1354  
pursuant to division (H) (2) of this section in the judgment. The 1355  
eligible community addiction services provider that receives the 1356  
fine moneys shall use the moneys only for the alcohol and drug 1357  
addiction services identified in the application for 1358  
certification of services under section 5119.36 of the Revised 1359  
Code or in the application for a license under section 5119.391 1360  
of the Revised Code filed with the department of mental health 1361  
and addiction services by the community addiction services 1362  
provider specified in the judgment. 1363

(4) Each community addiction services provider that 1364  
receives in a calendar year any fine moneys under division (H) 1365  
(3) of this section shall file an annual report covering that 1366  
calendar year with the court of common pleas and the board of 1367  
county commissioners of the county in which the services 1368  
provider is located, with the court of common pleas and the 1369  
board of county commissioners of each county from which the 1370  
services provider received the moneys if that county is 1371

different from the county in which the services provider is 1372  
located, and with the attorney general. The community addiction 1373  
services provider shall file the report no later than the first 1374  
day of March in the calendar year following the calendar year in 1375  
which the services provider received the fine moneys. The report 1376  
shall include statistics on the number of persons served by the 1377  
community addiction services provider, identify the types of 1378  
alcohol and drug addiction services provided to those persons, 1379  
and include a specific accounting of the purposes for which the 1380  
fine moneys received were used. No information contained in the 1381  
report shall identify, or enable a person to determine the 1382  
identity of, any person served by the community addiction 1383  
services provider. Each report received by a court of common 1384  
pleas, a board of county commissioners, or the attorney general 1385  
is a public record open for inspection under section 149.43 of 1386  
the Revised Code. 1387

(5) As used in divisions (H) (1) to (5) of this section: 1388

(a) "Community addiction services provider" and "alcohol 1389  
and drug addiction services" have the same meanings as in 1390  
section 5119.01 of the Revised Code. 1391

(b) "Eligible community addiction services provider" means 1392  
a community addiction services provider, as defined in section 1393  
5119.01 of the Revised Code, or a community addiction services 1394  
provider that maintains a methadone treatment program licensed 1395  
under section 5119.391 of the Revised Code. 1396

(I) As used in this section, "drug" includes any substance 1397  
that is represented to be a drug. 1398

(J) It is an affirmative defense to a charge of 1399  
trafficking in a controlled substance analog under division (C) 1400

(8) of this section that the person charged with violating that 1401  
offense sold or offered to sell, or prepared for shipment, 1402  
shipped, transported, delivered, prepared for distribution, or 1403  
distributed an item described in division (HH) (2) (a), (b), or 1404  
(c) of section 3719.01 of the Revised Code. 1405

**Section 2.** That existing sections 2925.01 and 2925.03 of 1406  
the Revised Code are hereby repealed. 1407

**Section 3.** Section 2925.01 of the Revised Code is 1408  
presented in Section 1 of this act as a composite of the section 1409  
as amended by both Am. Sub. H.B. 49 and Am. Sub. S.B. 1 of the 1410  
132nd General Assembly. The General Assembly, applying the 1411  
principle stated in division (B) of section 1.52 of the Revised 1412  
Code that amendments are to be harmonized if reasonably capable 1413  
of simultaneous operation, finds that the composite is the 1414  
resulting version of the section in effect prior to the 1415  
effective date of the section as presented in this act. 1416

**Section 4.** That the version of section 2925.03 of the 1417  
Revised Code that is scheduled to take effect June 29, 2019, be 1418  
amended to read as follows: 1419

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1420  
following: 1421

(1) Sell or offer to sell a controlled substance or a 1422  
controlled substance analog; 1423

(2) Prepare for shipment, ship, transport, deliver, 1424  
prepare for distribution, or distribute a controlled substance 1425  
or a controlled substance analog, when the offender knows or has 1426  
reasonable cause to believe that the controlled substance or a 1427  
controlled substance analog is intended for sale or resale by 1428  
the offender or another person. 1429

(B) This section does not apply to any of the following:	1430
(1) Manufacturers, licensed health professionals	1431
authorized to prescribe drugs, pharmacists, owners of	1432
pharmacies, and other persons whose conduct is in accordance	1433
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1434
4741. of the Revised Code;	1435
(2) If the offense involves an anabolic steroid, any	1436
person who is conducting or participating in a research project	1437
involving the use of an anabolic steroid if the project has been	1438
approved by the United States food and drug administration;	1439
(3) Any person who sells, offers for sale, prescribes,	1440
dispenses, or administers for livestock or other nonhuman	1441
species an anabolic steroid that is expressly intended for	1442
administration through implants to livestock or other nonhuman	1443
species and approved for that purpose under the "Federal Food,	1444
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1445
as amended, and is sold, offered for sale, prescribed,	1446
dispensed, or administered for that purpose in accordance with	1447
that act.	1448
(C) Whoever violates division (A) of this section is	1449
guilty of one of the following:	1450
(1) If the drug involved in the violation is any compound,	1451
mixture, preparation, or substance included in schedule I or	1452
schedule II, with the exception of marihuana, cocaine, L.S.D.,	1453
heroin, any fentanyl-related compound, hashish, and any	1454
controlled substance analog, whoever violates division (A) of	1455
this section is guilty of aggravated trafficking in drugs. The	1456
penalty for the offense shall be determined as follows:	1457
(a) Except as otherwise provided in division (C) (1) (b),	1458

(c), (d), (e), or (f) of this section, aggravated trafficking in 1459  
drugs is a felony of the fourth degree, and division (C) of 1460  
section 2929.13 of the Revised Code applies in determining 1461  
whether to impose a prison term on the offender. 1462

(b) Except as otherwise provided in division (C)(1)(c), 1463  
(d), (e), or (f) of this section, if the offense was committed 1464  
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 1465  
or in the vicinity of a community addiction services provider, 1466  
aggravated trafficking in drugs is a felony of the third degree, 1467  
and division (C) of section 2929.13 of the Revised Code applies 1468  
in determining whether to impose a prison term on the offender. 1469

(c) Except as otherwise provided in this division, if the 1470  
amount of the drug involved equals or exceeds the bulk amount 1471  
but is less than five times the bulk amount, aggravated 1472  
trafficking in drugs is a felony of the third degree, and, 1473  
except as otherwise provided in this division, there is a 1474  
presumption for a prison term for the offense. If aggravated 1475  
trafficking in drugs is a felony of the third degree under this 1476  
division and if the offender two or more times previously has 1477  
been convicted of or pleaded guilty to a felony drug abuse 1478  
offense, the court shall impose as a mandatory prison term one 1479  
of the prison terms prescribed for a felony of the third degree. 1480  
If the amount of the drug involved is within that range and if 1481  
the offense was committed in the vicinity of a school ~~or~~, in the 1482  
vicinity of a juvenile, or in the vicinity of a community 1483  
addiction services provider, aggravated trafficking in drugs is 1484  
a felony of the second degree, and the court shall impose as a 1485  
mandatory prison term one of the prison terms prescribed for a 1486  
felony of the second degree. 1487

(d) Except as otherwise provided in this division, if the 1488

amount of the drug involved equals or exceeds five times the 1489  
bulk amount but is less than fifty times the bulk amount, 1490  
aggravated trafficking in drugs is a felony of the second 1491  
degree, and the court shall impose as a mandatory prison term 1492  
one of the prison terms prescribed for a felony of the second 1493  
degree. If the amount of the drug involved is within that range 1494  
and if the offense was committed in the vicinity of a school ~~or,~~ 1495  
in the vicinity of a juvenile, or in the vicinity of a community 1496  
addiction services provider, aggravated trafficking in drugs is 1497  
a felony of the first degree, and the court shall impose as a 1498  
mandatory prison term one of the prison terms prescribed for a 1499  
felony of the first degree. 1500

(e) If the amount of the drug involved equals or exceeds 1501  
fifty times the bulk amount but is less than one hundred times 1502  
the bulk amount and regardless of whether the offense was 1503  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1504  
juvenile, or in the vicinity of a community addiction services 1505  
provider, aggravated trafficking in drugs is a felony of the 1506  
first degree, and the court shall impose as a mandatory prison 1507  
term one of the prison terms prescribed for a felony of the 1508  
first degree. 1509

(f) If the amount of the drug involved equals or exceeds 1510  
one hundred times the bulk amount and regardless of whether the 1511  
offense was committed in the vicinity of a school ~~or,~~ in the 1512  
vicinity of a juvenile, or in the vicinity of a community 1513  
addiction services provider, aggravated trafficking in drugs is 1514  
a felony of the first degree, the offender is a major drug 1515  
offender, and the court shall impose as a mandatory prison term 1516  
the maximum prison term prescribed for a felony of the first 1517  
degree. 1518

(2) If the drug involved in the violation is any compound, 1519  
mixture, preparation, or substance included in schedule III, IV, 1520  
or V, whoever violates division (A) of this section is guilty of 1521  
trafficking in drugs. The penalty for the offense shall be 1522  
determined as follows: 1523

(a) Except as otherwise provided in division (C) (2) (b), 1524  
(c), (d), or (e) of this section, trafficking in drugs is a 1525  
felony of the fifth degree, and division (B) of section 2929.13 1526  
of the Revised Code applies in determining whether to impose a 1527  
prison term on the offender. 1528

(b) Except as otherwise provided in division (C) (2) (c), 1529  
(d), or (e) of this section, if the offense was committed in the 1530  
vicinity of a school or in the vicinity of a juvenile, 1531  
trafficking in drugs is a felony of the fourth degree, and 1532  
division (C) of section 2929.13 of the Revised Code applies in 1533  
determining whether to impose a prison term on the offender. 1534

(c) Except as otherwise provided in this division, if the 1535  
amount of the drug involved equals or exceeds the bulk amount 1536  
but is less than five times the bulk amount, trafficking in 1537  
drugs is a felony of the fourth degree, and division (B) of 1538  
section 2929.13 of the Revised Code applies in determining 1539  
whether to impose a prison term for the offense. If the amount 1540  
of the drug involved is within that range and if the offense was 1541  
committed in the vicinity of a school or in the vicinity of a 1542  
juvenile, trafficking in drugs is a felony of the third degree, 1543  
and there is a presumption for a prison term for the offense. 1544

(d) Except as otherwise provided in this division, if the 1545  
amount of the drug involved equals or exceeds five times the 1546  
bulk amount but is less than fifty times the bulk amount, 1547  
trafficking in drugs is a felony of the third degree, and there 1548

is a presumption for 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 drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana 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) (3) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a

juvenile, trafficking in marihuana is a felony of the fourth 1579  
degree, and division (B) of section 2929.13 of the Revised Code 1580  
applies in determining whether to impose a prison term on the 1581  
offender. 1582

(c) Except as otherwise provided in this division, if the 1583  
amount of the drug involved equals or exceeds two hundred grams 1584  
but is less than one thousand grams, trafficking in marihuana is 1585  
a felony of the fourth degree, and division (B) of section 1586  
2929.13 of the Revised Code applies in determining whether to 1587  
impose a prison term on the offender. If the amount of the drug 1588  
involved is within that range and if the offense was committed 1589  
in the vicinity of a school or in the vicinity of a juvenile, 1590  
trafficking in marihuana is a felony of the third degree, and 1591  
division (C) of section 2929.13 of the Revised Code applies in 1592  
determining whether to impose a prison term on the offender. 1593

(d) Except as otherwise provided in this division, if the 1594  
amount of the drug involved equals or exceeds one thousand grams 1595  
but is less than five thousand grams, trafficking in marihuana 1596  
is a felony of the third degree, and division (C) of section 1597  
2929.13 of the Revised Code applies in determining whether to 1598  
impose a prison term on the offender. If the amount of the drug 1599  
involved is within that range and if the offense was committed 1600  
in the vicinity of a school or in the vicinity of a juvenile, 1601  
trafficking in marihuana is a felony of the second degree, and 1602  
there is a presumption that a prison term shall be imposed for 1603  
the offense. 1604

(e) Except as otherwise provided in this division, if the 1605  
amount of the drug involved equals or exceeds five thousand 1606  
grams but is less than twenty thousand grams, trafficking in 1607  
marihuana is a felony of the third degree, and there is a 1608

presumption that a prison term shall be imposed for the offense. 1609  
If the amount of the drug involved is within that range and if 1610  
the offense was committed in the vicinity of a school or in the 1611  
vicinity of a juvenile, trafficking in marihuana is a felony of 1612  
the second degree, and there is a presumption that a prison term 1613  
shall be imposed for the offense. 1614

(f) Except as otherwise provided in this division, if the 1615  
amount of the drug involved equals or exceeds twenty thousand 1616  
grams but is less than forty thousand grams, trafficking in 1617  
marihuana is a felony of the second degree, and the court shall 1618  
impose a mandatory prison term of five, six, seven, or eight 1619  
years. If the amount of the drug involved is within that range 1620  
and if the offense was committed in the vicinity of a school or 1621  
in the vicinity of a juvenile, trafficking in marihuana is a 1622  
felony of the first degree, and the court shall impose as a 1623  
mandatory prison term the maximum prison term prescribed for a 1624  
felony of the first degree. 1625

(g) Except as otherwise provided in this division, if the 1626  
amount of the drug involved equals or exceeds forty thousand 1627  
grams, trafficking in marihuana is a felony of the second 1628  
degree, and the court shall impose as a mandatory prison term 1629  
the maximum prison term prescribed for a felony of the second 1630  
degree. If the amount of the drug involved equals or exceeds 1631  
forty thousand grams and if the offense was committed in the 1632  
vicinity of a school or in the vicinity of a juvenile, 1633  
trafficking in marihuana is a felony of the first degree, and 1634  
the court shall impose as a mandatory prison term the maximum 1635  
prison term prescribed for a felony of the first degree. 1636

(h) Except as otherwise provided in this division, if the 1637  
offense involves a gift of twenty grams or less of marihuana, 1638

trafficking in marihuana is a minor misdemeanor upon a first 1639  
offense and a misdemeanor of the third degree upon a subsequent 1640  
offense. If the offense involves a gift of twenty grams or less 1641  
of marihuana and if the offense was committed in the vicinity of 1642  
a school or in the vicinity of a juvenile, trafficking in 1643  
marihuana is a misdemeanor of the third degree. 1644

(4) If the drug involved in the violation is cocaine or a 1645  
compound, mixture, preparation, or substance containing cocaine, 1646  
whoever violates division (A) of this section is guilty of 1647  
trafficking in cocaine. The penalty for the offense shall be 1648  
determined as follows: 1649

(a) Except as otherwise provided in division (C) (4) (b), 1650  
(c), (d), (e), (f), or (g) of this section, trafficking in 1651  
cocaine is a felony of the fifth degree, and division (B) of 1652  
section 2929.13 of the Revised Code applies in determining 1653  
whether to impose a prison term on the offender. 1654

(b) Except as otherwise provided in division (C) (4) (c), 1655  
(d), (e), (f), or (g) of this section, if the offense was 1656  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1657  
juvenile, or in the vicinity of a community addiction services 1658  
provider, trafficking in cocaine is a felony of the fourth 1659  
degree, and division (C) of section 2929.13 of the Revised Code 1660  
applies in determining whether to impose a prison term on the 1661  
offender. 1662

(c) Except as otherwise provided in this division, if the 1663  
amount of the drug involved equals or exceeds five grams but is 1664  
less than ten grams of cocaine, trafficking in cocaine is a 1665  
felony of the fourth degree, and division (B) of section 2929.13 1666  
of the Revised Code applies in determining whether to impose a 1667  
prison term for the offense. If the amount of the drug involved 1668

is within that range and if the offense was committed in the 1669  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1670  
the vicinity of a community addiction services provider, 1671  
trafficking in cocaine is a felony of the third degree, and 1672  
there is a presumption for a prison term for the offense. 1673

(d) Except as otherwise provided in this division, if the 1674  
amount of the drug involved equals or exceeds ten grams but is 1675  
less than twenty grams of cocaine, trafficking in cocaine is a 1676  
felony of the third degree, and, except as otherwise provided in 1677  
this division, there is a presumption for a prison term for the 1678  
offense. If trafficking in cocaine is a felony of the third 1679  
degree under this division and if the offender two or more times 1680  
previously has been convicted of or pleaded guilty to a felony 1681  
drug abuse offense, the court shall impose as a mandatory prison 1682  
term one of the prison terms prescribed for a felony of the 1683  
third degree. If the amount of the drug involved is within that 1684  
range and if the offense was committed in the vicinity of a 1685  
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1686  
a community addiction services provider, trafficking in cocaine 1687  
is a felony of the second degree, and the court shall impose as 1688  
a mandatory prison term one of the prison terms prescribed for a 1689  
felony of the second degree. 1690

(e) Except as otherwise provided in this division, if the 1691  
amount of the drug involved equals or exceeds twenty grams but 1692  
is less than twenty-seven grams of cocaine, trafficking in 1693  
cocaine is a felony of the second degree, and the court shall 1694  
impose as a mandatory prison term one of the prison terms 1695  
prescribed for a felony of the second degree. If the amount of 1696  
the drug involved is within that range and if the offense was 1697  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1698  
juvenile, or in the vicinity of a community addiction services 1699

provider, trafficking in cocaine is a felony of the first 1700  
degree, and the court shall impose as a mandatory prison term 1701  
one of the prison terms prescribed for a felony of the first 1702  
degree. 1703

(f) If the amount of the drug involved equals or exceeds 1704  
twenty-seven grams but is less than one hundred grams of cocaine 1705  
and regardless of whether the offense was committed in the 1706  
vicinity of a school-~~or~~, in the vicinity of a juvenile, or in 1707  
the vicinity of a community addiction services provider, 1708  
trafficking in cocaine is a felony of the first degree, and the 1709  
court shall impose as a mandatory prison term one of the prison 1710  
terms prescribed for a felony of the first degree. 1711

(g) If the amount of the drug involved equals or exceeds 1712  
one hundred grams of cocaine and regardless of whether the 1713  
offense was committed in the vicinity of a school-~~or~~, in the 1714  
vicinity of a juvenile, or in the vicinity of a community 1715  
addiction services provider, trafficking in cocaine is a felony 1716  
of the first degree, the offender is a major drug offender, and 1717  
the court shall impose as a mandatory prison term the maximum 1718  
prison term prescribed for a felony of the first degree. 1719

(5) If the drug involved in the violation is L.S.D. or a 1720  
compound, mixture, preparation, or substance containing L.S.D., 1721  
whoever violates division (A) of this section is guilty of 1722  
trafficking in L.S.D. The penalty for the offense shall be 1723  
determined as follows: 1724

(a) Except as otherwise provided in division (C) (5) (b), 1725  
(c), (d), (e), (f), or (g) of this section, trafficking in 1726  
L.S.D. is a felony of the fifth degree, and division (B) of 1727  
section 2929.13 of the Revised Code applies in determining 1728  
whether to impose a prison term on the offender. 1729

(b) Except as otherwise provided in division (C) (5) (c), 1730  
(d), (e), (f), or (g) of this section, if the offense was 1731  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1732  
juvenile, or in the vicinity of a community addiction services 1733  
provider, trafficking in L.S.D. is a felony of the fourth 1734  
degree, and division (C) of section 2929.13 of the Revised Code 1735  
applies in determining whether to impose a prison term on the 1736  
offender. 1737

(c) Except as otherwise provided in this division, if the 1738  
amount of the drug involved equals or exceeds ten unit doses but 1739  
is less than fifty unit doses of L.S.D. in a solid form or 1740  
equals or exceeds one gram but is less than five grams of L.S.D. 1741  
in a liquid concentrate, liquid extract, or liquid distillate 1742  
form, trafficking in L.S.D. is a felony of the fourth degree, 1743  
and division (B) of section 2929.13 of the Revised Code applies 1744  
in determining whether to impose a prison term for the offense. 1745  
If the amount of the drug involved is within that range and if 1746  
the offense was committed in the vicinity of a school ~~or~~, in the 1747  
vicinity of a juvenile, or in the vicinity of a community 1748  
addiction services provider, trafficking in L.S.D. is a felony 1749  
of the third degree, and there is a presumption for a prison 1750  
term for the offense. 1751

(d) Except as otherwise provided in this division, if the 1752  
amount of the drug involved equals or exceeds fifty unit doses 1753  
but is less than two hundred fifty unit doses of L.S.D. in a 1754  
solid form or equals or exceeds five grams but is less than 1755  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1756  
extract, or liquid distillate form, trafficking in L.S.D. is a 1757  
felony of the third degree, and, except as otherwise provided in 1758  
this division, there is a presumption for a prison term for the 1759  
offense. If trafficking in L.S.D. is a felony of the third 1760

degree under this division and if the offender two or more times 1761  
previously has been convicted of or pleaded guilty to a felony 1762  
drug abuse offense, the court shall impose as a mandatory prison 1763  
term one of the prison terms prescribed for a felony of the 1764  
third degree. If the amount of the drug involved is within that 1765  
range and if the offense was committed in the vicinity of a 1766  
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1767  
a community addiction services provider, trafficking in L.S.D. 1768  
is a felony of the second degree, and the court shall impose as 1769  
a mandatory prison term one of the prison terms prescribed for a 1770  
felony of the second degree. 1771

(e) Except as otherwise provided in this division, if the 1772  
amount of the drug involved equals or exceeds two hundred fifty 1773  
unit doses but is less than one thousand unit doses of L.S.D. in 1774  
a solid form or equals or exceeds twenty-five grams but is less 1775  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1776  
extract, or liquid distillate form, trafficking in L.S.D. is a 1777  
felony of the second degree, and the court shall impose as a 1778  
mandatory prison term one of the prison terms prescribed for a 1779  
felony of the second degree. If the amount of the drug involved 1780  
is within that range and if the offense was committed in the 1781  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1782  
the vicinity of a community addiction services provider, 1783  
trafficking in L.S.D. is a felony of the first degree, and the 1784  
court shall impose as a mandatory prison term one of the prison 1785  
terms prescribed for a felony of the first degree. 1786

(f) If the amount of the drug involved equals or exceeds 1787  
one thousand unit doses but is less than five thousand unit 1788  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1789  
grams but is less than five hundred grams of L.S.D. in a liquid 1790  
concentrate, liquid extract, or liquid distillate form and 1791

regardless of whether the offense was committed in the vicinity 1792  
of a school ~~or~~, in the vicinity of a juvenile, or in the 1793  
vicinity of a community addiction services provider, trafficking 1794  
in L.S.D. is a felony of the first degree, and the court shall 1795  
impose as a mandatory prison term one of the prison terms 1796  
prescribed for a felony of the first degree. 1797

(g) If the amount of the drug involved equals or exceeds 1798  
five thousand unit doses of L.S.D. in a solid form or equals or 1799  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1800  
liquid extract, or liquid distillate form and regardless of 1801  
whether the offense was committed in the vicinity of a school 1802  
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1803  
community addiction services provider, trafficking in L.S.D. is 1804  
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  
trafficking in 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), (f), or (g) of this section, trafficking in 1815  
heroin is a felony of the fifth degree, and division (B) of 1816  
section 2929.13 of the Revised Code applies in determining 1817  
whether to impose a prison term on the offender. 1818

(b) Except as otherwise provided in division (C) (6) (c), 1819  
(d), (e), (f), or (g) of this section, if the offense was 1820  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1821

juvenile, or in the vicinity of a community addiction services 1822  
provider, trafficking in heroin is a felony of the fourth 1823  
degree, and division (C) of section 2929.13 of the Revised Code 1824  
applies in determining whether to impose a prison term on the 1825  
offender. 1826

(c) Except as otherwise provided in this division, if the 1827  
amount of the drug involved equals or exceeds ten unit doses but 1828  
is less than fifty unit doses or equals or exceeds one gram but 1829  
is less than five grams, trafficking in heroin is a felony of 1830  
the fourth degree, and division (B) of section 2929.13 of the 1831  
Revised Code applies in determining whether to impose a prison 1832  
term for the offense. If the amount of the drug involved is 1833  
within that range and if the offense was committed in the 1834  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1835  
the vicinity of a community addiction services provider, 1836  
trafficking in heroin is a felony of the third degree, and there 1837  
is a presumption for a prison term for the offense. 1838

(d) Except as otherwise provided in this division, if the 1839  
amount of the drug involved equals or exceeds fifty unit doses 1840  
but is less than one hundred unit doses or equals or exceeds 1841  
five grams but is less than ten grams, trafficking in heroin is 1842  
a felony of the third degree, and there is a presumption for a 1843  
prison term for the offense. If the amount of the drug involved 1844  
is within that range and if the offense was committed in the 1845  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1846  
the vicinity of a community addiction services provider, 1847  
trafficking in heroin is a felony of the second degree, and 1848  
there is a presumption for a prison term for the offense. 1849

(e) Except as otherwise provided in this division, if the 1850  
amount of the drug involved equals or exceeds one hundred unit 1851

doses but is less than five hundred unit doses or equals or 1852  
exceeds ten grams but is less than fifty grams, trafficking in 1853  
heroin is a felony of the second degree, and the court shall 1854  
impose as a mandatory prison term one of the prison terms 1855  
prescribed for a felony of the second degree. If the amount of 1856  
the drug involved is within that range and if the offense was 1857  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1858  
juvenile, or in the vicinity of a community addiction services 1859  
provider, trafficking in heroin is a felony of the first degree, 1860  
and the court shall impose as a mandatory prison term one of the 1861  
prison terms prescribed for a felony of the first degree. 1862

(f) If the amount of the drug involved equals or exceeds 1863  
five hundred unit doses but is less than one thousand unit doses 1864  
or equals or exceeds fifty grams but is less than one hundred 1865  
grams and regardless of whether the offense was committed in the 1866  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1867  
the vicinity of a community addiction services provider, 1868  
trafficking in heroin is a felony of the first degree, and the 1869  
court shall impose as a mandatory prison term one of the prison 1870  
terms prescribed for a felony of the first degree. 1871

(g) If the amount of the drug involved equals or exceeds 1872  
one thousand unit doses or equals or exceeds one hundred grams 1873  
and regardless of whether the offense was committed in the 1874  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1875  
the vicinity of a community addiction services provider, 1876  
trafficking in heroin is a felony of the first degree, the 1877  
offender is a major drug offender, and the court shall impose as 1878  
a mandatory prison term the maximum prison term prescribed for a 1879  
felony of the first degree. 1880

(7) If the drug involved in the violation is hashish or a 1881

compound, mixture, preparation, or substance containing hashish, 1882  
whoever violates division (A) of this section is guilty of 1883  
trafficking in hashish. The penalty for the offense shall be 1884  
determined as follows: 1885

(a) Except as otherwise provided in division (C) (7) (b), 1886  
(c), (d), (e), (f), or (g) of this section, trafficking in 1887  
hashish is a felony of the fifth degree, and division (B) of 1888  
section 2929.13 of the Revised Code applies in determining 1889  
whether to impose a prison term on the offender. 1890

(b) Except as otherwise provided in division (C) (7) (c), 1891  
(d), (e), (f), or (g) of this section, if the offense was 1892  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1893  
juvenile, or in the vicinity of a community addiction services 1894  
provider, trafficking in hashish is a felony of the fourth 1895  
degree, and division (B) of section 2929.13 of the Revised Code 1896  
applies in determining whether to impose a prison term on the 1897  
offender. 1898

(c) Except as otherwise provided in this division, if the 1899  
amount of the drug involved equals or exceeds ten grams but is 1900  
less than fifty grams of hashish in a solid form or equals or 1901  
exceeds two grams but is less than ten grams of hashish in a 1902  
liquid concentrate, liquid extract, or liquid distillate form, 1903  
trafficking in hashish is a felony of the fourth degree, and 1904  
division (B) of section 2929.13 of the Revised Code applies in 1905  
determining whether to impose a prison term on the offender. If 1906  
the amount of the drug involved is within that range and if the 1907  
offense was committed in the vicinity of a school ~~or~~, in the 1908  
vicinity of a juvenile, or in the vicinity of a community 1909  
addiction services provider, trafficking in hashish is a felony 1910  
of the third degree, and division (C) of section 2929.13 of the 1911

Revised Code applies in determining whether to impose a prison term on the offender. 1912  
1913

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 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, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 1914  
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed 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, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense. 1928  
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(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the second degree. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a community addiction services provider, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of

the first degree. 1973

(8) If the drug involved in the violation is a controlled 1974  
substance analog or compound, mixture, preparation, or substance 1975  
that contains a controlled substance analog, whoever violates 1976  
division (A) of this section is guilty of trafficking in a 1977  
controlled substance analog. The penalty for the offense shall 1978  
be determined as follows: 1979

(a) Except as otherwise provided in division (C) (8) (b), 1980  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1981  
controlled substance analog is a felony of the fifth degree, and 1982  
division (C) of section 2929.13 of the Revised Code applies in 1983  
determining whether to impose a prison term on the offender. 1984

(b) Except as otherwise provided in division (C) (8) (c), 1985  
(d), (e), (f), or (g) of this section, if the offense was 1986  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1987  
juvenile, or in the vicinity of a community addiction services 1988  
provider, trafficking in a controlled substance analog is a 1989  
felony of the fourth degree, and division (C) of section 2929.13 1990  
of the Revised Code applies in determining whether to impose a 1991  
prison term on the offender. 1992

(c) Except as otherwise provided in this division, if the 1993  
amount of the drug involved equals or exceeds ten grams but is 1994  
less than twenty grams, trafficking in a controlled substance 1995  
analog is a felony of the fourth degree, and division (B) of 1996  
section 2929.13 of the Revised Code applies in determining 1997  
whether to impose a prison term for the offense. If the amount 1998  
of the drug involved is within that range and if the offense was 1999  
committed in the vicinity of a school ~~or~~, in the vicinity of a 2000  
juvenile, or in the vicinity of a community addiction services 2001  
provider, trafficking in a controlled substance analog is a 2002

felony of the third degree, and there is a presumption for a 2003  
prison term for the offense. 2004

(d) Except as otherwise provided in this division, if the 2005  
amount of the drug involved equals or exceeds twenty grams but 2006  
is less than thirty grams, trafficking in a controlled substance 2007  
analog is a felony of the third degree, and there is a 2008  
presumption for a prison term for the offense. If the amount of 2009  
the drug involved is within that range and if the offense was 2010  
committed in the vicinity of a school ~~or~~, in the vicinity of a 2011  
juvenile, or in the vicinity of a community addiction services 2012  
provider, trafficking in a controlled substance analog is a 2013  
felony of the second degree, and there is a presumption for a 2014  
prison term for the offense. 2015

(e) Except as otherwise provided in this division, if the 2016  
amount of the drug involved equals or exceeds thirty grams but 2017  
is less than forty grams, trafficking in a controlled substance 2018  
analog is a felony of the second degree, and the court shall 2019  
impose as a mandatory prison term one of the prison terms 2020  
prescribed for a felony of the second degree. If the amount of 2021  
the drug involved is within that range and if the offense was 2022  
committed in the vicinity of a school ~~or~~, in the vicinity of a 2023  
juvenile, or in the vicinity of a community addiction services 2024  
provider, trafficking in a controlled substance analog is a 2025  
felony of the first degree, and the court shall impose as a 2026  
mandatory prison term one of the prison terms prescribed for a 2027  
felony of the first degree. 2028

(f) If the amount of the drug involved equals or exceeds 2029  
forty grams but is less than fifty grams and regardless of 2030  
whether the offense was committed in the vicinity of a school 2031  
 ~~or~~, in the vicinity of a juvenile, or in the vicinity of a 2032

community addiction services provider, trafficking in a 2033  
controlled substance analog is a felony of the first degree, and 2034  
the court shall impose as a mandatory prison term one of the 2035  
prison terms prescribed for a felony of the first degree. 2036

(g) If the amount of the drug involved equals or exceeds 2037  
fifty grams and regardless of whether the offense was committed 2038  
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 2039  
or in the vicinity of a community addiction services provider, 2040  
trafficking in a controlled substance analog is a felony of the 2041  
first degree, the offender is a major drug offender, and the 2042  
court shall impose as a mandatory prison term the maximum prison 2043  
term prescribed for a felony of the first degree. 2044

(9) If the drug involved in the violation is a fentanyl- 2045  
related compound or a compound, mixture, preparation, or 2046  
substance containing a fentanyl-related compound and division 2047  
(C)(10)(a) of this section does not apply to the drug involved, 2048  
whoever violates division (A) of this section is guilty of 2049  
trafficking in a fentanyl-related compound. The penalty for the 2050  
offense shall be determined as follows: 2051

(a) Except as otherwise provided in division (C)(9)(b), 2052  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 2053  
a fentanyl-related compound is a felony of the fifth degree, and 2054  
division (B) of section 2929.13 of the Revised Code applies in 2055  
determining whether to impose a prison term on the offender. 2056

(b) Except as otherwise provided in division (C)(9)(c), 2057  
(d), (e), (f), (g), or (h) of this section, if the offense was 2058  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 2059  
juvenile, or in the vicinity of a community addiction services 2060  
provider, trafficking in a fentanyl-related compound is a felony 2061  
of the fourth degree, and division (C) of section 2929.13 of the 2062

Revised Code applies in determining whether to impose a prison term on the offender. 2063  
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(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound 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, or in the vicinity of a community addiction services provider, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. 2065  
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for 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, or in the vicinity of a community addiction services provider, trafficking in a fentanyl-related compound is a felony of the second degree, and there is a presumption for a prison term for the offense. 2078  
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than two hundred unit doses or equals or 2090  
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exceeds ten grams but is less than twenty grams, trafficking in 2093  
a fentanyl-related compound is a felony of the second degree, 2094  
and the court shall impose as a mandatory prison term one of the 2095  
prison terms prescribed for a felony of the second degree. If 2096  
the amount of the drug involved is within that range and if the 2097  
offense was committed in the vicinity of a school ~~or~~, in the 2098  
vicinity of a juvenile, or in the vicinity of a community 2099  
addiction services provider, trafficking in a fentanyl-related 2100  
compound is a felony of the first degree, and the court shall 2101  
impose as a mandatory prison term one of the prison terms 2102  
prescribed for a felony of the first degree. 2103

(f) If the amount of the drug involved equals or exceeds 2104  
two hundred unit doses but is less than five hundred unit doses 2105  
or equals or exceeds twenty grams but is less than fifty grams 2106  
and regardless of whether the offense was committed in the 2107  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2108  
the vicinity of a community addiction services provider, 2109  
trafficking in a fentanyl-related compound is a felony of the 2110  
first degree, and the court shall impose as a mandatory prison 2111  
term one of the prison terms prescribed for a felony of the 2112  
first degree. 2113

(g) If the amount of the drug involved equals or exceeds 2114  
five hundred unit doses but is less than one thousand unit doses 2115  
or equals or exceeds fifty grams but is less than one hundred 2116  
grams and regardless of whether the offense was committed in the 2117  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2118  
the vicinity of a community addiction services provider, 2119  
trafficking in a fentanyl-related compound is a felony of the 2120  
first degree, and the court shall impose as a mandatory prison 2121  
term the maximum prison term prescribed for a felony of the 2122  
first degree. 2123

(h) If the amount of the drug involved equals or exceeds 2124  
one thousand unit doses or equals or exceeds one hundred grams 2125  
and regardless of whether the offense was committed in the 2126  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 2127  
the vicinity of a community addiction services provider, 2128  
trafficking in a fentanyl-related compound is a felony of the 2129  
first degree, the offender is a major drug offender, and the 2130  
court shall impose as a mandatory prison term the maximum prison 2131  
term prescribed for a felony of the first degree. 2132

(10) If the drug involved in the violation is a compound, 2133  
mixture, preparation, or substance that is a combination of a 2134  
fentanyl-related compound and marihuana, one of the following 2135  
applies: 2136

(a) Except as otherwise provided in division (C) (10) (b) of 2137  
this section, the offender is guilty of trafficking in marihuana 2138  
and shall be punished under division (C) (3) of this section. The 2139  
offender is not guilty of trafficking in a fentanyl-related 2140  
compound and shall not be charged with, convicted of, or 2141  
punished under division (C) (9) of this section for trafficking 2142  
in a fentanyl-related compound. 2143

(b) If the offender knows or has reason to know that the 2144  
compound, mixture, preparation, or substance that is the drug 2145  
involved contains a fentanyl-related compound, the offender is 2146  
guilty of trafficking in a fentanyl-related compound and shall 2147  
be punished under division (C) (9) of this section. 2148

(D) In addition to any prison term authorized or required 2149  
by division (C) of this section and sections 2929.13 and 2929.14 2150  
of the Revised Code, and in addition to any other sanction 2151  
imposed for the offense under this section or sections 2929.11 2152  
to 2929.18 of the Revised Code, the court that sentences an 2153

offender who is convicted of or pleads guilty to a violation of 2154  
division (A) of this section may suspend the driver's or 2155  
commercial driver's license or permit of the offender in 2156  
accordance with division (G) of this section. However, if the 2157  
offender pleaded guilty to or was convicted of a violation of 2158  
section 4511.19 of the Revised Code or a substantially similar 2159  
municipal ordinance or the law of another state or the United 2160  
States arising out of the same set of circumstances as the 2161  
violation, the court shall suspend the offender's driver's or 2162  
commercial driver's license or permit in accordance with 2163  
division (G) of this section. If applicable, the court also 2164  
shall do the following: 2165

(1) If the violation of division (A) of this section is a 2166  
felony of the first, second, or third degree, the court shall 2167  
impose upon the offender the mandatory fine specified for the 2168  
offense under division (B)(1) of section 2929.18 of the Revised 2169  
Code unless, as specified in that division, the court determines 2170  
that the offender is indigent. Except as otherwise provided in 2171  
division (H)(1) of this section, a mandatory fine or any other 2172  
fine imposed for a violation of this section is subject to 2173  
division (F) of this section. If a person is charged with a 2174  
violation of this section that is a felony of the first, second, 2175  
or third degree, posts bail, and forfeits the bail, the clerk of 2176  
the court shall pay the forfeited bail pursuant to divisions (D) 2177  
(1) and (F) of this section, as if the forfeited bail was a fine 2178  
imposed for a violation of this section. If any amount of the 2179  
forfeited bail remains after that payment and if a fine is 2180  
imposed under division (H)(1) of this section, the clerk of the 2181  
court shall pay the remaining amount of the forfeited bail 2182  
pursuant to divisions (H)(2) and (3) of this section, as if that 2183  
remaining amount was a fine imposed under division (H)(1) of 2184

this section. 2185

(2) If the offender is a professionally licensed person, 2186  
the court immediately shall comply with section 2925.38 of the 2187  
Revised Code. 2188

(E) When a person is charged with the sale of or offer to 2189  
sell a bulk amount or a multiple of a bulk amount of a 2190  
controlled substance, the jury, or the court trying the accused, 2191  
shall determine the amount of the controlled substance involved 2192  
at the time of the offense and, if a guilty verdict is returned, 2193  
shall return the findings as part of the verdict. In any such 2194  
case, it is unnecessary to find and return the exact amount of 2195  
the controlled substance involved, and it is sufficient if the 2196  
finding and return is to the effect that the amount of the 2197  
controlled substance involved is the requisite amount, or that 2198  
the amount of the controlled substance involved is less than the 2199  
requisite amount. 2200

(F) (1) Notwithstanding any contrary provision of section 2201  
3719.21 of the Revised Code and except as provided in division 2202  
(H) of this section, the clerk of the court shall pay any 2203  
mandatory fine imposed pursuant to division (D) (1) of this 2204  
section and any fine other than a mandatory fine that is imposed 2205  
for a violation of this section pursuant to division (A) or (B) 2206  
(5) of section 2929.18 of the Revised Code to the county, 2207  
township, municipal corporation, park district, as created 2208  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2209  
state law enforcement agencies in this state that primarily were 2210  
responsible for or involved in making the arrest of, and in 2211  
prosecuting, the offender. However, the clerk shall not pay a 2212  
mandatory fine so imposed to a law enforcement agency unless the 2213  
agency has adopted a written internal control policy under 2214

division (F) (2) of this section that addresses the use of the 2215  
fine moneys that it receives. Each agency shall use the 2216  
mandatory fines so paid to subsidize the agency's law 2217  
enforcement efforts that pertain to drug offenses, in accordance 2218  
with the written internal control policy adopted by the 2219  
recipient agency under division (F) (2) of this section. 2220

(2) Prior to receiving any fine moneys under division (F) 2221  
(1) of this section or division (B) of section 2925.42 of the 2222  
Revised Code, a law enforcement agency shall adopt a written 2223  
internal control policy that addresses the agency's use and 2224  
disposition of all fine moneys so received and that provides for 2225  
the keeping of detailed financial records of the receipts of 2226  
those fine moneys, the general types of expenditures made out of 2227  
those fine moneys, and the specific amount of each general type 2228  
of expenditure. The policy shall not provide for or permit the 2229  
identification of any specific expenditure that is made in an 2230  
ongoing investigation. All financial records of the receipts of 2231  
those fine moneys, the general types of expenditures made out of 2232  
those fine moneys, and the specific amount of each general type 2233  
of expenditure by an agency are public records open for 2234  
inspection under section 149.43 of the Revised Code. 2235  
Additionally, a written internal control policy adopted under 2236  
this division is such a public record, and the agency that 2237  
adopted it shall comply with it. 2238

(3) As used in division (F) of this section: 2239

(a) "Law enforcement agencies" includes, but is not 2240  
limited to, the state board of pharmacy and the office of a 2241  
prosecutor. 2242

(b) "Prosecutor" has the same meaning as in section 2243  
2935.01 of the Revised Code. 2244

(G) (1) If the sentencing court suspends the offender's 2245  
driver's or commercial driver's license or permit under division 2246  
(D) of this section or any other provision of this chapter, the 2247  
court shall suspend the license, by order, for not more than 2248  
five years. If an offender's driver's or commercial driver's 2249  
license or permit is suspended pursuant to this division, the 2250  
offender, at any time after the expiration of two years from the 2251  
day on which the offender's sentence was imposed or from the day 2252  
on which the offender finally was released from a prison term 2253  
under the sentence, whichever is later, may file a motion with 2254  
the sentencing court requesting termination of the suspension; 2255  
upon the filing of such a motion and the court's finding of good 2256  
cause for the termination, the court may terminate the 2257  
suspension. 2258

(2) Any offender who received a mandatory suspension of 2259  
the offender's driver's or commercial driver's license or permit 2260  
under this section prior to September 13, 2016, may file a 2261  
motion with the sentencing court requesting the termination of 2262  
the suspension. However, an offender who pleaded guilty to or 2263  
was convicted of a violation of section 4511.19 of the Revised 2264  
Code or a substantially similar municipal ordinance or law of 2265  
another state or the United States that arose out of the same 2266  
set of circumstances as the violation for which the offender's 2267  
license or permit was suspended under this section shall not 2268  
file such a motion. 2269

Upon the filing of a motion under division (G) (2) of this 2270  
section, the sentencing court, in its discretion, may terminate 2271  
the suspension. 2272

(H) (1) In addition to any prison term authorized or 2273  
required by division (C) of this section and sections 2929.13 2274

and 2929.14 of the Revised Code, in addition to any other 2275  
penalty or sanction imposed for the offense under this section 2276  
or sections 2929.11 to 2929.18 of the Revised Code, and in 2277  
addition to the forfeiture of property in connection with the 2278  
offense as prescribed in Chapter 2981. of the Revised Code, the 2279  
court that sentences an offender who is convicted of or pleads 2280  
guilty to a violation of division (A) of this section may impose 2281  
upon the offender an additional fine specified for the offense 2282  
in division (B) (4) of section 2929.18 of the Revised Code. A 2283  
fine imposed under division (H) (1) of this section is not 2284  
subject to division (F) of this section and shall be used solely 2285  
for the support of one or more eligible community addiction 2286  
services providers in accordance with divisions (H) (2) and (3) 2287  
of this section. 2288

(2) The court that imposes a fine under division (H) (1) of 2289  
this section shall specify in the judgment that imposes the fine 2290  
one or more eligible community addiction services providers for 2291  
the support of which the fine money is to be used. No community 2292  
addiction services provider shall receive or use money paid or 2293  
collected in satisfaction of a fine imposed under division (H) 2294  
(1) of this section unless the services provider is specified in 2295  
the judgment that imposes the fine. No community addiction 2296  
services provider shall be specified in the judgment unless the 2297  
services provider is an eligible community addiction services 2298  
provider and, except as otherwise provided in division (H) (2) of 2299  
this section, unless the services provider is located in the 2300  
county in which the court that imposes the fine is located or in 2301  
a county that is immediately contiguous to the county in which 2302  
that court is located. If no eligible community addiction 2303  
services provider is located in any of those counties, the 2304  
judgment may specify an eligible community addiction services 2305

provider that is located anywhere within this state. 2306

(3) Notwithstanding any contrary provision of section 2307  
3719.21 of the Revised Code, the clerk of the court shall pay 2308  
any fine imposed under division (H)(1) of this section to the 2309  
eligible community addiction services provider specified 2310  
pursuant to division (H)(2) of this section in the judgment. The 2311  
eligible community addiction services provider that receives the 2312  
fine moneys shall use the moneys only for the alcohol and drug 2313  
addiction services identified in the application for 2314  
certification of services under section 5119.36 of the Revised 2315  
Code or in the application for a license under section 5119.37 2316  
of the Revised Code filed with the department of mental health 2317  
and addiction services by the community addiction services 2318  
provider specified in the judgment. 2319

(4) Each community addiction services provider that 2320  
receives in a calendar year any fine moneys under division (H) 2321  
(3) of this section shall file an annual report covering that 2322  
calendar year with the court of common pleas and the board of 2323  
county commissioners of the county in which the services 2324  
provider is located, with the court of common pleas and the 2325  
board of county commissioners of each county from which the 2326  
services provider received the moneys if that county is 2327  
different from the county in which the services provider is 2328  
located, and with the attorney general. The community addiction 2329  
services provider shall file the report no later than the first 2330  
day of March in the calendar year following the calendar year in 2331  
which the services provider received the fine moneys. The report 2332  
shall include statistics on the number of persons served by the 2333  
community addiction services provider, identify the types of 2334  
alcohol and drug addiction services provided to those persons, 2335  
and include a specific accounting of the purposes for which the 2336

fine moneys received were used. No information contained in the 2337  
report shall identify, or enable a person to determine the 2338  
identity of, any person served by the community addiction 2339  
services provider. Each report received by a court of common 2340  
pleas, a board of county commissioners, or the attorney general 2341  
is a public record open for inspection under section 149.43 of 2342  
the Revised Code. 2343

(5) As used in divisions (H) (1) to (5) of this section: 2344

(a) "Community addiction services provider" and "alcohol 2345  
and drug addiction services" have the same meanings as in 2346  
section 5119.01 of the Revised Code. 2347

(b) "Eligible community addiction services provider" means 2348  
a community addiction services provider, including a community 2349  
addiction services provider that operates an opioid treatment 2350  
program licensed under section 5119.37 of the Revised Code. 2351

(I) As used in this section, "drug" includes any substance 2352  
that is represented to be a drug. 2353

(J) It is an affirmative defense to a charge of 2354  
trafficking in a controlled substance analog under division (C) 2355  
(8) of this section that the person charged with violating that 2356  
offense sold or offered to sell, or prepared for shipment, 2357  
shipped, transported, delivered, prepared for distribution, or 2358  
distributed an item described in division (HH) (2) (a), (b), or 2359  
(c) of section 3719.01 of the Revised Code. 2360

**Section 5.** That the existing version of section 2925.03 of 2361  
the Revised Code that is scheduled to take effect June 29, 2019, 2362  
is hereby repealed. 2363

**Section 6.** Sections 4 and 5 of this act shall take effect 2364  
June 29, 2019. 2365

**Section 7.** Section 2925.03 of the Revised Code is 2366  
presented in Section 4 of this act as a composite of the section 2367  
as amended by both Am. Sub. H.B. 111 and Am. Sub. S.B. 1 of the 2368  
132nd General Assembly. The General Assembly, applying the 2369  
principle stated in division (B) of section 1.52 of the Revised 2370  
Code that amendments are to be harmonized if reasonably capable 2371  
of simultaneous operation, finds that the composite is the 2372  
resulting version of the section in effect prior to the 2373  
effective date of the section as presented in this act. 2374