

**As Reported by the Senate Health, Human Services and Medicaid
Committee**

132nd General Assembly

**Regular Session
2017-2018**

Sub. S. B. No. 229

Senator Eklund

Cosponsors: Senators Lehner, Beagle, Hackett

A BILL

To amend sections 119.03, 149.43, 149.45, 1751.68, 1
2907.02, 2907.05, 2925.01, 2925.03, 2925.09, 2
2925.11, 2925.23, 2925.34, 3313.752, 3345.41, 3
3707.50, 3719.01, 3719.04, 3719.05, 3719.06, 4
3719.061, 3719.07, 3719.09, 3719.12, 3719.40, 5
3719.43, 3719.44, 3719.61, 3719.811, 3796.01, 6
3923.602, 4729.01, 4729.19, 4729.46, 4729.52, 7
4729.53, 4729.54, 4729.55, 4729.553, 4731.97, 8
and 5164.7511, to enact new section 3719.41 and 9
section 3719.45, and to repeal section 3719.41 10
of the Revised Code to modify the laws 11
pertaining to regulation of controlled 12
substances and to make other changes in the laws 13
administered by the State Board of Pharmacy. 14

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

Section 1. That sections 119.03, 149.43, 149.45, 1751.68, 15
2907.02, 2907.05, 2925.01, 2925.03, 2925.09, 2925.11, 2925.23, 16
2925.34, 3313.752, 3345.41, 3707.50, 3719.01, 3719.04, 3719.05, 17
3719.06, 3719.061, 3719.07, 3719.09, 3719.12, 3719.40, 3719.43, 18

3719.44, 3719.61, 3719.811, 3796.01, 3923.602, 4729.01, 4729.19, 19
4729.46, 4729.52, 4729.53, 4729.54, 4729.55, 4729.553, 4731.97, 20
and 5164.7511 be amended and new section 3719.41 and section 21
3719.45 of the Revised Code be enacted to read as follows: 22

Sec. 119.03. In the adoption, amendment, or rescission of 23
any rule, an agency shall comply with the following procedure: 24

(A) Reasonable public notice shall be given in the 25
register of Ohio at least thirty days prior to the date set for 26
a hearing, in the form the agency determines. The agency shall 27
file copies of the public notice under division (B) of this 28
section. (The agency gives public notice in the register of Ohio 29
when the public notice is published in the register under that 30
division.) 31

The public notice shall include: 32

(1) A statement of the agency's intention to consider 33
adopting, amending, or rescinding a rule; 34

(2) A synopsis of the proposed rule, amendment, or rule to 35
be rescinded or a general statement of the subject matter to 36
which the proposed rule, amendment, or rescission relates; 37

(3) A statement of the reason or purpose for adopting, 38
amending, or rescinding the rule; 39

(4) The date, time, and place of a hearing on the proposed 40
action, which shall be not earlier than the thirty-first nor 41
later than the fortieth day after the proposed rule, amendment, 42
or rescission is filed under division (B) of this section. 43

In addition to public notice given in the register of 44
Ohio, the agency may give whatever other notice it reasonably 45
considers necessary to ensure notice constructively is given to 46

all persons who are subject to or affected by the proposed rule, 47
amendment, or rescission. 48

The agency shall provide a copy of the public notice 49
required under division (A) of this section to any person who 50
requests it and pays a reasonable fee, not to exceed the cost of 51
copying and mailing. 52

(B) The full text of the proposed rule, amendment, or rule 53
to be rescinded, accompanied by the public notice required under 54
division (A) of this section, shall be filed in electronic form 55
with the secretary of state and with the director of the 56
legislative service commission. (If in compliance with this 57
division an agency files more than one proposed rule, amendment, 58
or rescission at the same time, and has prepared a public notice 59
under division (A) of this section that applies to more than one 60
of the proposed rules, amendments, or rescissions, the agency 61
shall file only one notice with the secretary of state and with 62
the director for all of the proposed rules, amendments, or 63
rescissions to which the notice applies.) The proposed rule, 64
amendment, or rescission and public notice shall be filed as 65
required by this division at least sixty-five days prior to the 66
date on which the agency, in accordance with division (E) of 67
this section, issues an order adopting the proposed rule, 68
amendment, or rescission. 69

If the proposed rule, amendment, or rescission 70
incorporates a text or other material by reference, the agency 71
shall comply with sections 121.71 to 121.76 of the Revised Code. 72

The proposed rule, amendment, or rescission shall be 73
available for at least thirty days prior to the date of the 74
hearing at the office of the agency in printed or other legible 75
form without charge to any person affected by the proposal. 76

Failure to furnish such text to any person requesting it shall 77
not invalidate any action of the agency in connection therewith. 78

 If the agency files a revision in the text of the proposed 79
rule, amendment, or rescission, it shall also promptly file the 80
full text of the proposed rule, amendment, or rescission in its 81
revised form in electronic form with the secretary of state and 82
with the director of the legislative service commission. 83

 The agency shall file the rule summary and fiscal analysis 84
prepared under section 127.18 of the Revised Code in electronic 85
form along with a proposed rule, amendment, or rescission or 86
proposed rule, amendment, or rescission in revised form that is 87
filed with the secretary of state or the director of the 88
legislative service commission. 89

 The agency shall file the hearing report relating to a 90
proposed rule, amendment, or rescission in electronic form with 91
the secretary of state and the director of the legislative 92
service commission at the same time the agency files the hearing 93
report with the joint committee on agency rule review. 94

 The director of the legislative service commission shall 95
publish in the register of Ohio the full text of the original 96
and each revised version of a proposed rule, amendment, or 97
rescission; the full text of a public notice; the full text of a 98
rule summary and fiscal analysis; and the full text of a hearing 99
report that is filed with the director under this division. 100

 (C) When an agency files a proposed rule, amendment, or 101
rescission under division (B) of this section, it also shall 102
file in electronic form with the joint committee on agency rule 103
review the full text of the proposed rule, amendment, or rule to 104
be rescinded in the same form and the public notice required 105

under division (A) of this section. (If in compliance with this 106
division an agency files more than one proposed rule, amendment, 107
or rescission at the same time, and has given a public notice 108
under division (A) of this section that applies to more than one 109
of the proposed rules, amendments, or rescissions, the agency 110
shall file only one notice with the joint committee for all of 111
the proposed rules, amendments, or rescissions to which the 112
notice applies.) The proposed rule, amendment, or rescission is 113
subject to legislative review and invalidation under sections 114
106.02, 106.021, and 106.022 of the Revised Code. If the agency 115
makes a revision in a proposed rule, amendment, or rescission 116
after it is filed with the joint committee, the agency promptly 117
shall file the full text of the proposed rule, amendment, or 118
rescission in its revised form in electronic form with the joint 119
committee. 120

An agency shall file the rule summary and fiscal analysis 121
prepared under section 127.18 of the Revised Code in electronic 122
form along with a proposed rule, amendment, or rescission, and 123
along with a proposed rule, amendment, or rescission in revised 124
form, that is filed under this division. 125

If a proposed rule, amendment, or rescission has an 126
adverse impact on businesses, the agency also shall file the 127
business impact analysis, any recommendations received from the 128
common sense initiative office, and the agency's memorandum of 129
response, if any, in electronic form along with the proposed 130
rule, amendment, or rescission, or along with the proposed rule, 131
amendment, or rescission in revised form, that is filed under 132
this division. 133

The agency shall file the hearing report in electronic 134
form with the joint committee before the joint committee holds 135

its public hearing on the proposed rule, amendment, or 136
rescission. The filing of a hearing report does not constitute a 137
revision of the proposed rule, amendment, or rescission to which 138
the hearing report relates. 139

If the proposed rule, amendment, or rescission requires 140
liability insurance, a bond, or any other financial 141
responsibility instrument as a condition of licensure, the 142
agency shall conduct a diligent search to determine if the 143
liability insurance, bond, or other financial responsibility 144
instrument is readily available in the amounts required as a 145
condition of licensure, and shall certify to the joint committee 146
that the search was conducted. 147

A proposed rule, amendment, or rescission that is subject 148
to legislative review under this division may not be adopted 149
under division (E) of this section or filed in final form under 150
section 119.04 of the Revised Code unless the proposed rule, 151
amendment, or rescission has been filed with the joint committee 152
on agency rule review under this division and the time for 153
legislative review of the proposed rule, amendment, or 154
rescission has expired without adoption of a concurrent 155
resolution to invalidate the proposed rule, amendment, or 156
rescission. 157

This division does not apply to: 158

(1) An emergency rule, amendment, or rescission; 159

(2) A proposed rule, amendment, or rescission that must be 160
adopted verbatim by an agency pursuant to federal law or rule, 161
to become effective within sixty days of adoption, in order to 162
continue the operation of a federally reimbursed program in this 163
state, so long as the proposed rule contains both of the 164

following:	165
(a) A statement that it is proposed for the purpose of	166
complying with a federal law or rule;	167
(b) A citation to the federal law or rule that requires	168
verbatim compliance.	169
<u>(3) A proposed rule, amendment, or rescission that, as set</u>	170
<u>forth in section 3719.41 of the Revised Code, must be adopted by</u>	171
<u>the state board of pharmacy pursuant to federal law or rule, to</u>	172
<u>become effective within sixty days of adoption, so long as the</u>	173
<u>proposed rule contains a statement that it is proposed for the</u>	174
<u>purpose of complying with federal law or rule.</u>	175
If a rule or amendment is exempt from legislative review	176
under division (C) (2) of this section, and if the federal law or	177
rule pursuant to which the rule or amendment was adopted	178
expires, is repealed or rescinded, or otherwise terminates, the	179
rule or amendment, or its rescission, is thereafter subject to	180
legislative review under division (C) of this section.	181
(D) On the date and at the time and place designated in	182
the notice, the agency shall conduct a public hearing at which	183
any person affected by the proposed action of the agency may	184
appear and be heard in person, by the person's attorney, or	185
both, may present the person's position, arguments, or	186
contentions, orally or in writing, offer and examine witnesses,	187
and present evidence tending to show that the proposed rule,	188
amendment, or rescission, if adopted or effectuated, will be	189
unreasonable or unlawful. An agency may permit persons affected	190
by the proposed rule, amendment, or rescission to present their	191
positions, arguments, or contentions in writing, not only at the	192
hearing, but also for a reasonable period before, after, or both	193

before and after the hearing. A person who presents a position 194
or arguments or contentions in writing before or after the 195
hearing is not required to appear at the hearing. 196

At the hearing, the testimony shall be recorded. Such 197
record shall be made at the expense of the agency. The agency is 198
required to transcribe a record that is not sight readable only 199
if a person requests transcription of all or part of the record 200
and agrees to reimburse the agency for the costs of the 201
transcription. An agency may require the person to pay in 202
advance all or part of the cost of the transcription. 203

In any hearing under this section the agency may 204
administer oaths or affirmations. 205

The agency shall consider the positions, arguments, or 206
contentions presented at, or before or after, the hearing. The 207
agency shall prepare a hearing summary of the positions, 208
arguments, or contentions, and of the issues raised by the 209
positions, arguments, or contentions. The agency then shall 210
prepare a hearing report explaining, with regard to each issue, 211
how it is reflected in the rule, amendment, or rescission. If an 212
issue is not reflected in the rule, amendment, or rescission, 213
the hearing report shall explain why the issue is not reflected. 214
The agency shall include the hearing summary in the hearing 215
report as an appendix thereto. And, in the hearing report, the 216
agency shall identify the proposed rule, amendment, or 217
rescission to which the hearing report relates. 218

(E) After divisions (A), (B), (C), and (D) of this section 219
have been complied with, and when the time for legislative 220
review under sections 106.02, 106.022, and 106.023 of the 221
Revised Code has expired without adoption of a concurrent 222
resolution to invalidate the proposed rule, amendment, or 223

rescission, the agency may issue an order adopting the proposed 224
rule or the proposed amendment or rescission of the rule, 225
consistent with the synopsis or general statement included in 226
the public notice. At that time the agency shall designate the 227
effective date of the rule, amendment, or rescission, which 228
shall not be earlier than the tenth day after the rule, 229
amendment, or rescission has been filed in its final form as 230
provided in section 119.04 of the Revised Code. 231

(F) Prior to the effective date of a rule, amendment, or 232
rescission, the agency shall make a reasonable effort to inform 233
those affected by the rule, amendment, or rescission and to have 234
available for distribution to those requesting it the full text 235
of the rule as adopted or as amended. 236

(G) (1) If the governor, upon the request of an agency, 237
determines that an emergency requires the immediate adoption, 238
amendment, or rescission of a rule, the governor shall issue an 239
order, the text of which shall be filed in electronic form with 240
the agency, the secretary of state, the director of the 241
legislative service commission, and the joint committee on 242
agency rule review, that the procedure prescribed by this 243
section with respect to the adoption, amendment, or rescission 244
of a specified rule is suspended. The agency may then adopt 245
immediately the emergency rule, amendment, or rescission and it 246
becomes effective on the date the rule, amendment, or 247
rescission, in final form and in compliance with division (A) (2) 248
of section 119.04 of the Revised Code, is filed in electronic 249
form with the secretary of state, the director of the 250
legislative service commission, and the joint committee on 251
agency rule review. The director shall publish the full text of 252
the emergency rule, amendment, or rescission in the register of 253
Ohio. 254

~~The Except as provided in division (G) (2) of this section,~~ 255
~~the emergency rule, amendment, or rescission shall become~~ 256
invalid at the end of the one hundred twentieth day it is in 257
effect. Prior to that date the agency may adopt the emergency 258
rule, amendment, or rescission as a nonemergency rule, 259
amendment, or rescission by complying with the procedure 260
prescribed by this section for the adoption, amendment, and 261
rescission of nonemergency rules. The agency shall not use the 262
procedure of ~~this division (G) (1) of this section~~ to readopt the 263
emergency rule, amendment, or rescission so that, upon the 264
emergency rule, amendment, or rescission becoming invalid under 265
~~this division (G) (1) of this section,~~ the emergency rule, 266
amendment, or rescission will continue in effect without 267
interruption for another one-hundred-twenty-day period, except 268
when section 106.02 of the Revised Code prevents the agency from 269
adopting the emergency rule, amendment, or rescission as a 270
nonemergency rule, amendment, or rescission within the one- 271
hundred-twenty-day period. 272

~~This division~~ Division (G) (1) of this section does not 273
apply to the adoption of any emergency rule, amendment, or 274
rescission by the tax commissioner under division (C) (2) of 275
section 5117.02 of the Revised Code. 276

(2) An emergency rule or amendment adding a substance to 277
a controlled substance schedule shall become invalid at the end 278
of the one hundred eightieth day it is in effect. Prior to that 279
date, the state board of pharmacy may adopt the emergency rule 280
or amendment as a nonemergency rule or amendment by complying 281
with the procedure prescribed by this section for adoption and 282
amendment of nonemergency rules. The board shall not use the 283
procedure of division (G) (1) of this section to readopt the 284
emergency rule or amendment so that, upon the emergency rule or 285

amendment becoming invalid under division (G) (2) of this 286
section, the emergency rule or amendment will continue in effect 287
beyond the one-hundred-eighty-day period. 288

(H) Rules adopted by an authority within the department of 289
job and family services for the administration or enforcement of 290
Chapter 4141. of the Revised Code or of the department of 291
taxation shall be effective without a hearing as provided by 292
this section if the statutes pertaining to such agency 293
specifically give a right of appeal to the board of tax appeals 294
or to a higher authority within the agency or to a court, and 295
also give the appellant a right to a hearing on such appeal. 296
This division does not apply to the adoption of any rule, 297
amendment, or rescission by the tax commissioner under division 298
(C) (1) or (2) of section 5117.02 of the Revised Code, or deny 299
the right to file an action for declaratory judgment as provided 300
in Chapter 2721. of the Revised Code from the decision of the 301
board of tax appeals or of the higher authority within such 302
agency. 303

Sec. 149.43. (A) As used in this section: 304

(1) "Public record" means records kept by any public 305
office, including, but not limited to, state, county, city, 306
village, township, and school district units, and records 307
pertaining to the delivery of educational services by an 308
alternative school in this state kept by the nonprofit or for- 309
profit entity operating the alternative school pursuant to 310
section 3313.533 of the Revised Code. "Public record" does not 311
mean any of the following: 312

(a) Medical records; 313

(b) Records pertaining to probation and parole proceedings 314

or to proceedings related to the imposition of community control sanctions and post-release control sanctions;	315 316
(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	317 318 319
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	320 321 322
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	323 324 325 326 327 328
(f) Records specified in division (A) of section 3107.52 of the Revised Code;	329 330
(g) Trial preparation records;	331
(h) Confidential law enforcement investigatory records;	332
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	333 334
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	335 336
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	337 338 339 340
(l) Records maintained by the department of youth services	341

pertaining to children in its custody released by the department	342
of youth services to the department of rehabilitation and	343
correction pursuant to section 5139.05 of the Revised Code;	344
(m) Intellectual property records;	345
(n) Donor profile records;	346
(o) Records maintained by the department of job and family	347
services pursuant to section 3121.894 of the Revised Code;	348
(p) Peace officer, parole officer, probation officer,	349
bailiff, prosecuting attorney, assistant prosecuting attorney,	350
correctional employee, community-based correctional facility	351
employee, youth services employee, firefighter, EMT, <u>medical</u>	352
<u>director or member of a cooperating physician advisory board of</u>	353
<u>an emergency medical service organization, state board of</u>	354
<u>pharmacy employee,</u> investigator of the bureau of criminal	355
identification and investigation, or federal law enforcement	356
officer residential and familial information;	357
(q) In the case of a county hospital operated pursuant to	358
Chapter 339. of the Revised Code or a municipal hospital	359
operated pursuant to Chapter 749. of the Revised Code,	360
information that constitutes a trade secret, as defined in	361
section 1333.61 of the Revised Code;	362
(r) Information pertaining to the recreational activities	363
of a person under the age of eighteen;	364
(s) In the case of a child fatality review board acting	365
under sections 307.621 to 307.629 of the Revised Code or a	366
review conducted pursuant to guidelines established by the	367
director of health under section 3701.70 of the Revised Code,	368
records provided to the board or director, statements made by	369
board members during meetings of the board or by persons	370

participating in the director's review, and all work products of	371
the board or director, and in the case of a child fatality	372
review board, child fatality review data submitted by the board	373
to the department of health or a national child death review	374
database, other than the report prepared pursuant to division	375
(A) of section 307.626 of the Revised Code;	376
(t) Records provided to and statements made by the	377
executive director of a public children services agency or a	378
prosecuting attorney acting pursuant to section 5153.171 of the	379
Revised Code other than the information released under that	380
section;	381
(u) Test materials, examinations, or evaluation tools used	382
in an examination for licensure as a nursing home administrator	383
that the board of executives of long-term services and supports	384
administers under section 4751.04 of the Revised Code or	385
contracts under that section with a private or government entity	386
to administer;	387
(v) Records the release of which is prohibited by state or	388
federal law;	389
(w) Proprietary information of or relating to any person	390
that is submitted to or compiled by the Ohio venture capital	391
authority created under section 150.01 of the Revised Code;	392
(x) Financial statements and data any person submits for	393
any purpose to the Ohio housing finance agency or the	394
controlling board in connection with applying for, receiving, or	395
accounting for financial assistance from the agency, and	396
information that identifies any individual who benefits directly	397
or indirectly from financial assistance from the agency;	398
(y) Records listed in section 5101.29 of the Revised Code;	399

(z) Discharges recorded with a county recorder under	400
section 317.24 of the Revised Code, as specified in division (B)	401
(2) of that section;	402
(aa) Usage information including names and addresses of	403
specific residential and commercial customers of a municipally	404
owned or operated public utility;	405
(bb) Records described in division (C) of section 187.04	406
of the Revised Code that are not designated to be made available	407
to the public as provided in that division;	408
(cc) Information and records that are made confidential,	409
privileged, and not subject to disclosure under divisions (B)	410
and (C) of section 2949.221 of the Revised Code;	411
(dd) Personal information, as defined in section 149.45 of	412
the Revised Code;	413
(ee) The confidential name, address, and other personally	414
identifiable information of a program participant in the address	415
confidentiality program established under sections 111.41 to	416
111.47 of the Revised Code, including the contents of any	417
application for absent voter's ballots, absent voter's ballot	418
identification envelope statement of voter, or provisional	419
ballot affirmation completed by a program participant who has a	420
confidential voter registration record, and records or portions	421
of records pertaining to that program that identify the number	422
of program participants that reside within a precinct, ward,	423
township, municipal corporation, county, or any other geographic	424
area smaller than the state. As used in this division,	425
"confidential address" and "program participant" have the	426
meaning defined in section 111.41 of the Revised Code.	427
(ff) Orders for active military service of an individual	428

serving or with previous service in the armed forces of the 429
United States, including a reserve component, or the Ohio 430
organized militia, except that, such order becomes a public 431
record on the day that is fifteen years after the published date 432
or effective date of the call to order. 433

(2) "Confidential law enforcement investigatory record" 434
means any record that pertains to a law enforcement matter of a 435
criminal, quasi-criminal, civil, or administrative nature, but 436
only to the extent that the release of the record would create a 437
high probability of disclosure of any of the following: 438

(a) The identity of a suspect who has not been charged 439
with the offense to which the record pertains, or of an 440
information source or witness to whom confidentiality has been 441
reasonably promised; 442

(b) Information provided by an information source or 443
witness to whom confidentiality has been reasonably promised, 444
which information would reasonably tend to disclose the source's 445
or witness's identity; 446

(c) Specific confidential investigatory techniques or 447
procedures or specific investigatory work product; 448

(d) Information that would endanger the life or physical 449
safety of law enforcement personnel, a crime victim, a witness, 450
or a confidential information source. 451

(3) "Medical record" means any document or combination of 452
documents, except births, deaths, and the fact of admission to 453
or discharge from a hospital, that pertains to the medical 454
history, diagnosis, prognosis, or medical condition of a patient 455
and that is generated and maintained in the process of medical 456
treatment. 457

(4) "Trial preparation record" means any record that 458
contains information that is specifically compiled in reasonable 459
anticipation of, or in defense of, a civil or criminal action or 460
proceeding, including the independent thought processes and 461
personal trial preparation of an attorney. 462

(5) "Intellectual property record" means a record, other 463
than a financial or administrative record, that is produced or 464
collected by or for faculty or staff of a state institution of 465
higher learning in the conduct of or as a result of study or 466
research on an educational, commercial, scientific, artistic, 467
technical, or scholarly issue, regardless of whether the study 468
or research was sponsored by the institution alone or in 469
conjunction with a governmental body or private concern, and 470
that has not been publicly released, published, or patented. 471

(6) "Donor profile record" means all records about donors 472
or potential donors to a public institution of higher education 473
except the names and reported addresses of the actual donors and 474
the date, amount, and conditions of the actual donation. 475

(7) "Peace officer, parole officer, probation officer, 476
bailiff, prosecuting attorney, assistant prosecuting attorney, 477
correctional employee, community-based correctional facility 478
employee, youth services employee, firefighter, EMT, medical 479
director or member of a cooperating physician advisory board of 480
an emergency medical service organization, state board of 481
pharmacy employee, investigator of the bureau of criminal 482
identification and investigation, or federal law enforcement 483
officer residential and familial information" means any 484
information that discloses any of the following about a peace 485
officer, parole officer, probation officer, bailiff, prosecuting 486
attorney, assistant prosecuting attorney, correctional employee, 487

community-based correctional facility employee, youth services 488
employee, firefighter, EMT, medical director or member of a 489
cooperating physician advisory board of an emergency medical 490
service organization, state board of pharmacy employee, 491
investigator of the bureau of criminal identification and 492
investigation, or federal law enforcement officer: 493

(a) The address of the actual personal residence of a 494
peace officer, parole officer, probation officer, bailiff, 495
assistant prosecuting attorney, correctional employee, 496
community-based correctional facility employee, youth services 497
employee, firefighter, EMT, medical director or member of a 498
cooperating physician advisory board of an emergency medical 499
service organization, state board of pharmacy employee, an 500
investigator of the bureau of criminal identification and 501
investigation, or federal law enforcement officer, except for 502
the state or political subdivision in which the peace officer, 503
parole officer, probation officer, bailiff, assistant 504
prosecuting attorney, correctional employee, community-based 505
correctional facility employee, youth services employee, 506
firefighter, EMT, medical director or member of a cooperating 507
physician advisory board of an emergency medical service 508
organization, state board of pharmacy employee, investigator of 509
the bureau of criminal identification and investigation, or 510
federal law enforcement officer resides; 511

(b) Information compiled from referral to or participation 512
in an employee assistance program; 513

(c) The social security number, the residential telephone 514
number, any bank account, debit card, charge card, or credit 515
card number, or the emergency telephone number of, or any 516
medical information pertaining to, a peace officer, parole 517

officer, probation officer, bailiff, prosecuting attorney, 518
assistant prosecuting attorney, correctional employee, 519
community-based correctional facility employee, youth services 520
employee, firefighter, EMT, medical director or member of a 521
cooperating physician advisory board of an emergency medical 522
service organization, state board of pharmacy employee, 523
investigator of the bureau of criminal identification and 524
investigation, or federal law enforcement officer; 525

(d) The name of any beneficiary of employment benefits, 526
including, but not limited to, life insurance benefits, provided 527
to a peace officer, parole officer, probation officer, bailiff, 528
prosecuting attorney, assistant prosecuting attorney, 529
correctional employee, community-based correctional facility 530
employee, youth services employee, firefighter, EMT, medical 531
director or member of a cooperating physician advisory board of 532
an emergency medical service organization, state board of 533
pharmacy employee, investigator of the bureau of criminal 534
identification and investigation, or federal law enforcement 535
officer by the peace officer's, parole officer's, probation 536
officer's, bailiff's, prosecuting attorney's, assistant 537
prosecuting attorney's, correctional employee's, community-based 538
correctional facility employee's, youth services employee's, 539
firefighter's, EMT's, medical director or member of a 540
cooperating physician advisory board of an emergency medical 541
service organization's, state board of pharmacy employee's, 542
investigator of the bureau of criminal identification and 543
investigation's, or federal law enforcement officer's employer; 544

(e) The identity and amount of any charitable or 545
employment benefit deduction made by the peace officer's, parole 546
officer's, probation officer's, bailiff's, prosecuting 547
attorney's, assistant prosecuting attorney's, correctional 548

employee's, community-based correctional facility employee's, 549
youth services employee's, firefighter's, EMT's, medical 550
director or member of a cooperating physician advisory board of 551
an emergency medical service organization's, state board of 552
pharmacy employee's, investigator of the bureau of criminal 553
identification and investigation's, or federal law enforcement 554
officer's employer from the peace officer's, parole officer's, 555
probation officer's, bailiff's, prosecuting attorney's, 556
assistant prosecuting attorney's, correctional employee's, 557
community-based correctional facility employee's, youth services 558
employee's, firefighter's, EMT's, medical director or member of 559
a cooperating physician advisory board of an emergency medical 560
service organization's, state board of pharmacy employee's, 561
investigator of the bureau of criminal identification and 562
investigation's, or federal law enforcement officer's 563
compensation unless the amount of the deduction is required by 564
state or federal law; 565

(f) The name, the residential address, the name of the 566
employer, the address of the employer, the social security 567
number, the residential telephone number, any bank account, 568
debit card, charge card, or credit card number, or the emergency 569
telephone number of the spouse, a former spouse, or any child of 570
a peace officer, parole officer, probation officer, bailiff, 571
prosecuting attorney, assistant prosecuting attorney, 572
correctional employee, community-based correctional facility 573
employee, youth services employee, firefighter, EMT, medical 574
director or member of a cooperating physician advisory board of 575
an emergency medical service organization, state board of 576
pharmacy employee, investigator of the bureau of criminal 577
identification and investigation, or federal law enforcement 578
officer; 579

(g) A photograph of a peace officer who holds a position 580
or has an assignment that may include undercover or plain 581
clothes positions or assignments as determined by the peace 582
officer's appointing authority. 583

As used in divisions (A) (7) and (B) (9) of this section, 584
"peace officer" has the same meaning as in section 109.71 of the 585
Revised Code and also includes the superintendent and troopers 586
of the state highway patrol; it does not include the sheriff of 587
a county or a supervisory employee who, in the absence of the 588
sheriff, is authorized to stand in for, exercise the authority 589
of, and perform the duties of the sheriff. 590

As used in divisions (A) (7) and (B) (9) of this section, 591
"correctional employee" means any employee of the department of 592
rehabilitation and correction who in the course of performing 593
the employee's job duties has or has had contact with inmates 594
and persons under supervision. 595

As used in divisions (A) (7) and (B) (9) of this section, 596
"youth services employee" means any employee of the department 597
of youth services who in the course of performing the employee's 598
job duties has or has had contact with children committed to the 599
custody of the department of youth services. 600

As used in divisions (A) (7) and (B) (9) of this section, 601
"firefighter" means any regular, paid or volunteer, member of a 602
lawfully constituted fire department of a municipal corporation, 603
township, fire district, or village. 604

As used in divisions (A) (7) and (B) (9) of this section, 605
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 606
emergency medical services for a public emergency medical 607
service organization. "Emergency medical service organization," 608

"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 609
in section 4765.01 of the Revised Code. 610

As used in divisions (A)(7) and (B)(9) of this section, 611
"investigator of the bureau of criminal identification and 612
investigation" has the meaning defined in section 2903.11 of the 613
Revised Code. 614

As used in divisions (A)(7) and (B)(9) of this section, 615
"federal law enforcement officer" has the meaning defined in 616
section 9.88 of the Revised Code. 617

(8) "Information pertaining to the recreational activities 618
of a person under the age of eighteen" means information that is 619
kept in the ordinary course of business by a public office, that 620
pertains to the recreational activities of a person under the 621
age of eighteen years, and that discloses any of the following: 622

(a) The address or telephone number of a person under the 623
age of eighteen or the address or telephone number of that 624
person's parent, guardian, custodian, or emergency contact 625
person; 626

(b) The social security number, birth date, or 627
photographic image of a person under the age of eighteen; 628

(c) Any medical record, history, or information pertaining 629
to a person under the age of eighteen; 630

(d) Any additional information sought or required about a 631
person under the age of eighteen for the purpose of allowing 632
that person to participate in any recreational activity 633
conducted or sponsored by a public office or to use or obtain 634
admission privileges to any recreational facility owned or 635
operated by a public office. 636

(9) "Community control sanction" has the same meaning as 637
in section 2929.01 of the Revised Code. 638

(10) "Post-release control sanction" has the same meaning 639
as in section 2967.01 of the Revised Code. 640

(11) "Redaction" means obscuring or deleting any 641
information that is exempt from the duty to permit public 642
inspection or copying from an item that otherwise meets the 643
definition of a "record" in section 149.011 of the Revised Code. 644

(12) "Designee" and "elected official" have the same 645
meanings as in section 109.43 of the Revised Code. 646

(B) (1) Upon request and subject to division (B) (8) of this 647
section, all public records responsive to the request shall be 648
promptly prepared and made available for inspection to any 649
person at all reasonable times during regular business hours. 650
Subject to division (B) (8) of this section, upon request, a 651
public office or person responsible for public records shall 652
make copies of the requested public record available at cost and 653
within a reasonable period of time. If a public record contains 654
information that is exempt from the duty to permit public 655
inspection or to copy the public record, the public office or 656
the person responsible for the public record shall make 657
available all of the information within the public record that 658
is not exempt. When making that public record available for 659
public inspection or copying that public record, the public 660
office or the person responsible for the public record shall 661
notify the requester of any redaction or make the redaction 662
plainly visible. A redaction shall be deemed a denial of a 663
request to inspect or copy the redacted information, except if 664
federal or state law authorizes or requires a public office to 665
make the redaction. 666

(2) To facilitate broader access to public records, a public office or the person responsible for public records shall organize and maintain public records in a manner that they can be made available for inspection or copying in accordance with division (B) of this section. A public office also shall have available a copy of its current records retention schedule at a location readily available to the public. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under this section such that the public office or the person responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or the person responsible for the requested public record may deny the request but shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or person's duties.

(3) If a request is ultimately denied, in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. If the initial request was provided in writing, the explanation also shall be provided to the requester in writing. The explanation shall not preclude the public office or the person responsible for the requested public record from relying upon additional reasons or legal authority in defending an action commenced under division (C) of this section.

(4) Unless specifically required or authorized by state or federal law or in accordance with division (B) of this section, no public office or person responsible for public records may

limit or condition the availability of public records by 698
requiring disclosure of the requester's identity or the intended 699
use of the requested public record. Any requirement that the 700
requester disclose the requester's identity or the intended use 701
of the requested public record constitutes a denial of the 702
request. 703

(5) A public office or person responsible for public 704
records may ask a requester to make the request in writing, may 705
ask for the requester's identity, and may inquire about the 706
intended use of the information requested, but may do so only 707
after disclosing to the requester that a written request is not 708
mandatory and that the requester may decline to reveal the 709
requester's identity or the intended use and when a written 710
request or disclosure of the identity or intended use would 711
benefit the requester by enhancing the ability of the public 712
office or person responsible for public records to identify, 713
locate, or deliver the public records sought by the requester. 714

(6) If any person chooses to obtain a copy of a public 715
record in accordance with division (B) of this section, the 716
public office or person responsible for the public record may 717
require that person to pay in advance the cost involved in 718
providing the copy of the public record in accordance with the 719
choice made by the person seeking the copy under this division. 720
The public office or the person responsible for the public 721
record shall permit that person to choose to have the public 722
record duplicated upon paper, upon the same medium upon which 723
the public office or person responsible for the public record 724
keeps it, or upon any other medium upon which the public office 725
or person responsible for the public record determines that it 726
reasonably can be duplicated as an integral part of the normal 727
operations of the public office or person responsible for the 728

public record. When the person seeking the copy makes a choice 729
under this division, the public office or person responsible for 730
the public record shall provide a copy of it in accordance with 731
the choice made by the person seeking the copy. Nothing in this 732
section requires a public office or person responsible for the 733
public record to allow the person seeking a copy of the public 734
record to make the copies of the public record. 735

(7) (a) Upon a request made in accordance with division (B) 736
of this section and subject to division (B) (6) of this section, 737
a public office or person responsible for public records shall 738
transmit a copy of a public record to any person by United 739
States mail or by any other means of delivery or transmission 740
within a reasonable period of time after receiving the request 741
for the copy. The public office or person responsible for the 742
public record may require the person making the request to pay 743
in advance the cost of postage if the copy is transmitted by 744
United States mail or the cost of delivery if the copy is 745
transmitted other than by United States mail, and to pay in 746
advance the costs incurred for other supplies used in the 747
mailing, delivery, or transmission. 748

(b) Any public office may adopt a policy and procedures 749
that it will follow in transmitting, within a reasonable period 750
of time after receiving a request, copies of public records by 751
United States mail or by any other means of delivery or 752
transmission pursuant to division (B) (7) of this section. A 753
public office that adopts a policy and procedures under division 754
(B) (7) of this section shall comply with them in performing its 755
duties under that division. 756

(c) In any policy and procedures adopted under division 757
(B) (7) of this section: 758

(i) A public office may limit the number of records 759
requested by a person that the office will physically deliver by 760
United States mail or by another delivery service to ten per 761
month, unless the person certifies to the office in writing that 762
the person does not intend to use or forward the requested 763
records, or the information contained in them, for commercial 764
purposes; 765

(ii) A public office that chooses to provide some or all 766
of its public records on a web site that is fully accessible to 767
and searchable by members of the public at all times, other than 768
during acts of God outside the public office's control or 769
maintenance, and that charges no fee to search, access, 770
download, or otherwise receive records provided on the web site, 771
may limit to ten per month the number of records requested by a 772
person that the office will deliver in a digital format, unless 773
the requested records are not provided on the web site and 774
unless the person certifies to the office in writing that the 775
person does not intend to use or forward the requested records, 776
or the information contained in them, for commercial purposes. 777

(iii) For purposes of division (B)(7) of this section, 778
"commercial" shall be narrowly construed and does not include 779
reporting or gathering news, reporting or gathering information 780
to assist citizen oversight or understanding of the operation or 781
activities of government, or nonprofit educational research. 782

(8) A public office or person responsible for public 783
records is not required to permit a person who is incarcerated 784
pursuant to a criminal conviction or a juvenile adjudication to 785
inspect or to obtain a copy of any public record concerning a 786
criminal investigation or prosecution or concerning what would 787
be a criminal investigation or prosecution if the subject of the 788

investigation or prosecution were an adult, unless the request 789
to inspect or to obtain a copy of the record is for the purpose 790
of acquiring information that is subject to release as a public 791
record under this section and the judge who imposed the sentence 792
or made the adjudication with respect to the person, or the 793
judge's successor in office, finds that the information sought 794
in the public record is necessary to support what appears to be 795
a justiciable claim of the person. 796

(9) (a) Upon written request made and signed by a 797
journalist on or after December 16, 1999, a public office, or 798
person responsible for public records, having custody of the 799
records of the agency employing a specified peace officer, 800
parole officer, probation officer, bailiff, prosecuting 801
attorney, assistant prosecuting attorney, correctional employee, 802
community-based correctional facility employee, youth services 803
employee, firefighter, EMT, medical director or member of a 804
cooperating physician advisory board of an emergency medical 805
service organization, state board of pharmacy employee, 806
investigator of the bureau of criminal identification and 807
investigation, or federal law enforcement officer shall disclose 808
to the journalist the address of the actual personal residence 809
of the peace officer, parole officer, probation officer, 810
bailiff, prosecuting attorney, assistant prosecuting attorney, 811
correctional employee, community-based correctional facility 812
employee, youth services employee, firefighter, EMT, medical 813
director or member of a cooperating physician advisory board of 814
an emergency medical service organization, state board of 815
pharmacy employee, investigator of the bureau of criminal 816
identification and investigation, or federal law enforcement 817
officer and, if the peace officer's, parole officer's, probation 818
officer's, bailiff's, prosecuting attorney's, assistant 819

prosecuting attorney's, correctional employee's, community-based 820
correctional facility employee's, youth services employee's, 821
firefighter's, EMT's, medical director or member of a 822
cooperating physician advisory board of an emergency medical 823
service organization's, state board of pharmacy employee's, 824
investigator of the bureau of criminal identification and 825
investigation's, or federal law enforcement officer's spouse, 826
former spouse, or child is employed by a public office, the name 827
and address of the employer of the peace officer's, parole 828
officer's, probation officer's, bailiff's, prosecuting 829
attorney's, assistant prosecuting attorney's, correctional 830
employee's, community-based correctional facility employee's, 831
youth services employee's, firefighter's, EMT's, medical 832
director or member of a cooperating physician advisory board of 833
an emergency medical service organization's, state board of 834
pharmacy employee's, investigator of the bureau of criminal 835
identification and investigation's, or federal law enforcement 836
officer's spouse, former spouse, or child. The request shall 837
include the journalist's name and title and the name and address 838
of the journalist's employer and shall state that disclosure of 839
the information sought would be in the public interest. 840

(b) Division (B) (9) (a) of this section also applies to 841
journalist requests for customer information maintained by a 842
municipally owned or operated public utility, other than social 843
security numbers and any private financial information such as 844
credit reports, payment methods, credit card numbers, and bank 845
account information. 846

(c) As used in division (B) (9) of this section, 847
"journalist" means a person engaged in, connected with, or 848
employed by any news medium, including a newspaper, magazine, 849
press association, news agency, or wire service, a radio or 850

television station, or a similar medium, for the purpose of 851
gathering, processing, transmitting, compiling, editing, or 852
disseminating information for the general public. 853

(C) (1) If a person allegedly is aggrieved by the failure 854
of a public office or the person responsible for public records 855
to promptly prepare a public record and to make it available to 856
the person for inspection in accordance with division (B) of 857
this section or by any other failure of a public office or the 858
person responsible for public records to comply with an 859
obligation in accordance with division (B) of this section, the 860
person allegedly aggrieved may do only one of the following, and 861
not both: 862

(a) File a complaint with the clerk of the court of claims 863
or the clerk of the court of common pleas under section 2743.75 864
of the Revised Code; 865

(b) Commence a mandamus action to obtain a judgment that 866
orders the public office or the person responsible for the 867
public record to comply with division (B) of this section, that 868
awards court costs and reasonable attorney's fees to the person 869
that instituted the mandamus action, and, if applicable, that 870
includes an order fixing statutory damages under division (C) (2) 871
of this section. The mandamus action may be commenced in the 872
court of common pleas of the county in which division (B) of 873
this section allegedly was not complied with, in the supreme 874
court pursuant to its original jurisdiction under Section 2 of 875
Article IV, Ohio Constitution, or in the court of appeals for 876
the appellate district in which division (B) of this section 877
allegedly was not complied with pursuant to its original 878
jurisdiction under Section 3 of Article IV, Ohio Constitution. 879

(2) If a requester transmits a written request by hand 880

delivery or certified mail to inspect or receive copies of any 881
public record in a manner that fairly describes the public 882
record or class of public records to the public office or person 883
responsible for the requested public records, except as 884
otherwise provided in this section, the requester shall be 885
entitled to recover the amount of statutory damages set forth in 886
this division if a court determines that the public office or 887
the person responsible for public records failed to comply with 888
an obligation in accordance with division (B) of this section. 889

The amount of statutory damages shall be fixed at one 890
hundred dollars for each business day during which the public 891
office or person responsible for the requested public records 892
failed to comply with an obligation in accordance with division 893
(B) of this section, beginning with the day on which the 894
requester files a mandamus action to recover statutory damages, 895
up to a maximum of one thousand dollars. The award of statutory 896
damages shall not be construed as a penalty, but as compensation 897
for injury arising from lost use of the requested information. 898
The existence of this injury shall be conclusively presumed. The 899
award of statutory damages shall be in addition to all other 900
remedies authorized by this section. 901

The court may reduce an award of statutory damages or not 902
award statutory damages if the court determines both of the 903
following: 904

(a) That, based on the ordinary application of statutory 905
law and case law as it existed at the time of the conduct or 906
threatened conduct of the public office or person responsible 907
for the requested public records that allegedly constitutes a 908
failure to comply with an obligation in accordance with division 909
(B) of this section and that was the basis of the mandamus 910

action, a well-informed public office or person responsible for 911
the requested public records reasonably would believe that the 912
conduct or threatened conduct of the public office or person 913
responsible for the requested public records did not constitute 914
a failure to comply with an obligation in accordance with 915
division (B) of this section; 916

(b) That a well-informed public office or person 917
responsible for the requested public records reasonably would 918
believe that the conduct or threatened conduct of the public 919
office or person responsible for the requested public records 920
would serve the public policy that underlies the authority that 921
is asserted as permitting that conduct or threatened conduct. 922

(3) In a mandamus action filed under division (C) (1) of 923
this section, the following apply: 924

(a) (i) If the court orders the public office or the person 925
responsible for the public record to comply with division (B) of 926
this section, the court shall determine and award to the relator 927
all court costs, which shall be construed as remedial and not 928
punitive. 929

(ii) If the court makes a determination described in 930
division (C) (3) (b) (iii) of this section, the court shall 931
determine and award to the relator all court costs, which shall 932
be construed as remedial and not punitive. 933

(b) If the court renders a judgment that orders the public 934
office or the person responsible for the public record to comply 935
with division (B) of this section or if the court determines any 936
of the following, the court may award reasonable attorney's fees 937
to the relator, subject to the provisions of division (C) (4) of 938
this section: 939

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a

failure to comply with an obligation in accordance with division 970
(B) of this section and that was the basis of the mandamus 971
action, a well-informed public office or person responsible for 972
the requested public records reasonably would believe that the 973
conduct or threatened conduct of the public office or person 974
responsible for the requested public records did not constitute 975
a failure to comply with an obligation in accordance with 976
division (B) of this section; 977

(ii) That a well-informed public office or person 978
responsible for the requested public records reasonably would 979
believe that the conduct or threatened conduct of the public 980
office or person responsible for the requested public records 981
would serve the public policy that underlies the authority that 982
is asserted as permitting that conduct or threatened conduct. 983

(4) All of the following apply to any award of reasonable 984
attorney's fees awarded under division (C) (3) (b) of this 985
section: 986

(a) The fees shall be construed as remedial and not 987
punitive. 988

(b) The fees awarded shall not exceed the total of the 989
reasonable attorney's fees incurred before the public record was 990
made available to the relator and the fees described in division 991
(C) (4) (c) of this section. 992

(c) Reasonable attorney's fees shall include reasonable 993
fees incurred to produce proof of the reasonableness and amount 994
of the fees and to otherwise litigate entitlement to the fees. 995

(d) The court may reduce the amount of fees awarded if the 996
court determines that, given the factual circumstances involved 997
with the specific public records request, an alternative means 998

should have been pursued to more effectively and efficiently 999
resolve the dispute that was subject to the mandamus action 1000
filed under division (C) (1) of this section. 1001

(5) If the court does not issue a writ of mandamus under 1002
division (C) of this section and the court determines at that 1003
time that the bringing of the mandamus action was frivolous 1004
conduct as defined in division (A) of section 2323.51 of the 1005
Revised Code, the court may award to the public office all court 1006
costs, expenses, and reasonable attorney's fees, as determined 1007
by the court. 1008

(D) Chapter 1347. of the Revised Code does not limit the 1009
provisions of this section. 1010

(E) (1) To ensure that all employees of public offices are 1011
appropriately educated about a public office's obligations under 1012
division (B) of this section, all elected officials or their 1013
appropriate designees shall attend training approved by the 1014
attorney general as provided in section 109.43 of the Revised 1015
Code. In addition, all public offices shall adopt a public 1016
records policy in compliance with this section for responding to 1017
public records requests. In adopting a public records policy 1018
under this division, a public office may obtain guidance from 1019
the model public records policy developed and provided to the 1020
public office by the attorney general under section 109.43 of 1021
the Revised Code. Except as otherwise provided in this section, 1022
the policy may not limit the number of public records that the 1023
public office will make available to a single person, may not 1024
limit the number of public records that it will make available 1025
during a fixed period of time, and may not establish a fixed 1026
period of time before it will respond to a request for 1027
inspection or copying of public records, unless that period is 1028

less than eight hours. 1029

(2) The public office shall distribute the public records 1030
policy adopted by the public office under division (E)(1) of 1031
this section to the employee of the public office who is the 1032
records custodian or records manager or otherwise has custody of 1033
the records of that office. The public office shall require that 1034
employee to acknowledge receipt of the copy of the public 1035
records policy. The public office shall create a poster that 1036
describes its public records policy and shall post the poster in 1037
a conspicuous place in the public office and in all locations 1038
where the public office has branch offices. The public office 1039
may post its public records policy on the internet web site of 1040
the public office if the public office maintains an internet web 1041
site. A public office that has established a manual or handbook 1042
of its general policies and procedures for all employees of the 1043
public office shall include the public records policy of the 1044
public office in the manual or handbook. 1045

(F)(1) The bureau of motor vehicles may adopt rules 1046
pursuant to Chapter 119. of the Revised Code to reasonably limit 1047
the number of bulk commercial special extraction requests made 1048
by a person for the same records or for updated records during a 1049
calendar year. The rules may include provisions for charges to 1050
be made for bulk commercial special extraction requests for the 1051
actual cost of the bureau, plus special extraction costs, plus 1052
ten per cent. The bureau may charge for expenses for redacting 1053
information, the release of which is prohibited by law. 1054

(2) As used in division (F)(1) of this section: 1055

(a) "Actual cost" means the cost of depleted supplies, 1056
records storage media costs, actual mailing and alternative 1057
delivery costs, or other transmitting costs, and any direct 1058

equipment operating and maintenance costs, including actual 1059
costs paid to private contractors for copying services. 1060

(b) "Bulk commercial special extraction request" means a 1061
request for copies of a record for information in a format other 1062
than the format already available, or information that cannot be 1063
extracted without examination of all items in a records series, 1064
class of records, or database by a person who intends to use or 1065
forward the copies for surveys, marketing, solicitation, or 1066
resale for commercial purposes. "Bulk commercial special 1067
extraction request" does not include a request by a person who 1068
gives assurance to the bureau that the person making the request 1069
does not intend to use or forward the requested copies for 1070
surveys, marketing, solicitation, or resale for commercial 1071
purposes. 1072

(c) "Commercial" means profit-seeking production, buying, 1073
or selling of any good, service, or other product. 1074

(d) "Special extraction costs" means the cost of the time 1075
spent by the lowest paid employee competent to perform the task, 1076
the actual amount paid to outside private contractors employed 1077
by the bureau, or the actual cost incurred to create computer 1078
programs to make the special extraction. "Special extraction 1079
costs" include any charges paid to a public agency for computer 1080
or records services. 1081

(3) For purposes of divisions (F) (1) and (2) of this 1082
section, "surveys, marketing, solicitation, or resale for 1083
commercial purposes" shall be narrowly construed and does not 1084
include reporting or gathering news, reporting or gathering 1085
information to assist citizen oversight or understanding of the 1086
operation or activities of government, or nonprofit educational 1087
research. 1088

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

Sec. 149.45. (A) As used in this section:

(1) "Personal information" means any of the following:

(a) An individual's social security number;

(b) An individual's state or federal tax identification number;

(c) An individual's driver's license number or state identification number;

(d) An individual's checking account number, savings account number, credit card number, or debit card number;

(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number.

(2) "Public record" and "peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, medical director or member of a cooperating physician advisory board of an emergency medical service organization, state board of pharmacy employee,

investigator of the bureau of criminal identification and 1117
investigation, or federal law enforcement officer residential 1118
and familial information" have the same meanings as in section 1119
149.43 of the Revised Code. 1120

(3) "Truncate" means to redact all but the last four 1121
digits of an individual's social security number. 1122

(B) (1) No public office or person responsible for a public 1123
office's public records shall make available to the general 1124
public on the internet any document that contains an 1125
individual's social security number without otherwise redacting, 1126
encrypting, or truncating the social security number. 1127

(2) A public office or person responsible for a public 1128
office's public records that prior to October 17, 2011, made 1129
available to the general public on the internet any document 1130
that contains an individual's social security number shall 1131
redact, encrypt, or truncate the social security number from 1132
that document. 1133

(3) Divisions (B) (1) and (2) of this section do not apply 1134
to documents that are only accessible through the internet with 1135
a password. 1136

(C) (1) An individual may request that a public office or a 1137
person responsible for a public office's public records redact 1138
personal information of that individual from any record made 1139
available to the general public on the internet. An individual 1140
who makes a request for redaction pursuant to this division 1141
shall make the request in writing on a form developed by the 1142
attorney general and shall specify the personal information to 1143
be redacted and provide any information that identifies the 1144
location of that personal information within a document that 1145

contains that personal information. 1146

(2) Upon receiving a request for a redaction pursuant to 1147
division (C)(1) of this section, a public office or a person 1148
responsible for a public office's public records shall act 1149
within five business days in accordance with the request to 1150
redact the personal information of the individual from any 1151
record made available to the general public on the internet, if 1152
practicable. If a redaction is not practicable, the public 1153
office or person responsible for the public office's public 1154
records shall verbally or in writing within five business days 1155
after receiving the written request explain to the individual 1156
why the redaction is impracticable. 1157

(3) The attorney general shall develop a form to be used 1158
by an individual to request a redaction pursuant to division (C) 1159
(1) of this section. The form shall include a place to provide 1160
any information that identifies the location of the personal 1161
information to be redacted. 1162

(D) (1) A peace officer, parole officer, probation officer, 1163
bailiff, prosecuting attorney, assistant prosecuting attorney, 1164
correctional employee, youth services employee, firefighter, 1165
EMT, medical director or member of a cooperating physician 1166
advisory board of an emergency medical service organization, 1167
state board of pharmacy employee, investigator of the bureau of 1168
criminal identification and investigation, or federal law 1169
enforcement officer may request that a public office other than 1170
a county auditor or a person responsible for the public records 1171
of a public office other than a county auditor redact the 1172
address of the person making the request from any record made 1173
available to the general public on the internet that includes 1174
peace officer, parole officer, probation officer, bailiff, 1175

prosecuting attorney, assistant prosecuting attorney, 1176
correctional employee, youth services employee, firefighter, 1177
EMT, medical director or member of a cooperating physician 1178
advisory board of an emergency medical service organization, 1179
state board of pharmacy employee, investigator of the bureau of 1180
criminal identification and investigation, or federal law 1181
enforcement officer residential and familial information of the 1182
person making the request. A person who makes a request for a 1183
redaction pursuant to this division shall make the request in 1184
writing and on a form developed by the attorney general. 1185

(2) Upon receiving a written request for a redaction 1186
pursuant to division (D)(1) of this section, a public office 1187
other than a county auditor or a person responsible for the 1188
public records of a public office other than a county auditor 1189
shall act within five business days in accordance with the 1190
request to redact the address of the peace officer, parole 1191
officer, probation officer, bailiff, prosecuting attorney, 1192
assistant prosecuting attorney, correctional employee, youth 1193
services employee, firefighter, EMT, medical director or member 1194
of a cooperating physician advisory board of an emergency 1195
medical service organization, state board of pharmacy employee, 1196
investigator of the bureau of criminal identification and 1197
investigation, or federal law enforcement officer making the 1198
request from any record made available to the general public on 1199
the internet that includes peace officer, parole officer, 1200
probation officer, bailiff, prosecuting attorney, assistant 1201
prosecuting attorney, correctional employee, youth services 1202
employee, firefighter, EMT, medical director or member of a 1203
cooperating physician advisory board of an emergency medical 1204
service organization, state board of pharmacy employee, 1205
investigator of the bureau of criminal identification and 1206

investigation, or federal law enforcement officer residential 1207
and familial information of the person making the request, if 1208
practicable. If a redaction is not practicable, the public 1209
office or person responsible for the public office's public 1210
records shall verbally or in writing within five business days 1211
after receiving the written request explain to the peace 1212
officer, parole officer, probation officer, bailiff, prosecuting 1213
attorney, assistant prosecuting attorney, correctional employee, 1214
youth services employee, firefighter, EMT, medical director or 1215
member of a cooperating physician advisory board of an emergency 1216
medical service organization, state board of pharmacy employee, 1217
investigator of the bureau of criminal identification and 1218
investigation, or federal law enforcement officer why the 1219
redaction is impracticable. 1220

(3) Except as provided in this section and section 319.28 1221
of the Revised Code, a public office other than an employer of a 1222
peace officer, parole officer, probation officer, bailiff, 1223
prosecuting attorney, assistant prosecuting attorney, 1224
correctional employee, youth services employee, firefighter, 1225
EMT, medical director or member of a cooperating physician 1226
advisory board of an emergency medical service organization, 1227
state board of pharmacy employee, investigator of the bureau of 1228
criminal identification and investigation, or federal law 1229
enforcement officer or a person responsible for the public 1230
records of the employer is not required to redact the 1231
residential and familial information of the peace officer, 1232
parole officer, probation officer, bailiff, prosecuting 1233
attorney, assistant prosecuting attorney, correctional employee, 1234
youth services employee, firefighter, EMT, medical director or 1235
member of a cooperating physician advisory board of an emergency 1236
medical service organization, state board of pharmacy employee, 1237

investigator of the bureau of criminal identification and 1238
investigation, or federal law enforcement officer from other 1239
records maintained by the public office. 1240

(4) The attorney general shall develop a form to be used 1241
by a peace officer, parole officer, probation officer, bailiff, 1242
prosecuting attorney, assistant prosecuting attorney, 1243
correctional employee, youth services employee, firefighter, 1244
EMT, medical director or member of a cooperating physician 1245
advisory board of an emergency medical service organization, 1246
state board of pharmacy employee, investigator of the bureau of 1247
criminal identification and investigation, or federal law 1248
enforcement officer to request a redaction pursuant to division 1249
(D) (1) of this section. The form shall include a place to 1250
provide any information that identifies the location of the 1251
address of a peace officer, parole officer, probation officer, 1252
bailiff, prosecuting attorney, assistant prosecuting attorney, 1253
correctional employee, youth services employee, firefighter, 1254
EMT, medical director or member of a cooperating physician 1255
advisory board of an emergency medical service organization, 1256
state board of pharmacy employee, investigator of the bureau of 1257
criminal identification and investigation, or federal law 1258
enforcement officer to be redacted. 1259

(E) (1) If a public office or a person responsible for a 1260
public office's public records becomes aware that an electronic 1261
record of that public office that is made available to the 1262
general public on the internet contains an individual's social 1263
security number that was mistakenly not redacted, encrypted, or 1264
truncated as required by division (B) (1) or (2) of this section, 1265
the public office or person responsible for the public office's 1266
public records shall redact, encrypt, or truncate the 1267
individual's social security number within a reasonable period 1268

of time. 1269

(2) A public office or a person responsible for a public 1270
office's public records is not liable in damages in a civil 1271
action for any harm an individual allegedly sustains as a result 1272
of the inclusion of that individual's personal information on 1273
any record made available to the general public on the internet 1274
or any harm a peace officer, parole officer, probation officer, 1275
bailiff, prosecuting attorney, assistant prosecuting attorney, 1276
correctional employee, youth services employee, firefighter, 1277
EMT, medical director or member of a cooperating physician 1278
advisory board of an emergency medical service organization, 1279
state board of pharmacy employee, investigator of the bureau of 1280
criminal identification and investigation, or federal law 1281
enforcement officer sustains as a result of the inclusion of the 1282
address of the peace officer, parole officer, probation officer, 1283
bailiff, prosecuting attorney, assistant prosecuting attorney, 1284
correctional employee, youth services employee, firefighter, 1285
EMT, medical director or member of a cooperating physician 1286
advisory board of an emergency medical service organization, 1287
state board of pharmacy employee, investigator of the bureau of 1288
criminal identification and investigation, or federal law 1289
enforcement officer on any record made available to the general 1290
public on the internet in violation of this section unless the 1291
public office or person responsible for the public office's 1292
public records acted with malicious purpose, in bad faith, or in 1293
a wanton or reckless manner or division (A) (6) (a) or (c) of 1294
section 2744.03 of the Revised Code applies. 1295

Sec. 1751.68. (A) As used in this section: 1296

(1) "Cost-sharing" means the cost to an enrollee under an 1297
individual or group health insuring corporation policy, 1298

contract, or agreement according to any coverage limit, 1299
copayment, coinsurance, deductible, or other out-of-pocket 1300
expense requirements imposed by the policy, contract, or 1301
agreement. 1302

(2) "Drug" has the same meaning as in section 4729.01 of 1303
the Revised Code. 1304

(3) "Medication synchronization" means a pharmacy service 1305
that synchronizes the filling or refilling of prescriptions in a 1306
manner that allows the dispensed drugs to be obtained on the 1307
same date each month. 1308

(4) "Prescriber" has the same meaning as in section 1309
4729.01 of the Revised Code. 1310

(5) "Prescription" means a written, electronic, or oral 1311
order issued by a prescriber for drugs or combinations or 1312
mixtures of drugs to be used by a particular individual. 1313

(B) Notwithstanding section 3901.71 of the Revised Code, 1314
each health insuring corporation policy, contract, or agreement 1315
that provides prescription drug coverage shall provide for 1316
medication synchronization for an enrollee if all of the 1317
following conditions are met: 1318

(1) The enrollee elects to participate in medication 1319
synchronization; 1320

(2) The enrollee, the prescriber, and a pharmacist at a 1321
network pharmacy agree that medication synchronization is in the 1322
best interest of the enrollee; 1323

(3) The prescription drug to be included in the medication 1324
synchronization meets the requirements of division (C) of this 1325
section. 1326

(C) To be eligible for inclusion in medication	1327
synchronization for an enrollee, a prescription drug must meet	1328
all of the following requirements:	1329
(1) Be covered by the policy, contract, or agreement;	1330
(2) Be prescribed for the treatment and management of a	1331
chronic disease or condition and be subject to refills;	1332
(3) Satisfy all relevant prior authorization criteria;	1333
(4) Not have quantity limits, dose optimization criteria,	1334
or other requirements that would be violated if synchronized;	1335
(5) Not have special handling or sourcing needs, as	1336
determined by the policy, contract, or agreement, that require a	1337
single, designated pharmacy to fill or refill the prescription;	1338
(6) Be formulated so that the quantity or amount dispensed	1339
can be effectively divided in order to achieve synchronization;	1340
(7) Not be a schedule II controlled substance, opiate	1341
<u>opioid analgesic</u> , or benzodiazepine, as those terms are defined	1342
in section 3719.01 of the Revised Code.	1343
(D) (1) To provide for medication synchronization under	1344
division (B) of this section, a policy, contract, or agreement	1345
shall authorize coverage of a prescription drug subject to	1346
medication synchronization when the drug is dispensed in a	1347
quantity or amount that is less than a thirty-day supply.	1348
(2) The requirement of division (D) (1) of this section	1349
applies only once for each prescription drug subject to	1350
medication synchronization for the same enrollee, except when	1351
either of the following occurs:	1352
(a) The prescriber changes the dosage or frequency of	1353

administration of the prescription drug subject to medication 1354
synchronization. 1355

(b) The prescriber prescribes a different drug. 1356

(E) (1) A policy, contract, or agreement that provides for 1357
medication synchronization under division (B) of this section 1358
shall permit and apply a prorated daily cost-sharing rate for a 1359
supply of a prescription drug subject to medication 1360
synchronization that is dispensed at a network pharmacy. 1361

(2) Division (E) (1) of this section does not require a 1362
policy, contract, or agreement to waive any cost-sharing 1363
requirement in its entirety. 1364

(F) A policy, contract, or agreement that provides for 1365
medication synchronization under division (B) of this section 1366
shall not use payment structures that incorporate dispensing 1367
fees that are determined by calculating the days' supply of 1368
drugs dispensed. Dispensing fees shall be based exclusively on 1369
the total number of prescriptions that are filled or refilled. 1370

(G) This section does not require a health insuring 1371
corporation to provide to a network pharmacy or a pharmacist at 1372
a network pharmacy any monetary or other financial incentive for 1373
the purpose of encouraging the pharmacy or pharmacist to 1374
recommend medication synchronization to an enrollee. 1375

Sec. 2907.02. (A) (1) No person shall engage in sexual 1376
conduct with another who is not the spouse of the offender or 1377
who is the spouse of the offender but is living separate and 1378
apart from the offender, when any of the following applies: 1379

(a) For the purpose of preventing resistance, the offender 1380
substantially impairs the other person's judgment or control by 1381
administering any drug, intoxicant, or controlled substance to 1382

the other person surreptitiously or by force, threat of force, 1383
or deception. 1384

(b) The other person is less than thirteen years of age, 1385
whether or not the offender knows the age of the other person. 1386

(c) The other person's ability to resist or consent is 1387
substantially impaired because of a mental or physical condition 1388
or because of advanced age, and the offender knows or has 1389
reasonable cause to believe that the other person's ability to 1390
resist or consent is substantially impaired because of a mental 1391
or physical condition or because of advanced age. 1392

(2) No person shall engage in sexual conduct with another 1393
when the offender purposely compels the other person to submit 1394
by force or threat of force. 1395

(B) Whoever violates this section is guilty of rape, a 1396
felony of the first degree. If the offender under division (A) 1397
(1) (a) of this section substantially impairs the other person's 1398
judgment or control by administering any controlled substance 1399
described in a rule adopted under section 3719.41 or 3719.45 of 1400
the Revised Code to the other person surreptitiously or by 1401
force, threat of force, or deception, the prison term imposed 1402
upon the offender shall be one of the prison terms prescribed 1403
for a felony of the first degree in section 2929.14 of the 1404
Revised Code that is not less than five years. Except as 1405
otherwise provided in this division, notwithstanding sections 1406
2929.11 to 2929.14 of the Revised Code, an offender under 1407
division (A) (1) (b) of this section shall be sentenced to a 1408
prison term or term of life imprisonment pursuant to section 1409
2971.03 of the Revised Code. If an offender is convicted of or 1410
pleads guilty to a violation of division (A) (1) (b) of this 1411
section, if the offender was less than sixteen years of age at 1412

the time the offender committed the violation of that division, 1413
and if the offender during or immediately after the commission 1414
of the offense did not cause serious physical harm to the 1415
victim, the victim was ten years of age or older at the time of 1416
the commission of the violation, and the offender has not 1417
previously been convicted of or pleaded guilty to a violation of 1418
this section or a substantially similar existing or former law 1419
of this state, another state, or the United States, the court 1420
shall not sentence the offender to a prison term or term of life 1421
imprisonment pursuant to section 2971.03 of the Revised Code, 1422
and instead the court shall sentence the offender as otherwise 1423
provided in this division. If an offender under division (A) (1) 1424
(b) of this section previously has been convicted of or pleaded 1425
guilty to violating division (A) (1) (b) of this section or to 1426
violating an existing or former law of this state, another 1427
state, or the United States that is substantially similar to 1428
division (A) (1) (b) of this section, if the offender during or 1429
immediately after the commission of the offense caused serious 1430
physical harm to the victim, or if the victim under division (A) 1431
(1) (b) of this section is less than ten years of age, in lieu of 1432
sentencing the offender to a prison term or term of life 1433
imprisonment pursuant to section 2971.03 of the Revised Code, 1434
the court may impose upon the offender a term of life without 1435
parole. If the court imposes a term of life without parole 1436
pursuant to this division, division (F) of section 2971.03 of 1437
the Revised Code applies, and the offender automatically is 1438
classified a tier III sex offender/child-victim offender, as 1439
described in that division. 1440

(C) A victim need not prove physical resistance to the 1441
offender in prosecutions under this section. 1442

(D) Evidence of specific instances of the victim's sexual 1443

activity, opinion evidence of the victim's sexual activity, and 1444
reputation evidence of the victim's sexual activity shall not be 1445
admitted under this section unless it involves evidence of the 1446
origin of semen, pregnancy, or disease, or the victim's past 1447
sexual activity with the offender, and only to the extent that 1448
the court finds that the evidence is material to a fact at issue 1449
in the case and that its inflammatory or prejudicial nature does 1450
not outweigh its probative value. 1451

Evidence of specific instances of the defendant's sexual 1452
activity, opinion evidence of the defendant's sexual activity, 1453
and reputation evidence of the defendant's sexual activity shall 1454
not be admitted under this section unless it involves evidence 1455
of the origin of semen, pregnancy, or disease, the defendant's 1456
past sexual activity with the victim, or is admissible against 1457
the defendant under section 2945.59 of the Revised Code, and 1458
only to the extent that the court finds that the evidence is 1459
material to a fact at issue in the case and that its 1460
inflammatory or prejudicial nature does not outweigh its 1461
probative value. 1462

(E) Prior to taking testimony or receiving evidence of any 1463
sexual activity of the victim or the defendant in a proceeding 1464
under this section, the court shall resolve the admissibility of 1465
the proposed evidence in a hearing in chambers, which shall be 1466
held at or before preliminary hearing and not less than three 1467
days before trial, or for good cause shown during the trial. 1468

(F) Upon approval by the court, the victim may be 1469
represented by counsel in any hearing in chambers or other 1470
proceeding to resolve the admissibility of evidence. If the 1471
victim is indigent or otherwise is unable to obtain the services 1472
of counsel, the court, upon request, may appoint counsel to 1473

represent the victim without cost to the victim. 1474

(G) It is not a defense to a charge under division (A) (2) 1475
of this section that the offender and the victim were married or 1476
were cohabiting at the time of the commission of the offense. 1477

Sec. 2907.05. (A) No person shall have sexual contact with 1478
another, not the spouse of the offender; cause another, not the 1479
spouse of the offender, to have sexual contact with the 1480
offender; or cause two or more other persons to have sexual 1481
contact when any of the following applies: 1482

(1) The offender purposely compels the other person, or 1483
one of the other persons, to submit by force or threat of force. 1484

(2) For the purpose of preventing resistance, the offender 1485
substantially impairs the judgment or control of the other 1486
person or of one of the other persons by administering any drug, 1487
intoxicant, or controlled substance to the other person 1488
surreptitiously or by force, threat of force, or deception. 1489

(3) The offender knows that the judgment or control of the 1490
other person or of one of the other persons is substantially 1491
impaired as a result of the influence of any drug or intoxicant 1492
administered to the other person with the other person's consent 1493
for the purpose of any kind of medical or dental examination, 1494
treatment, or surgery. 1495

(4) The other person, or one of the other persons, is less 1496
than thirteen years of age, whether or not the offender knows 1497
the age of that person. 1498

(5) The ability of the other person to resist or consent 1499
or the ability of one of the other persons to resist or consent 1500
is substantially impaired because of a mental or physical 1501
condition or because of advanced age, and the offender knows or 1502

has reasonable cause to believe that the ability to resist or 1503
consent of the other person or of one of the other persons is 1504
substantially impaired because of a mental or physical condition 1505
or because of advanced age. 1506

(B) No person shall knowingly touch the genitalia of 1507
another, when the touching is not through clothing, the other 1508
person is less than twelve years of age, whether or not the 1509
offender knows the age of that person, and the touching is done 1510
with an intent to abuse, humiliate, harass, degrade, or arouse 1511
or gratify the sexual desire of any person. 1512

(C) Whoever violates this section is guilty of gross 1513
sexual imposition. 1514

(1) Except as otherwise provided in this section, gross 1515
sexual imposition committed in violation of division (A) (1), 1516
(2), (3), or (5) of this section is a felony of the fourth 1517
degree. If the offender under division (A) (2) of this section 1518
substantially impairs the judgment or control of the other 1519
person or one of the other persons by administering any 1520
controlled substance described in a rule adopted under section 1521
3719.41 or 3719.45 of the Revised Code to the person 1522
surreptitiously or by force, threat of force, or deception, 1523
gross sexual imposition committed in violation of division (A) 1524
(2) of this section is a felony of the third degree. 1525

(2) Gross sexual imposition committed in violation of 1526
division (A) (4) or (B) of this section is a felony of the third 1527
degree. Except as otherwise provided in this division, for gross 1528
sexual imposition committed in violation of division (A) (4) or 1529
(B) of this section there is a presumption that a prison term 1530
shall be imposed for the offense. The court shall impose on an 1531
offender convicted of gross sexual imposition in violation of 1532

division (A) (4) or (B) of this section a mandatory prison term 1533
equal to one of the prison terms prescribed in section 2929.14 1534
of the Revised Code for a felony of the third degree if either 1535
of the following applies: 1536

(a) Evidence other than the testimony of the victim was 1537
admitted in the case corroborating the violation; 1538

(b) The offender previously was convicted of or pleaded 1539
guilty to a violation of this section, rape, the former offense 1540
of felonious sexual penetration, or sexual battery, and the 1541
victim of the previous offense was less than thirteen years of 1542
age. 1543

(D) A victim need not prove physical resistance to the 1544
offender in prosecutions under this section. 1545

(E) Evidence of specific instances of the victim's sexual 1546
activity, opinion evidence of the victim's sexual activity, and 1547
reputation evidence of the victim's sexual activity shall not be 1548
admitted under this section unless it involves evidence of the 1549
origin of semen, pregnancy, or disease, or the victim's past 1550
sexual activity with the offender, and only to the extent that 1551
the court finds that the evidence is material to a fact at issue 1552
in the case and that its inflammatory or prejudicial nature does 1553
not outweigh its probative value. 1554

Evidence of specific instances of the defendant's sexual 1555
activity, opinion evidence of the defendant's sexual activity, 1556
and reputation evidence of the defendant's sexual activity shall 1557
not be admitted under this section unless it involves evidence 1558
of the origin of semen, pregnancy, or disease, the defendant's 1559
past sexual activity with the victim, or is admissible against 1560
the defendant under section 2945.59 of the Revised Code, and 1561

only to the extent that the court finds that the evidence is 1562
material to a fact at issue in the case and that its 1563
inflammatory or prejudicial nature does not outweigh its 1564
probative value. 1565

(F) Prior to taking testimony or receiving evidence of any 1566
sexual activity of the victim or the defendant in a proceeding 1567
under this section, the court shall resolve the admissibility of 1568
the proposed evidence in a hearing in chambers, which shall be 1569
held at or before preliminary hearing and not less than three 1570
days before trial, or for good cause shown during the trial. 1571

(G) Upon approval by the court, the victim may be 1572
represented by counsel in any hearing in chambers or other 1573
proceeding to resolve the admissibility of evidence. If the 1574
victim is indigent or otherwise is unable to obtain the services 1575
of counsel, the court, upon request, may appoint counsel to 1576
represent the victim without cost to the victim. 1577

Sec. 2925.01. As used in this chapter: 1578

(A) "Administer," "controlled substance," "controlled 1579
substance analog," "dispense," "distribute," "hypodermic," 1580
"manufacturer," "official written order," "person," 1581
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 1582
"schedule III," "schedule IV," "schedule V," and "wholesaler" 1583
have the same meanings as in section 3719.01 of the Revised 1584
Code. 1585

(B) "Drug dependent person" and "drug of abuse" have the 1586
same meanings as in section 3719.011 of the Revised Code. 1587

(C) "Drug," "dangerous drug," "licensed health 1588
professional authorized to prescribe drugs," and "prescription" 1589
have the same meanings as in section 4729.01 of the Revised 1590

Code. 1591

(D) "Bulk amount" of a controlled substance means any of 1592
the following: 1593

(1) For any compound, mixture, preparation, or substance 1594
included in schedule I, schedule II, or schedule III, with the 1595
exception of controlled substance analogs, marihuana, cocaine, 1596
L.S.D., heroin, and hashish and except as provided in division 1597
(D)(2) or (5) of this section, whichever of the following is 1598
applicable: 1599

(a) An amount equal to or exceeding ten grams or twenty- 1600
five unit doses of a compound, mixture, preparation, or 1601
substance that is or contains any amount of a schedule I opiate 1602
or opium derivative; 1603

(b) An amount equal to or exceeding ten grams of a 1604
compound, mixture, preparation, or substance that is or contains 1605
any amount of raw or gum opium; 1606

(c) An amount equal to or exceeding thirty grams or ten 1607
unit doses of a compound, mixture, preparation, or substance 1608
that is or contains any amount of a schedule I hallucinogen 1609
other than tetrahydrocannabinol or lysergic acid amide, or a 1610
schedule I stimulant or depressant; 1611

(d) An amount equal to or exceeding twenty grams or five 1612
times the maximum daily dose in the usual dose range specified 1613
in a standard pharmaceutical reference manual of a compound, 1614
mixture, preparation, or substance that is or contains any 1615
amount of a schedule II opiate or opium derivative; 1616

(e) An amount equal to or exceeding five grams or ten unit 1617
doses of a compound, mixture, preparation, or substance that is 1618
or contains any amount of phencyclidine; 1619

(f) An amount equal to or exceeding one hundred twenty 1620
grams or thirty times the maximum daily dose in the usual dose 1621
range specified in a standard pharmaceutical reference manual of 1622
a compound, mixture, preparation, or substance that is or 1623
contains any amount of a schedule II stimulant that is in a 1624
final dosage form manufactured by a person authorized by the 1625
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1626
U.S.C.A. 301, as amended, and the federal drug abuse control 1627
laws, as defined in section 3719.01 of the Revised Code, that is 1628
or contains any amount of a schedule II depressant substance or 1629
a schedule II hallucinogenic substance; 1630

(g) An amount equal to or exceeding three grams of a 1631
compound, mixture, preparation, or substance that is or contains 1632
any amount of a schedule II stimulant, or any of its salts or 1633
isomers, that is not in a final dosage form manufactured by a 1634
person authorized by the Federal Food, Drug, and Cosmetic Act 1635
and the federal drug abuse control laws. 1636

(2) An amount equal to or exceeding one hundred twenty 1637
grams or thirty times the maximum daily dose in the usual dose 1638
range specified in a standard pharmaceutical reference manual of 1639
a compound, mixture, preparation, or substance that is or 1640
contains any amount of a schedule III or IV substance other than 1641
an anabolic steroid or a schedule III opiate or opium 1642
derivative; 1643

(3) An amount equal to or exceeding twenty grams or five 1644
times the maximum daily dose in the usual dose range specified 1645
in a standard pharmaceutical reference manual of a compound, 1646
mixture, preparation, or substance that is or contains any 1647
amount of a schedule III opiate or opium derivative; 1648

(4) An amount equal to or exceeding two hundred fifty 1649

milliliters or two hundred fifty grams of a compound, mixture, 1650
preparation, or substance that is or contains any amount of a 1651
schedule V substance; 1652

(5) An amount equal to or exceeding two hundred solid 1653
dosage units, sixteen grams, or sixteen milliliters of a 1654
compound, mixture, preparation, or substance that is or contains 1655
any amount of a schedule III anabolic steroid. 1656

(E) "Unit dose" means an amount or unit of a compound, 1657
mixture, or preparation containing a controlled substance that 1658
is separately identifiable and in a form that indicates that it 1659
is the amount or unit by which the controlled substance is 1660
separately administered to or taken by an individual. 1661

(F) "Cultivate" includes planting, watering, fertilizing, 1662
or tilling. 1663

(G) "Drug abuse offense" means any of the following: 1664

(1) A violation of division (A) of section 2913.02 that 1665
constitutes theft of drugs, or a violation of section 2925.02, 1666
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1667
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1668
or 2925.37 of the Revised Code; 1669

(2) A violation of an existing or former law of this or 1670
any other state or of the United States that is substantially 1671
equivalent to any section listed in division (G)(1) of this 1672
section; 1673

(3) An offense under an existing or former law of this or 1674
any other state, or of the United States, of which planting, 1675
cultivating, harvesting, processing, making, manufacturing, 1676
producing, shipping, transporting, delivering, acquiring, 1677
possessing, storing, distributing, dispensing, selling, inducing 1678

another to use, administering to another, using, or otherwise
dealing with a controlled substance is an element; 1679
1680

(4) A conspiracy to commit, attempt to commit, or
complicity in committing or attempting to commit any offense 1681
1682
under division (G) (1), (2), or (3) of this section. 1683

(H) "Felony drug abuse offense" means any drug abuse 1684
offense that would constitute a felony under the laws of this 1685
state, any other state, or the United States. 1686

(I) "Harmful intoxicant" does not include beer or 1687
intoxicating liquor but means any of the following: 1688

(1) Any compound, mixture, preparation, or substance the 1689
gas, fumes, or vapor of which when inhaled can induce 1690
intoxication, excitement, giddiness, irrational behavior, 1691
depression, stupefaction, paralysis, unconsciousness, 1692
asphyxiation, or other harmful physiological effects, and 1693
includes, but is not limited to, any of the following: 1694

(a) Any volatile organic solvent, plastic cement, model 1695
cement, fingernail polish remover, lacquer thinner, cleaning 1696
fluid, gasoline, or other preparation containing a volatile 1697
organic solvent; 1698

(b) Any aerosol propellant; 1699

(c) Any fluorocarbon refrigerant; 1700

(d) Any anesthetic gas. 1701

(2) Gamma Butyrolactone; 1702

(3) 1,4 Butanediol. 1703

(J) "Manufacture" means to plant, cultivate, harvest, 1704
process, make, prepare, or otherwise engage in any part of the 1705

production of a drug, by propagation, extraction, chemical 1706
synthesis, or compounding, or any combination of the same, and 1707
includes packaging, repackaging, labeling, and other activities 1708
incident to production. 1709

(K) "Possess" or "possession" means having control over a 1710
thing or substance, but may not be inferred solely from mere 1711
access to the thing or substance through ownership or occupation 1712
of the premises upon which the thing or substance is found. 1713

(L) "Sample drug" means a drug or pharmaceutical 1714
preparation that would be hazardous to health or safety if used 1715
without the supervision of a licensed health professional 1716
authorized to prescribe drugs, or a drug of abuse, and that, at 1717
one time, had been placed in a container plainly marked as a 1718
sample by a manufacturer. 1719

(M) "Standard pharmaceutical reference manual" means the 1720
current edition, with cumulative changes if any, of references 1721
that are approved by the state board of pharmacy. 1722

(N) "Juvenile" means a person under eighteen years of age. 1723

(O) "Counterfeit controlled substance" means any of the 1724
following: 1725

(1) Any drug that bears, or whose container or label 1726
bears, a trademark, trade name, or other identifying mark used 1727
without authorization of the owner of rights to that trademark, 1728
trade name, or identifying mark; 1729

(2) Any unmarked or unlabeled substance that is 1730
represented to be a controlled substance manufactured, 1731
processed, packed, or distributed by a person other than the 1732
person that manufactured, processed, packed, or distributed it; 1733

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 1734
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(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 1737
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 1742
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed. 1749
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(R) "School premises" means either of the following: 1756

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed; 1757
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(2) Any other parcel of real property that is owned or 1762

leased by a board of education of a school, the governing 1763
authority of a community school established under Chapter 3314. 1764
of the Revised Code, or the governing body of a nonpublic school 1765
for which the state board of education prescribes minimum 1766
standards under section 3301.07 of the Revised Code and on which 1767
some of the instruction, extracurricular activities, or training 1768
of the school is conducted, whether or not any instruction, 1769
extracurricular activities, or training provided by the school 1770
is being conducted on the parcel of real property at the time a 1771
criminal offense is committed. 1772

(S) "School building" means any building in which any of 1773
the instruction, extracurricular activities, or training 1774
provided by a school is conducted, whether or not any 1775
instruction, extracurricular activities, or training provided by 1776
the school is being conducted in the school building at the time 1777
a criminal offense is committed. 1778

(T) "Disciplinary counsel" means the disciplinary counsel 1779
appointed by the board of commissioners on grievances and 1780
discipline of the supreme court under the Rules for the 1781
Government of the Bar of Ohio. 1782

(U) "Certified grievance committee" means a duly 1783
constituted and organized committee of the Ohio state bar 1784
association or of one or more local bar associations of the 1785
state of Ohio that complies with the criteria set forth in Rule 1786
V, section 6 of the Rules for the Government of the Bar of Ohio. 1787

(V) "Professional license" means any license, permit, 1788
certificate, registration, qualification, admission, temporary 1789
license, temporary permit, temporary certificate, or temporary 1790
registration that is described in divisions (W)(1) to (36) of 1791
this section and that qualifies a person as a professionally 1792

licensed person. 1793

(W) "Professionally licensed person" means any of the 1794
following: 1795

~~(1) A person who has obtained a license as a manufacturer~~ 1796
~~of controlled substances or a wholesaler of controlled~~ 1797
~~substances under Chapter 3719. of the Revised Code;~~ 1798

~~(2)~~ A person who has received a certificate or temporary 1799
certificate as a certified public accountant or who has 1800
registered as a public accountant under Chapter 4701. of the 1801
Revised Code and who holds an Ohio permit issued under that 1802
chapter; 1803

~~(3)~~ (2) A person who holds a certificate of qualification 1804
to practice architecture issued or renewed and registered under 1805
Chapter 4703. of the Revised Code; 1806

~~(4)~~ (3) A person who is registered as a landscape 1807
architect under Chapter 4703. of the Revised Code or who holds a 1808
permit as a landscape architect issued under that chapter; 1809

~~(5)~~ (4) A person licensed under Chapter 4707. of the 1810
Revised Code; 1811

~~(6)~~ (5) A person who has been issued a certificate of 1812
registration as a registered barber under Chapter 4709. of the 1813
Revised Code; 1814

~~(7)~~ (6) A person licensed and regulated to engage in the 1815
business of a debt pooling company by a legislative authority, 1816
under authority of Chapter 4710. of the Revised Code; 1817

~~(8)~~ (7) A person who has been issued a cosmetologist's 1818
license, hair designer's license, manicurist's license, 1819
esthetician's license, natural hair stylist's license, advanced 1820

cosmetologist's license, advanced hair designer's license, 1821
advanced manicurist's license, advanced esthetician's license, 1822
advanced natural hair stylist's license, cosmetology 1823
instructor's license, hair design instructor's license, 1824
manicurist instructor's license, esthetics instructor's license, 1825
natural hair style instructor's license, independent 1826
contractor's license, or tanning facility permit under Chapter 1827
4713. of the Revised Code; 1828

~~(9)~~ (8) A person who has been issued a license to practice 1829
dentistry, a general anesthesia permit, a conscious intravenous 1830
sedation permit, a limited resident's license, a limited 1831
teaching license, a dental hygienist's license, or a dental 1832
hygienist's teacher's certificate under Chapter 4715. of the 1833
Revised Code; 1834

~~(10)~~ (9) A person who has been issued an embalmer's 1835
license, a funeral director's license, a funeral home license, 1836
or a crematory license, or who has been registered for an 1837
embalmer's or funeral director's apprenticeship under Chapter 1838
4717. of the Revised Code; 1839

~~(11)~~ (10) A person who has been licensed as a registered 1840
nurse or practical nurse, or who has been issued a certificate 1841
for the practice of nurse-midwifery under Chapter 4723. of the 1842
Revised Code; 1843

~~(12)~~ (11) A person who has been licensed to practice 1844
optometry or to engage in optical dispensing under Chapter 4725. 1845
of the Revised Code; 1846

~~(13)~~ (12) A person licensed to act as a pawnbroker under 1847
Chapter 4727. of the Revised Code; 1848

~~(14)~~ (13) A person licensed to act as a precious metals 1849

dealer under Chapter 4728. of the Revised Code;	1850
(15) (14) A person licensed as a pharmacist, a or pharmacy	1851
intern, a wholesale distributor of dangerous drugs, or a	1852
terminal distributor of dangerous drugs under Chapter 4729. of	1853
the Revised Code;	1854
<u>(15) A person licensed under Chapter 4729. of the Revised</u>	1855
<u>Code as a manufacturer of dangerous drugs, outsourcing facility,</u>	1856
<u>third-party logistics provider, repackager of dangerous drugs,</u>	1857
<u>wholesale distributor of dangerous drugs, or terminal</u>	1858
<u>distributor of dangerous drugs;</u>	1859
(16) A person who is authorized to practice as a physician	1860
assistant under Chapter 4730. of the Revised Code;	1861
(17) A person who has been issued a license to practice	1862
medicine and surgery, osteopathic medicine and surgery, or	1863
podiatric medicine and surgery under Chapter 4731. of the	1864
Revised Code or has been issued a certificate to practice a	1865
limited branch of medicine under that chapter;	1866
(18) A person licensed as a psychologist or school	1867
psychologist under Chapter 4732. of the Revised Code;	1868
(19) A person registered to practice the profession of	1869
engineering or surveying under Chapter 4733. of the Revised	1870
Code;	1871
(20) A person who has been issued a license to practice	1872
chiropractic under Chapter 4734. of the Revised Code;	1873
(21) A person licensed to act as a real estate broker or	1874
real estate salesperson under Chapter 4735. of the Revised Code;	1875
(22) A person registered as a registered sanitarian under	1876
Chapter 4736. of the Revised Code;	1877

(23) A person licensed to operate or maintain a junkyard	1878
under Chapter 4737. of the Revised Code;	1879
(24) A person who has been issued a motor vehicle salvage	1880
dealer's license under Chapter 4738. of the Revised Code;	1881
(25) A person who has been licensed to act as a steam	1882
engineer under Chapter 4739. of the Revised Code;	1883
(26) A person who has been issued a license or temporary	1884
permit to practice veterinary medicine or any of its branches,	1885
or who is registered as a graduate animal technician under	1886
Chapter 4741. of the Revised Code;	1887
(27) A person who has been issued a hearing aid dealer's	1888
or fitter's license or trainee permit under Chapter 4747. of the	1889
Revised Code;	1890
(28) A person who has been issued a class A, class B, or	1891
class C license or who has been registered as an investigator or	1892
security guard employee under Chapter 4749. of the Revised Code;	1893
(29) A person licensed and registered to practice as a	1894
nursing home administrator under Chapter 4751. of the Revised	1895
Code;	1896
(30) A person licensed to practice as a speech-language	1897
pathologist or audiologist under Chapter 4753. of the Revised	1898
Code;	1899
(31) A person issued a license as an occupational	1900
therapist or physical therapist under Chapter 4755. of the	1901
Revised Code;	1902
(32) A person who is licensed as a licensed professional	1903
clinical counselor, licensed professional counselor, social	1904
worker, independent social worker, independent marriage and	1905

family therapist, or marriage and family therapist, or 1906
registered as a social work assistant under Chapter 4757. of the 1907
Revised Code; 1908

(33) A person issued a license to practice dietetics under 1909
Chapter 4759. of the Revised Code; 1910

(34) A person who has been issued a license or limited 1911
permit to practice respiratory therapy under Chapter 4761. of 1912
the Revised Code; 1913

(35) A person who has been issued a real estate appraiser 1914
certificate under Chapter 4763. of the Revised Code; 1915

(36) A person who has been admitted to the bar by order of 1916
the supreme court in compliance with its prescribed and 1917
published rules. 1918

(X) "Cocaine" means any of the following: 1919

(1) A cocaine salt, isomer, or derivative, a salt of a 1920
cocaine isomer or derivative, or the base form of cocaine; 1921

(2) Coca leaves or a salt, compound, derivative, or 1922
preparation of coca leaves, including ecgonine, a salt, isomer, 1923
or derivative of ecgonine, or a salt of an isomer or derivative 1924
of ecgonine; 1925

(3) A salt, compound, derivative, or preparation of a 1926
substance identified in division (X)(1) or (2) of this section 1927
that is chemically equivalent to or identical with any of those 1928
substances, except that the substances shall not include 1929
decocainized coca leaves or extraction of coca leaves if the 1930
extractions do not contain cocaine or ecgonine. 1931

(Y) "L.S.D." means lysergic acid diethylamide. 1932

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

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

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

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

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

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

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

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

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	1961 1962
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	1963 1964
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	1965 1966 1967
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	1968 1969 1970 1971 1972
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	1973 1974 1975 1976 1977
(KK) "Deception" and "theft offense" have <u>has</u> the same meanings <u>meaning</u> as in section 2913.01 of the Revised Code.	1978 1979
Sec. 2925.03. (A) No person shall knowingly do any of the following:	1980 1981
(1) Sell or offer to sell a controlled substance or a controlled substance analog;	1982 1983
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by	1984 1985 1986 1987 1988

the offender or another person.	1989
(B) This section does not apply to any of the following:	1990
(1) Manufacturers, licensed health professionals	1991
authorized to prescribe drugs, pharmacists, owners of	1992
pharmacies, and other persons whose conduct is in accordance	1993
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1994
4741. of the Revised Code;	1995
(2) If the offense involves an anabolic steroid, any	1996
person who is conducting or participating in a research project	1997
involving the use of an anabolic steroid if the project has been	1998
approved by the United States food and drug administration;	1999
(3) Any person who sells, offers for sale, prescribes,	2000
dispenses, or administers for livestock or other nonhuman	2001
species an anabolic steroid that is expressly intended for	2002
administration through implants to livestock or other nonhuman	2003
species and approved for that purpose under the "Federal Food,	2004
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	2005
as amended, and is sold, offered for sale, prescribed,	2006
dispensed, or administered for that purpose in accordance with	2007
that act.	2008
(C) Whoever violates division (A) of this section is	2009
guilty of one of the following:	2010
(1) If the drug involved in the violation is any compound,	2011
mixture, preparation, or substance included in schedule I or	2012
schedule II, with the exception of marihuana, cocaine, L.S.D.,	2013
heroin, hashish, and controlled substance analogs, whoever	2014
violates division (A) of this section is guilty of aggravated	2015
trafficking in drugs. The penalty for the offense shall be	2016
determined as follows:	2017

(a) Except as otherwise provided in division (C) (1) (b), 2018
(c), (d), (e), or (f) of this section, aggravated trafficking in 2019
drugs is a felony of the fourth degree, and division (C) of 2020
section 2929.13 of the Revised Code applies in determining 2021
whether to impose a prison term on the offender. 2022

(b) Except as otherwise provided in division (C) (1) (c), 2023
(d), (e), or (f) of this section, if the offense was committed 2024
in the vicinity of a school or in the vicinity of a juvenile, 2025
aggravated trafficking in drugs is a felony of the third degree, 2026
and division (C) of section 2929.13 of the Revised Code applies 2027
in determining whether to impose a prison term on the offender. 2028

(c) Except as otherwise provided in this division, if the 2029
amount of the drug involved equals or exceeds the bulk amount 2030
but is less than five times the bulk amount, aggravated 2031
trafficking in drugs is a felony of the third degree, and, 2032
except as otherwise provided in this division, there is a 2033
presumption for a prison term for the offense. If aggravated 2034
trafficking in drugs is a felony of the third degree under this 2035
division and if the offender two or more times previously has 2036
been convicted of or pleaded guilty to a felony drug abuse 2037
offense, the court shall impose as a mandatory prison term one 2038
of the prison terms prescribed for a felony of the third degree. 2039
If the amount of the drug involved is within that range and if 2040
the offense was committed in the vicinity of a school or in the 2041
vicinity of a juvenile, aggravated trafficking in drugs is a 2042
felony of the second degree, and the court shall impose as a 2043
mandatory prison term one of the prison terms prescribed for a 2044
felony of the second degree. 2045

(d) Except as otherwise provided in this division, if the 2046
amount of the drug involved equals or exceeds five times the 2047

bulk amount but is less than fifty times the bulk amount, 2048
aggravated trafficking in drugs is a felony of the second 2049
degree, and the court shall impose as a mandatory prison term 2050
one of the prison terms prescribed for a felony of the second 2051
degree. If the amount of the drug involved is within that range 2052
and if the offense was committed in the vicinity of a school or 2053
in the vicinity of a juvenile, aggravated trafficking in drugs 2054
is a felony of the first degree, and the court shall impose as a 2055
mandatory prison term one of the prison terms prescribed for a 2056
felony of the first degree. 2057

(e) If the amount of the drug involved equals or exceeds 2058
fifty times the bulk amount but is less than one hundred times 2059
the bulk amount and regardless of whether the offense was 2060
committed in the vicinity of a school or in the vicinity of a 2061
juvenile, aggravated trafficking in drugs is a felony of the 2062
first degree, and the court shall impose as a mandatory prison 2063
term one of the prison terms prescribed for a felony of the 2064
first degree. 2065

(f) If the amount of the drug involved equals or exceeds 2066
one hundred times the bulk amount and regardless of whether the 2067
offense was committed in the vicinity of a school or in the 2068
vicinity of a juvenile, aggravated trafficking in drugs is a 2069
felony of the first degree, the offender is a major drug 2070
offender, and the court shall impose as a mandatory prison term 2071
the maximum prison term prescribed for a felony of the first 2072
degree. 2073

(2) If the drug involved in the violation is any compound, 2074
mixture, preparation, or substance included in schedule III, IV, 2075
or V, whoever violates division (A) of this section is guilty of 2076
trafficking in drugs. The penalty for the offense shall be 2077

determined as follows: 2078

(a) Except as otherwise provided in division (C) (2) (b), 2079
(c), (d), or (e) of this section, trafficking in drugs is a 2080
felony of the fifth degree, and division (B) of section 2929.13 2081
of the Revised Code applies in determining whether to impose a 2082
prison term on the offender. 2083

(b) Except as otherwise provided in division (C) (2) (c), 2084
(d), or (e) of this section, if the offense was committed in the 2085
vicinity of a school or in the vicinity of a juvenile, 2086
trafficking in drugs is a felony of the fourth degree, and 2087
division (C) of section 2929.13 of the Revised Code applies in 2088
determining whether to impose a prison term on the offender. 2089

(c) Except as otherwise provided in this division, if the 2090
amount of the drug involved equals or exceeds the bulk amount 2091
but is less than five times the bulk amount, trafficking in 2092
drugs is a felony of the fourth degree, and division (B) of 2093
section 2929.13 of the Revised Code applies in determining 2094
whether to impose a prison term for the offense. If the amount 2095
of the drug involved is within that range and if the offense was 2096
committed in the vicinity of a school or in the vicinity of a 2097
juvenile, trafficking in drugs is a felony of the third degree, 2098
and there is a presumption for a prison term for the offense. 2099

(d) Except as otherwise provided in this division, if the 2100
amount of the drug involved equals or exceeds five times the 2101
bulk amount but is less than fifty times the bulk amount, 2102
trafficking in drugs is a felony of the third degree, and there 2103
is a presumption for a prison term for the offense. If the 2104
amount of the drug involved is within that range and if the 2105
offense was committed in the vicinity of a school or in the 2106
vicinity of a juvenile, trafficking in drugs is a felony of the 2107

second degree, and there is a presumption for a prison term for 2108
the offense. 2109

(e) Except as otherwise provided in this division, if the 2110
amount of the drug involved equals or exceeds fifty times the 2111
bulk amount, trafficking in drugs is a felony of the second 2112
degree, and the court shall impose as a mandatory prison term 2113
one of the prison terms prescribed for a felony of the second 2114
degree. If the amount of the drug involved equals or exceeds 2115
fifty times the bulk amount and if the offense was committed in 2116
the vicinity of a school or in the vicinity of a juvenile, 2117
trafficking in drugs is a felony of the first degree, and the 2118
court shall impose as a mandatory prison term one of the prison 2119
terms prescribed for a felony of the first degree. 2120

(3) If the drug involved in the violation is marihuana or 2121
a compound, mixture, preparation, or substance containing 2122
marihuana other than hashish, whoever violates division (A) of 2123
this section is guilty of trafficking in marihuana. The penalty 2124
for the offense shall be determined as follows: 2125

(a) Except as otherwise provided in division (C) (3) (b), 2126
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 2127
marihuana is a felony of the fifth degree, and division (B) of 2128
section 2929.13 of the Revised Code applies in determining 2129
whether to impose a prison term on the offender. 2130

(b) Except as otherwise provided in division (C) (3) (c), 2131
(d), (e), (f), (g), or (h) of this section, if the offense was 2132
committed in the vicinity of a school or in the vicinity of a 2133
juvenile, trafficking in marihuana is a felony of the fourth 2134
degree, and division (B) of section 2929.13 of the Revised Code 2135
applies in determining whether to impose a prison term on the 2136
offender. 2137

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

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana 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, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana 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, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term

shall be imposed for the offense. 2169

(f) Except as otherwise provided in this division, if the 2170
amount of the drug involved equals or exceeds twenty thousand 2171
grams but is less than forty thousand grams, trafficking in 2172
marihuana is a felony of the second degree, and the court shall 2173
impose a mandatory prison term of five, six, seven, or eight 2174
years. If the amount of the drug involved is within that range 2175
and if the offense was committed in the vicinity of a school or 2176
in the vicinity of a juvenile, trafficking in marihuana is a 2177
felony of the first degree, and the court shall impose as a 2178
mandatory prison term the maximum prison term prescribed for a 2179
felony of the first degree. 2180

(g) Except as otherwise provided in this division, if the 2181
amount of the drug involved equals or exceeds forty thousand 2182
grams, trafficking in marihuana is a felony of the second 2183
degree, and the court shall impose as a mandatory prison term 2184
the maximum prison term prescribed for a felony of the second 2185
degree. If the amount of the drug involved equals or exceeds 2186
forty thousand grams and if the offense was committed in the 2187
vicinity of a school or in the vicinity of a juvenile, 2188
trafficking in marihuana is a felony of the first degree, and 2189
the court shall impose as a mandatory prison term the maximum 2190
prison term prescribed for a felony of the first degree. 2191

(h) Except as otherwise provided in this division, if the 2192
offense involves a gift of twenty grams or less of marihuana, 2193
trafficking in marihuana is a minor misdemeanor upon a first 2194
offense and a misdemeanor of the third degree upon a subsequent 2195
offense. If the offense involves a gift of twenty grams or less 2196
of marihuana and if the offense was committed in the vicinity of 2197
a school or in the vicinity of a juvenile, trafficking in 2198

marihuana is a misdemeanor of the third degree. 2199

(4) If the drug involved in the violation is cocaine or a 2200
compound, mixture, preparation, or substance containing cocaine, 2201
whoever violates division (A) of this section is guilty of 2202
trafficking in cocaine. The penalty for the offense shall be 2203
determined as follows: 2204

(a) Except as otherwise provided in division (C) (4) (b), 2205
(c), (d), (e), (f), or (g) of this section, trafficking in 2206
cocaine is a felony of the fifth degree, and division (B) of 2207
section 2929.13 of the Revised Code applies in determining 2208
whether to impose a prison term on the offender. 2209

(b) Except as otherwise provided in division (C) (4) (c), 2210
(d), (e), (f), or (g) of this section, if the offense was 2211
committed in the vicinity of a school or in the vicinity of a 2212
juvenile, trafficking in cocaine is a felony of the fourth 2213
degree, and division (C) of section 2929.13 of the Revised Code 2214
applies in determining whether to impose a prison term on the 2215
offender. 2216

(c) Except as otherwise provided in this division, if the 2217
amount of the drug involved equals or exceeds five grams but is 2218
less than ten grams of cocaine, trafficking in cocaine is a 2219
felony of the fourth degree, and division (B) of section 2929.13 2220
of the Revised Code applies in determining whether to impose a 2221
prison term for the offense. If the amount of the drug involved 2222
is within that range and if the offense was committed in the 2223
vicinity of a school or in the vicinity of a juvenile, 2224
trafficking in cocaine is a felony of the third degree, and 2225
there is a presumption for a prison term for the offense. 2226

(d) Except as otherwise provided in this division, if the 2227

amount of the drug involved equals or exceeds ten grams but is 2228
less than twenty grams of cocaine, trafficking in cocaine is a 2229
felony of the third degree, and, except as otherwise provided in 2230
this division, there is a presumption for a prison term for the 2231
offense. If trafficking in cocaine is a felony of the third 2232
degree under this division and if the offender two or more times 2233
previously has been convicted of or pleaded guilty to a felony 2234
drug abuse offense, the court shall impose as a mandatory prison 2235
term one of the prison terms prescribed for a felony of the 2236
third degree. If the amount of the drug involved is within that 2237
range and if the offense was committed in the vicinity of a 2238
school or in the vicinity of a juvenile, trafficking in cocaine 2239
is a felony of the second degree, and the court shall impose as 2240
a mandatory prison term one of the prison terms prescribed for a 2241
felony of the second degree. 2242

(e) Except as otherwise provided in this division, if the 2243
amount of the drug involved equals or exceeds twenty grams but 2244
is less than twenty-seven grams of cocaine, trafficking in 2245
cocaine is a felony of the second degree, and the court shall 2246
impose as a mandatory prison term one of the prison terms 2247
prescribed for a felony of the second degree. If the amount of 2248
the drug involved is within that range and if the offense was 2249
committed in the vicinity of a school or in the vicinity of a 2250
juvenile, trafficking in cocaine is a felony of the first 2251
degree, and the court shall impose as a mandatory prison term 2252
one of the prison terms prescribed for a felony of the first 2253
degree. 2254

(f) If the amount of the drug involved equals or exceeds 2255
twenty-seven grams but is less than one hundred grams of cocaine 2256
and regardless of whether the offense was committed in the 2257
vicinity of a school or in the vicinity of a juvenile, 2258

trafficking in cocaine is a felony of the first degree, and the 2259
court shall impose as a mandatory prison term one of the prison 2260
terms prescribed for a felony of the first degree. 2261

(g) If the amount of the drug involved equals or exceeds 2262
one hundred grams of cocaine and regardless of whether the 2263
offense was committed in the vicinity of a school or in the 2264
vicinity of a juvenile, trafficking in cocaine is a felony of 2265
the first degree, the offender is a major drug offender, and the 2266
court shall impose as a mandatory prison term the maximum prison 2267
term prescribed for a felony of the first degree. 2268

(5) If the drug involved in the violation is L.S.D. or a 2269
compound, mixture, preparation, or substance containing L.S.D., 2270
whoever violates division (A) of this section is guilty of 2271
trafficking in L.S.D. The penalty for the offense shall be 2272
determined as follows: 2273

(a) Except as otherwise provided in division (C) (5) (b), 2274
(c), (d), (e), (f), or (g) of this section, trafficking in 2275
L.S.D. is a felony of the fifth degree, and division (B) of 2276
section 2929.13 of the Revised Code applies in determining 2277
whether to impose a prison term on the offender. 2278

(b) Except as otherwise provided in division (C) (5) (c), 2279
(d), (e), (f), or (g) of this section, if the offense was 2280
committed in the vicinity of a school or in the vicinity of a 2281
juvenile, trafficking in L.S.D. is a felony of the fourth 2282
degree, and division (C) of section 2929.13 of the Revised Code 2283
applies in determining whether to impose a prison term on the 2284
offender. 2285

(c) Except as otherwise provided in this division, if the 2286
amount of the drug involved equals or exceeds ten unit doses but 2287

is less than fifty unit doses of L.S.D. in a solid form or 2288
equals or exceeds one gram but is less than five grams of L.S.D. 2289
in a liquid concentrate, liquid extract, or liquid distillate 2290
form, trafficking in L.S.D. is a felony of the fourth degree, 2291
and division (B) of section 2929.13 of the Revised Code applies 2292
in determining whether to impose a prison term for the offense. 2293
If the amount of the drug involved is within that range and if 2294
the offense was committed in the vicinity of a school or in the 2295
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 2296
third degree, and there is a presumption for a prison term for 2297
the offense. 2298

(d) Except as otherwise provided in this division, if the 2299
amount of the drug involved equals or exceeds fifty unit doses 2300
but is less than two hundred fifty unit doses of L.S.D. in a 2301
solid form or equals or exceeds five grams but is less than 2302
twenty-five grams of L.S.D. in a liquid concentrate, liquid 2303
extract, or liquid distillate form, trafficking in L.S.D. is a 2304
felony of the third degree, and, except as otherwise provided in 2305
this division, there is a presumption for a prison term for the 2306
offense. If trafficking in L.S.D. is a felony of the third 2307
degree under this division and if the offender two or more times 2308
previously has been convicted of or pleaded guilty to a felony 2309
drug abuse offense, the court shall impose as a mandatory prison 2310
term one of the prison terms prescribed for a felony of the 2311
third degree. If the amount of the drug involved is within that 2312
range and if the offense was committed in the vicinity of a 2313
school or in the vicinity of a juvenile, trafficking in L.S.D. 2314
is a felony of the second degree, and the court shall impose as 2315
a mandatory prison term one of the prison terms prescribed for a 2316
felony of the second degree. 2317

(e) Except as otherwise provided in this division, if the 2318

amount of the drug involved equals or exceeds two hundred fifty 2319
unit doses but is less than one thousand unit doses of L.S.D. in 2320
a solid form or equals or exceeds twenty-five grams but is less 2321
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2322
extract, or liquid distillate form, trafficking in L.S.D. is a 2323
felony of the second degree, and the court shall impose as a 2324
mandatory prison term one of the prison terms prescribed for a 2325
felony of the second degree. If the amount of the drug involved 2326
is within that range and if the offense was committed in the 2327
vicinity of a school or in the vicinity of a juvenile, 2328
trafficking in L.S.D. is a felony of the first degree, and the 2329
court shall impose as a mandatory prison term one of the prison 2330
terms prescribed for a felony of the first degree. 2331

(f) If the amount of the drug involved equals or exceeds 2332
one thousand unit doses but is less than five thousand unit 2333
doses of L.S.D. in a solid form or equals or exceeds one hundred 2334
grams but is less than five hundred grams of L.S.D. in a liquid 2335
concentrate, liquid extract, or liquid distillate form and 2336
regardless of whether the offense was committed in the vicinity 2337
of a school or in the vicinity of a juvenile, trafficking in 2338
L.S.D. is a felony of the first degree, and the court shall 2339
impose as a mandatory prison term one of the prison terms 2340
prescribed for a felony of the first degree. 2341

(g) If the amount of the drug involved equals or exceeds 2342
five thousand unit doses of L.S.D. in a solid form or equals or 2343
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2344
liquid extract, or liquid distillate form and regardless of 2345
whether the offense was committed in the vicinity of a school or 2346
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2347
of the first degree, the offender is a major drug offender, and 2348
the court shall impose as a mandatory prison term the maximum 2349

prison term prescribed for a felony of the first degree. 2350

(6) If the drug involved in the violation is heroin or a 2351
compound, mixture, preparation, or substance containing heroin, 2352
whoever violates division (A) of this section is guilty of 2353
trafficking in heroin. The penalty for the offense shall be 2354
determined as follows: 2355

(a) Except as otherwise provided in division (C) (6) (b), 2356
(c), (d), (e), (f), or (g) of this section, trafficking in 2357
heroin is a felony of the fifth degree, and division (B) of 2358
section 2929.13 of the Revised Code applies in determining 2359
whether to impose a prison term on the offender. 2360

(b) Except as otherwise provided in division (C) (6) (c), 2361
(d), (e), (f), or (g) of this section, if the offense was 2362
committed in the vicinity of a school or in the vicinity of a 2363
juvenile, trafficking in heroin is a felony of the fourth 2364
degree, and division (C) of section 2929.13 of the Revised Code 2365
applies in determining whether to impose a prison term on the 2366
offender. 2367

(c) Except as otherwise provided in this division, if the 2368
amount of the drug involved equals or exceeds ten unit doses but 2369
is less than fifty unit doses or equals or exceeds one gram but 2370
is less than five grams, trafficking in heroin is a felony of 2371
the fourth degree, and division (B) of section 2929.13 of the 2372
Revised Code applies in determining whether to impose a prison 2373
term for the offense. If the amount of the drug involved is 2374
within that range and if the offense was committed in the 2375
vicinity of a school or in the vicinity of a juvenile, 2376
trafficking in heroin is a felony of the third degree, and there 2377
is a presumption for a prison term for the offense. 2378

(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 heroin 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 heroin 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 one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin 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, trafficking in heroin 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.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin 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.

(g) If the amount of the drug involved equals or exceeds 2409
one thousand unit doses or equals or exceeds one hundred grams 2410
and regardless of whether the offense was committed in the 2411
vicinity of a school or in the vicinity of a juvenile, 2412
trafficking in heroin is a felony of the first degree, the 2413
offender is a major drug offender, and the court shall impose as 2414
a mandatory prison term the maximum prison term prescribed for a 2415
felony of the first degree. 2416

(7) If the drug involved in the violation is hashish or a 2417
compound, mixture, preparation, or substance containing hashish, 2418
whoever violates division (A) of this section is guilty of 2419
trafficking in hashish. The penalty for the offense shall be 2420
determined as follows: 2421

(a) Except as otherwise provided in division (C) (7) (b), 2422
(c), (d), (e), (f), or (g) of this section, trafficking in 2423
hashish is a felony of the fifth degree, and division (B) of 2424
section 2929.13 of the Revised Code applies in determining 2425
whether to impose a prison term on the offender. 2426

(b) Except as otherwise provided in division (C) (7) (c), 2427
(d), (e), (f), or (g) of this section, if the offense was 2428
committed in the vicinity of a school or in the vicinity of a 2429
juvenile, trafficking in hashish is a felony of the fourth 2430
degree, and division (B) of section 2929.13 of the Revised Code 2431
applies in determining whether to impose a prison term on the 2432
offender. 2433

(c) Except as otherwise provided in this division, if the 2434
amount of the drug involved equals or exceeds ten grams but is 2435
less than fifty grams of hashish in a solid form or equals or 2436
exceeds two grams but is less than ten grams of hashish in a 2437
liquid concentrate, liquid extract, or liquid distillate form, 2438

trafficking in hashish is a felony of the fourth degree, and 2439
division (B) of section 2929.13 of the Revised Code applies in 2440
determining whether to impose a prison term on the offender. If 2441
the amount of the drug involved is within that range and if the 2442
offense was committed in the vicinity of a school or in the 2443
vicinity of a juvenile, trafficking in hashish is a felony of 2444
the third degree, and division (C) of section 2929.13 of the 2445
Revised Code applies in determining whether to impose a prison 2446
term on the offender. 2447

(d) Except as otherwise provided in this division, if the 2448
amount of the drug involved equals or exceeds fifty grams but is 2449
less than two hundred fifty grams of hashish in a solid form or 2450
equals or exceeds ten grams but is less than fifty grams of 2451
hashish in a liquid concentrate, liquid extract, or liquid 2452
distillate form, trafficking in hashish is a felony of the third 2453
degree, and division (C) of section 2929.13 of the Revised Code 2454
applies in determining whether to impose a prison term on the 2455
offender. If the amount of the drug involved is within that 2456
range and if the offense was committed in the vicinity of a 2457
school or in the vicinity of a juvenile, trafficking in hashish 2458
is a felony of the second degree, and there is a presumption 2459
that a prison term shall be imposed for the offense. 2460

(e) Except as otherwise provided in this division, if the 2461
amount of the drug involved equals or exceeds two hundred fifty 2462
grams but is less than one thousand grams of hashish in a solid 2463
form or equals or exceeds fifty grams but is less than two 2464
hundred grams of hashish in a liquid concentrate, liquid 2465
extract, or liquid distillate form, trafficking in hashish is a 2466
felony of the third degree, and there is a presumption that a 2467
prison term shall be imposed for the offense. If the amount of 2468
the drug involved is within that range and if the offense was 2469

committed in the vicinity of a school or in the vicinity of a 2470
juvenile, trafficking in hashish is a felony of the second 2471
degree, and there is a presumption that a prison term shall be 2472
imposed for the offense. 2473

(f) Except as otherwise provided in this division, if the 2474
amount of the drug involved equals or exceeds one thousand grams 2475
but is less than two thousand grams of hashish in a solid form 2476
or equals or exceeds two hundred grams but is less than four 2477
hundred grams of hashish in a liquid concentrate, liquid 2478
extract, or liquid distillate form, trafficking in hashish is a 2479
felony of the second degree, and the court shall impose a 2480
mandatory prison term of five, six, seven, or eight years. If 2481
the amount of the drug involved is within that range and if the 2482
offense was committed in the vicinity of a school or in the 2483
vicinity of a juvenile, trafficking in hashish is a felony of 2484
the first degree, and the court shall impose as a mandatory 2485
prison term the maximum prison term prescribed for a felony of 2486
the first degree. 2487

(g) Except as otherwise provided in this division, if the 2488
amount of the drug involved equals or exceeds two thousand grams 2489
of hashish in a solid form or equals or exceeds four hundred 2490
grams of hashish in a liquid concentrate, liquid extract, or 2491
liquid distillate form, trafficking in hashish is a felony of 2492
the second degree, and the court shall impose as a mandatory 2493
prison term the maximum prison term prescribed for a felony of 2494
the second degree. If the amount of the drug involved equals or 2495
exceeds two thousand grams of hashish in a solid form or equals 2496
or exceeds four hundred grams of hashish in a liquid 2497
concentrate, liquid extract, or liquid distillate form and if 2498
the offense was committed in the vicinity of a school or in the 2499
vicinity of a juvenile, trafficking in hashish is a felony of 2500

the first degree, and the court shall impose as a mandatory 2501
prison term the maximum prison term prescribed for a felony of 2502
the first degree. 2503

(8) If the drug involved in the violation is a controlled 2504
substance analog or compound, mixture, preparation, or substance 2505
that contains a controlled substance analog, whoever violates 2506
division (A) of this section is guilty of trafficking in a 2507
controlled substance analog. The penalty for the offense shall 2508
be determined as follows: 2509

(a) Except as otherwise provided in division (C) (8) (b), 2510
(c), (d), (e), (f), or (g) of this section, trafficking in a 2511
controlled substance analog is a felony of the fifth degree, and 2512
division (C) of section 2929.13 of the Revised Code applies in 2513
determining whether to impose a prison term on the offender. 2514

(b) Except as otherwise provided in division (C) (8) (c), 2515
(d), (e), (f), or (g) of this section, if the offense was 2516
committed in the vicinity of a school or in the vicinity of a 2517
juvenile, trafficking in a controlled substance analog is a 2518
felony of the fourth degree, and division (C) of section 2929.13 2519
of the Revised Code applies in determining whether to impose a 2520
prison term on the offender. 2521

(c) Except as otherwise provided in this division, if the 2522
amount of the drug involved equals or exceeds ten grams but is 2523
less than twenty grams, trafficking in a controlled substance 2524
analog is a felony of the fourth degree, and division (B) of 2525
section 2929.13 of the Revised Code applies in determining 2526
whether to impose a prison term for the offense. If the amount 2527
of the drug involved is within that range and if the offense was 2528
committed in the vicinity of a school or in the vicinity of a 2529
juvenile, trafficking in a controlled substance analog is a 2530

felony of the third degree, and there is a presumption for a 2531
prison term for the offense. 2532

(d) Except as otherwise provided in this division, if the 2533
amount of the drug involved equals or exceeds twenty grams but 2534
is less than thirty grams, trafficking in a controlled substance 2535
analog is a felony of the third degree, and there is a 2536
presumption for a prison term for the offense. If the amount of 2537
the drug involved is within that range and if the offense was 2538
committed in the vicinity of a school or in the vicinity of a 2539
juvenile, trafficking in a controlled substance analog is a 2540
felony of the second degree, and there is a presumption for a 2541
prison term for the offense. 2542

(e) Except as otherwise provided in this division, if the 2543
amount of the drug involved equals or exceeds thirty grams but 2544
is less than forty grams, trafficking in a controlled substance 2545
analog is a felony of the second degree, and the court shall 2546
impose as a mandatory prison term one of the prison terms 2547
prescribed for a felony of the second degree. If the amount of 2548
the drug involved is within that range and if the offense was 2549
committed in the vicinity of a school or in the vicinity of a 2550
juvenile, trafficking in a controlled substance analog is a 2551
felony of the first degree, and the court shall impose as a 2552
mandatory prison term one of the prison terms prescribed for a 2553
felony of the first degree. 2554

(f) If the amount of the drug involved equals or exceeds 2555
forty grams but is less than fifty grams and regardless of 2556
whether the offense was committed in the vicinity of a school or 2557
in the vicinity of a juvenile, trafficking in a controlled 2558
substance analog is a felony of the first degree, and the court 2559
shall impose as a mandatory prison term one of the prison terms 2560

prescribed for a felony of the first degree. 2561

(g) If the amount of the drug involved equals or exceeds 2562
fifty grams and regardless of whether the offense was committed 2563
in the vicinity of a school or in the vicinity of a juvenile, 2564
trafficking in a controlled substance analog is a felony of the 2565
first degree, the offender is a major drug offender, and the 2566
court shall impose as a mandatory prison term the maximum prison 2567
term prescribed for a felony of the first degree. 2568

(D) In addition to any prison term authorized or required 2569
by division (C) of this section and sections 2929.13 and 2929.14 2570
of the Revised Code, and in addition to any other sanction 2571
imposed for the offense under this section or sections 2929.11 2572
to 2929.18 of the Revised Code, the court that sentences an 2573
offender who is convicted of or pleads guilty to a violation of 2574
division (A) of this section may suspend the driver's or 2575
commercial driver's license or permit of the offender in 2576
accordance with division (G) of this section. However, if the 2577
offender pleaded guilty to or was convicted of a violation of 2578
section 4511.19 of the Revised Code or a substantially similar 2579
municipal ordinance or the law of another state or the United 2580
States arising out of the same set of circumstances as the 2581
violation, the court shall suspend the offender's driver's or 2582
commercial driver's license or permit in accordance with 2583
division (G) of this section. If applicable, the court also 2584
shall do the following: 2585

(1) If the violation of division (A) of this section is a 2586
felony of the first, second, or third degree, the court shall 2587
impose upon the offender the mandatory fine specified for the 2588
offense under division (B) (1) of section 2929.18 of the Revised 2589
Code unless, as specified in that division, the court determines 2590

that the offender is indigent. Except as otherwise provided in 2591
division (H) (1) of this section, a mandatory fine or any other 2592
fine imposed for a violation of this section is subject to 2593
division (F) of this section. If a person is charged with a 2594
violation of this section that is a felony of the first, second, 2595
or third degree, posts bail, and forfeits the bail, the clerk of 2596
the court shall pay the forfeited bail pursuant to divisions (D) 2597
(1) and (F) of this section, as if the forfeited bail was a fine 2598
imposed for a violation of this section. If any amount of the 2599
forfeited bail remains after that payment and if a fine is 2600
imposed under division (H) (1) of this section, the clerk of the 2601
court shall pay the remaining amount of the forfeited bail 2602
pursuant to divisions (H) (2) and (3) of this section, as if that 2603
remaining amount was a fine imposed under division (H) (1) of 2604
this section. 2605

(2) If the offender is a professionally licensed person, 2606
the court immediately shall comply with section 2925.38 of the 2607
Revised Code. 2608

(E) When a person is charged with the sale of or offer to 2609
sell a bulk amount or a multiple of a bulk amount of a 2610
controlled substance, the jury, or the court trying the accused, 2611
shall determine the amount of the controlled substance involved 2612
at the time of the offense and, if a guilty verdict is returned, 2613
shall return the findings as part of the verdict. In any such 2614
case, it is unnecessary to find and return the exact amount of 2615
the controlled substance involved, and it is sufficient if the 2616
finding and return is to the effect that the amount of the 2617
controlled substance involved is the requisite amount, or that 2618
the amount of the controlled substance involved is less than the 2619
requisite amount. 2620

(F) (1) Notwithstanding any contrary provision of section 2621
3719.21 of the Revised Code and except as provided in division 2622
(H) of this section, the clerk of the court shall pay any 2623
mandatory fine imposed pursuant to division (D) (1) of this 2624
section and any fine other than a mandatory fine that is imposed 2625
for a violation of this section pursuant to division (A) or (B) 2626
(5) of section 2929.18 of the Revised Code to the county, 2627
township, municipal corporation, park district, as created 2628
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2629
state law enforcement agencies in this state that primarily were 2630
responsible for or involved in making the arrest of, and in 2631
prosecuting, the offender. However, the clerk shall not pay a 2632
mandatory fine so imposed to a law enforcement agency unless the 2633
agency has adopted a written internal control policy under 2634
division (F) (2) of this section that addresses the use of the 2635
fine moneys that it receives. Each agency shall use the 2636
mandatory fines so paid to subsidize the agency's law 2637
enforcement efforts that pertain to drug offenses, in accordance 2638
with the written internal control policy adopted by the 2639
recipient agency under division (F) (2) of this section. 2640

(2) Prior to receiving any fine moneys under division (F) 2641
(1) of this section or division (B) of section 2925.42 of the 2642
Revised Code, a law enforcement agency shall adopt a written 2643
internal control policy that addresses the agency's use and 2644
disposition of all fine moneys so received and that provides for 2645
the keeping of detailed financial records of the receipts of 2646
those fine moneys, the general types of expenditures made out of 2647
those fine moneys, and the specific amount of each general type 2648
of expenditure. The policy shall not provide for or permit the 2649
identification of any specific expenditure that is made in an 2650
ongoing investigation. All financial records of the receipts of 2651

those fine moneys, the general types of expenditures made out of 2652
those fine moneys, and the specific amount of each general type 2653
of expenditure by an agency are public records open for 2654
inspection under section 149.43 of the Revised Code. 2655
Additionally, a written internal control policy adopted under 2656
this division is such a public record, and the agency that 2657
adopted it shall comply with it. 2658

(3) As used in division (F) of this section: 2659

(a) "Law enforcement agencies" includes, but is not 2660
limited to, the state board of pharmacy and the office of a 2661
prosecutor. 2662

(b) "Prosecutor" has the same meaning as in section 2663
2935.01 of the Revised Code. 2664

(G) (1) If the sentencing court suspends the offender's 2665
driver's or commercial driver's license or permit under division 2666
(D) of this section or any other provision of this chapter, the 2667
court shall suspend the license, by order, for not more than 2668
five years. If an offender's driver's or commercial driver's 2669
license or permit is suspended pursuant to this division, the 2670
offender, at any time after the expiration of two years from the 2671
day on which the offender's sentence was imposed or from the day 2672
on which the offender finally was released from a prison term 2673
under the sentence, whichever is later, may file a motion with 2674
the sentencing court requesting termination of the suspension; 2675
upon the filing of such a motion and the court's finding of good 2676
cause for the termination, the court may terminate the 2677
suspension. 2678

(2) Any offender who received a mandatory suspension of 2679
the offender's driver's or commercial driver's license or permit 2680

under this section prior to ~~the effective date of this amendment~~ 2681
September 13, 2016, may file a motion with the sentencing court 2682
requesting the termination of the suspension. However, an 2683
offender who pleaded guilty to or was convicted of a violation 2684
of section 4511.19 of the Revised Code or a substantially 2685
similar municipal ordinance or law of another state or the 2686
United States that arose out of the same set of circumstances as 2687
the violation for which the offender's license or permit was 2688
suspended under this section shall not file such a motion. 2689

Upon the filing of a motion under division (G) (2) of this 2690
section, the sentencing court, in its discretion, may terminate 2691
the suspension. 2692

(H) (1) In addition to any prison term authorized or 2693
required by division (C) of this section and sections 2929.13 2694
and 2929.14 of the Revised Code, in addition to any other 2695
penalty or sanction imposed for the offense under this section 2696
or sections 2929.11 to 2929.18 of the Revised Code, and in 2697
addition to the forfeiture of property in connection with the 2698
offense as prescribed in Chapter 2981. of the Revised Code, the 2699
court that sentences an offender who is convicted of or pleads 2700
guilty to a violation of division (A) of this section may impose 2701
upon the offender an additional fine specified for the offense 2702
in division (B) (4) of section 2929.18 of the Revised Code. A 2703
fine imposed under division (H) (1) of this section is not 2704
subject to division (F) of this section and shall be used solely 2705
for the support of one or more eligible community addiction 2706
services providers in accordance with divisions (H) (2) and (3) 2707
of this section. 2708

(2) The court that imposes a fine under division (H) (1) of 2709
this section shall specify in the judgment that imposes the fine 2710

one or more eligible community addiction services providers for 2711
the support of which the fine money is to be used. No community 2712
addiction services provider shall receive or use money paid or 2713
collected in satisfaction of a fine imposed under division (H) 2714
(1) of this section unless the services provider is specified in 2715
the judgment that imposes the fine. No community addiction 2716
services provider shall be specified in the judgment unless the 2717
services provider is an eligible community addiction services 2718
provider and, except as otherwise provided in division (H) (2) of 2719
this section, unless the services provider is located in the 2720
county in which the court that imposes the fine is located or in 2721
a county that is immediately contiguous to the county in which 2722
that court is located. If no eligible community addiction 2723
services provider is located in any of those counties, the 2724
judgment may specify an eligible community addiction services 2725
provider that is located anywhere within this state. 2726

(3) Notwithstanding any contrary provision of section 2727
3719.21 of the Revised Code, the clerk of the court shall pay 2728
any fine imposed under division (H) (1) of this section to the 2729
eligible community addiction services provider specified 2730
pursuant to division (H) (2) of this section in the judgment. The 2731
eligible community addiction services provider that receives the 2732
fine moneys shall use the moneys only for the alcohol and drug 2733
addiction services identified in the application for 2734
certification of services under section 5119.36 of the Revised 2735
Code or in the application for a license under section 5119.391 2736
of the Revised Code filed with the department of mental health 2737
and addiction services by the community addiction services 2738
provider specified in the judgment. 2739

(4) Each community addiction services provider that 2740
receives in a calendar year any fine moneys under division (H) 2741

(3) of this section shall file an annual report covering that 2742
calendar year with the court of common pleas and the board of 2743
county commissioners of the county in which the services 2744
provider is located, with the court of common pleas and the 2745
board of county commissioners of each county from which the 2746
services provider received the moneys if that county is 2747
different from the county in which the services provider is 2748
located, and with the attorney general. The community addiction 2749
services provider shall file the report no later than the first 2750
day of March in the calendar year following the calendar year in 2751
which the services provider received the fine moneys. The report 2752
shall include statistics on the number of persons served by the 2753
community addiction services provider, identify the types of 2754
alcohol and drug addiction services provided to those persons, 2755
and include a specific accounting of the purposes for which the 2756
fine moneys received were used. No information contained in the 2757
report shall identify, or enable a person to determine the 2758
identity of, any person served by the community addiction 2759
services provider. Each report received by a court of common 2760
pleas, a board of county commissioners, or the attorney general 2761
is a public record open for inspection under section 149.43 of 2762
the Revised Code. 2763

(5) As used in divisions (H) (1) to (5) of this section: 2764

(a) "Community addiction services provider" and "alcohol 2765
and drug addiction services" have the same meanings as in 2766
section 5119.01 of the Revised Code. 2767

(b) "Eligible community addiction services provider" means 2768
a community addiction services provider, as defined in section 2769
5119.01 of the Revised Code, or a community addiction services 2770
provider that maintains a methadone treatment program licensed 2771

under section 5119.391 of the Revised Code.	2772
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	2773 2774
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HHH) <u>(Z)</u> (2) (a), (b), or (c) of section 3719.01 of the Revised Code.	2775 2776 2777 2778 2779 2780 2781
Sec. 2925.09. (A) No person shall administer, dispense, distribute, manufacture, possess, sell, or use any drug, other than a controlled substance, that is not approved by the United States food and drug administration, or the United States department of agriculture, unless one of the following applies:	2782 2783 2784 2785 2786
(1) The United States food and drug administration has approved an application for investigational use in accordance with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the drug is used only for the approved investigational use;	2787 2788 2789 2790 2791
(2) The United States department of agriculture has approved an application for investigational use in accordance with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 21 U.S.C.A. 151, as amended, and the drug is used only for the approved investigational use;	2792 2793 2794 2795 2796
(3) A licensed health professional authorized to prescribe drugs, other than a veterinarian, prescribes or combines two or more drugs as a single product for medical purposes;	2797 2798 2799
(4) A pharmacist, pursuant to a prescription, compounds	2800

and dispenses two or more drugs as a single product for medical 2801
purposes. 2802

(B) (1) As used in this division, "dangerous drug," 2803
"prescription," "sale at retail," "manufacturer of dangerous 2804
drugs," "outsourcing facility," "third-party logistics 2805
provider," "repackager of dangerous drugs," "wholesale 2806
distributor of dangerous drugs," and "terminal distributor of 2807
dangerous drugs," have the same meanings as in section 4729.01 2808
of the Revised Code. 2809

(2) Except as provided in division (B) (3) of this section, 2810
no person shall administer, dispense, distribute, manufacture, 2811
possess, sell, or use any dangerous drug to or for livestock or 2812
any animal that is generally used for food or in the production 2813
of food, unless the drug is prescribed by a licensed 2814
veterinarian by prescription or other written order and the drug 2815
is used in accordance with the veterinarian's order or 2816
direction. 2817

(3) Division (B) (2) of this section does not apply to a 2818
~~registered licensed manufacturer of dangerous drugs, outsourcing~~ 2819
~~facility, third-party logistics provider, repackager of~~ 2820
~~dangerous drugs,~~ wholesale distributor of dangerous drugs, a 2821
~~licensed or~~ terminal distributor of dangerous drugs, or to a 2822
person who possesses, possesses for sale, or sells, at retail, a 2823
drug in accordance with Chapters 3719., 4729., or 4741. of the 2824
Revised Code. 2825

(C) Whoever violates division (A) or (B) (2) of this 2826
section is guilty of a felony of the fifth degree on a first 2827
offense and of a felony of the fourth degree on each subsequent 2828
offense. 2829

Sec. 2925.11. (A) No person shall knowingly obtain, 2830
possess, or use a controlled substance or a controlled substance 2831
analog. 2832

(B) (1) This section does not apply to any of the 2833
following: 2834

(a) Manufacturers, licensed health professionals 2835
authorized to prescribe drugs, pharmacists, owners of 2836
pharmacies, and other persons whose conduct was in accordance 2837
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2838
4741. of the Revised Code; 2839

(b) If the offense involves an anabolic steroid, any 2840
person who is conducting or participating in a research project 2841
involving the use of an anabolic steroid if the project has been 2842
approved by the United States food and drug administration; 2843

(c) Any person who sells, offers for sale, prescribes, 2844
dispenses, or administers for livestock or other nonhuman 2845
species an anabolic steroid that is expressly intended for 2846
administration through implants to livestock or other nonhuman 2847
species and approved for that purpose under the "Federal Food, 2848
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2849
as amended, and is sold, offered for sale, prescribed, 2850
dispensed, or administered for that purpose in accordance with 2851
that act; 2852

(d) Any person who obtained the controlled substance 2853
pursuant to a ~~lawful~~ prescription issued by a licensed health 2854
professional authorized to prescribe drugs if the prescription 2855
was issued for a legitimate medical purpose and not altered, 2856
forged, or obtained through deception or commission of a theft 2857
offense. 2858

As used in division (B) (1) (d) of this section, "deception" 2859
and "theft offense" have the same meanings as in section 2913.01 2860
of the Revised Code. 2861

(2) (a) As used in division (B) (2) of this section: 2862

(i) "Community addiction services provider" has the same 2863
meaning as in section 5119.01 of the Revised Code. 2864

(ii) "Community control sanction" and "drug treatment 2865
program" have the same meanings as in section 2929.01 of the 2866
Revised Code. 2867

(iii) "Health care facility" has the same meaning as in 2868
section 2919.16 of the Revised Code. 2869

(iv) "Minor drug possession offense" means a violation of 2870
this section that is a misdemeanor or a felony of the fifth 2871
degree. 2872

(v) "Post-release control sanction" has the same meaning 2873
as in section 2967.28 of the Revised Code. 2874

(vi) "Peace officer" has the same meaning as in section 2875
2935.01 of the Revised Code. 2876

(vii) "Public agency" has the same meaning as in section 2877
2930.01 of the Revised Code. 2878

(viii) "Qualified individual" means a person who is not on 2879
community control or post-release control and is a person acting 2880
in good faith who seeks or obtains medical assistance for 2881
another person who is experiencing a drug overdose, a person who 2882
experiences a drug overdose and who seeks medical assistance for 2883
that overdose, or a person who is the subject of another person 2884
seeking or obtaining medical assistance for that overdose as 2885
described in division (B) (2) (b) of this section. 2886

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

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

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

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

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

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

either of the following, the court shall first consider ordering 2916
the person's participation or continued participation in a drug 2917
treatment program or mitigating the penalty specified in section 2918
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2919
applicable, after which the court has the discretion either to 2920
order the person's participation or continued participation in a 2921
drug treatment program or to impose the penalty with the 2922
mitigating factor specified in any of those applicable sections: 2923

(i) Seeking or obtaining medical assistance in good faith 2924
for another person who is experiencing a drug overdose; 2925

(ii) Experiencing a drug overdose and seeking medical 2926
assistance for that overdose or being the subject of another 2927
person seeking or obtaining medical assistance for that overdose 2928
as described in division (B) (2) (b) of this section. 2929

(d) If a person is found to be in violation of any post- 2930
release control sanction and if the violation is a result of 2931
either of the following, the court or the parole board shall 2932
first consider ordering the person's participation or continued 2933
participation in a drug treatment program or mitigating the 2934
penalty specified in section 2929.141 or 2967.28 of the Revised 2935
Code, whichever is applicable, after which the court or the 2936
parole board has the discretion either to order the person's 2937
participation or continued participation in a drug treatment 2938
program or to impose the penalty with the mitigating factor 2939
specified in either of those applicable sections: 2940

(i) Seeking or obtaining medical assistance in good faith 2941
for another person who is experiencing a drug overdose; 2942

(ii) Experiencing a drug overdose and seeking medical 2943
assistance for that emergency or being the subject of another 2944

person seeking or obtaining medical assistance for that overdose 2945
as described in division (B) (2) (b) of this section. 2946

(e) Nothing in division (B) (2) (b) of this section shall be 2947
construed to do any of the following: 2948

(i) Limit the admissibility of any evidence in connection 2949
with the investigation or prosecution of a crime with regards to 2950
a defendant who does not qualify for the protections of division 2951
(B) (2) (b) of this section or with regards to any crime other 2952
than a minor drug possession offense committed by a person who 2953
qualifies for protection pursuant to division (B) (2) (b) of this 2954
section for a minor drug possession offense; 2955

(ii) Limit any seizure of evidence or contraband otherwise 2956
permitted by law; 2957

(iii) Limit or abridge the authority of a peace officer to 2958
detain or take into custody a person in the course of an 2959
investigation or to effectuate an arrest for any offense except 2960
as provided in that division; 2961

(iv) Limit, modify, or remove any immunity from liability 2962
available pursuant to law in effect prior to ~~the effective date~~ 2963
~~of this amendment~~ September 13, 2016, to any public agency or to 2964
an employee of any public agency. 2965

(f) Division (B) (2) (b) of this section does not apply to 2966
any person who twice previously has been granted an immunity 2967
under division (B) (2) (b) of this section. No person shall be 2968
granted an immunity under division (B) (2) (b) of this section 2969
more than two times. 2970

(g) Nothing in this section shall compel any qualified 2971
individual to disclose protected health information in a way 2972
that conflicts with the requirements of the "Health Insurance 2973

Portability and Accountability Act of 1996," 104 Pub. L. No. 2974
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2975
regulations promulgated by the United States department of 2976
health and human services to implement the act or the 2977
requirements of 42 C.F.R. Part 2. 2978

(C) Whoever violates division (A) of this section is 2979
guilty of one of the following: 2980

(1) If the drug involved in the violation is a compound, 2981
mixture, preparation, or substance included in schedule I or II, 2982
with the exception of marihuana, cocaine, L.S.D., heroin, 2983
hashish, and controlled substance analogs, whoever violates 2984
division (A) of this section is guilty of aggravated possession 2985
of drugs. The penalty for the offense shall be determined as 2986
follows: 2987

(a) Except as otherwise provided in division (C) (1) (b), 2988
(c), (d), or (e) of this section, aggravated possession of drugs 2989
is a felony of the fifth degree, and division (B) of section 2990
2929.13 of the Revised Code applies in determining whether to 2991
impose a prison term on the offender. 2992

(b) If the amount of the drug involved equals or exceeds 2993
the bulk amount but is less than five times the bulk amount, 2994
aggravated possession of drugs is a felony of the third degree, 2995
and there is a presumption for a prison term for the offense. 2996

(c) If the amount of the drug involved equals or exceeds 2997
five times the bulk amount but is less than fifty times the bulk 2998
amount, aggravated possession of drugs is a felony of the second 2999
degree, and the court shall impose as a mandatory prison term 3000
one of the prison terms prescribed for a felony of the second 3001
degree. 3002

(d) If the amount of the drug involved equals or exceeds 3003
fifty times the bulk amount but is less than one hundred times 3004
the bulk amount, aggravated possession of drugs is a felony of 3005
the first degree, and the court shall impose as a mandatory 3006
prison term one of the prison terms prescribed for a felony of 3007
the first degree. 3008

(e) If the amount of the drug involved equals or exceeds 3009
one hundred times the bulk amount, aggravated possession of 3010
drugs is a felony of the first degree, the offender is a major 3011
drug offender, and the court shall impose as a mandatory prison 3012
term the maximum prison term prescribed for a felony of the 3013
first degree. 3014

(2) If the drug involved in the violation is a compound, 3015
mixture, preparation, or substance included in schedule III, IV, 3016
or V, whoever violates division (A) of this section is guilty of 3017
possession of drugs. The penalty for the offense shall be 3018
determined as follows: 3019

(a) Except as otherwise provided in division (C) (2) (b), 3020
(c), or (d) of this section, possession of drugs is a 3021
misdemeanor of the first degree or, if the offender previously 3022
has been convicted of a drug abuse offense, a felony of the 3023
fifth degree. 3024

(b) If the amount of the drug involved equals or exceeds 3025
the bulk amount but is less than five times the bulk amount, 3026
possession of drugs is a felony of the fourth degree, and 3027
division (C) of section 2929.13 of the Revised Code applies in 3028
determining whether to impose a prison term on the offender. 3029

(c) If the amount of the drug involved equals or exceeds 3030
five times the bulk amount but is less than fifty times the bulk 3031

amount, possession of drugs is a felony of the third degree, and 3032
there is a presumption for a prison term for the offense. 3033

(d) If the amount of the drug involved equals or exceeds 3034
fifty times the bulk amount, possession of drugs is a felony of 3035
the second degree, and the court shall impose upon the offender 3036
as a mandatory prison term one of the prison terms prescribed 3037
for a felony of the second degree. 3038

(3) If the drug involved in the violation is marihuana or 3039
a compound, mixture, preparation, or substance containing 3040
marihuana other than hashish, whoever violates division (A) of 3041
this section is guilty of possession of marihuana. The penalty 3042
for the offense shall be determined as follows: 3043

(a) Except as otherwise provided in division (C) (3) (b), 3044
(c), (d), (e), (f), or (g) of this section, possession of 3045
marihuana is a minor misdemeanor. 3046

(b) If the amount of the drug involved equals or exceeds 3047
one hundred grams but is less than two hundred grams, possession 3048
of marihuana is a misdemeanor of the fourth degree. 3049

(c) If the amount of the drug involved equals or exceeds 3050
two hundred grams but is less than one thousand grams, 3051
possession of marihuana is a felony of the fifth degree, and 3052
division (B) of section 2929.13 of the Revised Code applies in 3053
determining whether to impose a prison term on the offender. 3054

(d) If the amount of the drug involved equals or exceeds 3055
one thousand grams but is less than five thousand grams, 3056
possession of marihuana is a felony of the third degree, and 3057
division (C) of section 2929.13 of the Revised Code applies in 3058
determining whether to impose a prison term on the offender. 3059

(e) If the amount of the drug involved equals or exceeds 3060

five thousand grams but is less than twenty thousand grams, 3061
possession of marihuana is a felony of the third degree, and 3062
there is a presumption that a prison term shall be imposed for 3063
the offense. 3064

(f) If the amount of the drug involved equals or exceeds 3065
twenty thousand grams but is less than forty thousand grams, 3066
possession of marihuana is a felony of the second degree, and 3067
the court shall impose a mandatory prison term of five, six, 3068
seven, or eight years. 3069

(g) If the amount of the drug involved equals or exceeds 3070
forty thousand grams, possession of marihuana is a felony of the 3071
second degree, and the court shall impose as a mandatory prison 3072
term the maximum prison term prescribed for a felony of the 3073
second degree. 3074

(4) If the drug involved in the violation is cocaine or a 3075
compound, mixture, preparation, or substance containing cocaine, 3076
whoever violates division (A) of this section is guilty of 3077
possession of cocaine. The penalty for the offense shall be 3078
determined as follows: 3079

(a) Except as otherwise provided in division (C) (4) (b), 3080
(c), (d), (e), or (f) of this section, possession of cocaine is 3081
a felony of the fifth degree, and division (B) of section 3082
2929.13 of the Revised Code applies in determining whether to 3083
impose a prison term on the offender. 3084

(b) If the amount of the drug involved equals or exceeds 3085
five grams but is less than ten grams of cocaine, possession of 3086
cocaine is a felony of the fourth degree, and division (B) of 3087
section 2929.13 of the Revised Code applies in determining 3088
whether to impose a prison term on the offender. 3089

(c) If the amount of the drug involved equals or exceeds 3090
ten grams but is less than twenty grams of cocaine, possession 3091
of cocaine is a felony of the third degree, and, except as 3092
otherwise provided in this division, there is a presumption for 3093
a prison term for the offense. If possession of cocaine is a 3094
felony of the third degree under this division and if the 3095
offender two or more times previously has been convicted of or 3096
pleaded guilty to a felony drug abuse offense, the court shall 3097
impose as a mandatory prison term one of the prison terms 3098
prescribed for a felony of the third degree. 3099

(d) If the amount of the drug involved equals or exceeds 3100
twenty grams but is less than twenty-seven grams of cocaine, 3101
possession of cocaine is a felony of the second degree, and the 3102
court shall impose as a mandatory prison term one of the prison 3103
terms prescribed for a felony of the second degree. 3104

(e) If the amount of the drug involved equals or exceeds 3105
twenty-seven grams but is less than one hundred grams of 3106
cocaine, possession of cocaine is a felony of the first degree, 3107
and the court shall impose as a mandatory prison term one of the 3108
prison terms prescribed for a felony of the first degree. 3109

(f) If the amount of the drug involved equals or exceeds 3110
one hundred grams of cocaine, possession of cocaine is a felony 3111
of the first degree, the offender is a major drug offender, and 3112
the court shall impose as a mandatory prison term the maximum 3113
prison term prescribed for a felony of the first degree. 3114

(5) If the drug involved in the violation is L.S.D., 3115
whoever violates division (A) of this section is guilty of 3116
possession of L.S.D. The penalty for the offense shall be 3117
determined as follows: 3118

(a) Except as otherwise provided in division (C) (5) (b), 3119
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3120
felony of the fifth degree, and division (B) of section 2929.13 3121
of the Revised Code applies in determining whether to impose a 3122
prison term on the offender. 3123

(b) If the amount of L.S.D. involved equals or exceeds ten 3124
unit doses but is less than fifty unit doses of L.S.D. in a 3125
solid form or equals or exceeds one gram but is less than five 3126
grams of L.S.D. in a liquid concentrate, liquid extract, or 3127
liquid distillate form, possession of L.S.D. is a felony of the 3128
fourth degree, and division (C) of section 2929.13 of the 3129
Revised Code applies in determining whether to impose a prison 3130
term on the offender. 3131

(c) If the amount of L.S.D. involved equals or exceeds 3132
fifty unit doses, but is less than two hundred fifty unit doses 3133
of L.S.D. in a solid form or equals or exceeds five grams but is 3134
less than twenty-five grams of L.S.D. in a liquid concentrate, 3135
liquid extract, or liquid distillate form, possession of L.S.D. 3136
is a felony of the third degree, and there is a presumption for 3137
a prison term for the offense. 3138

(d) If the amount of L.S.D. involved equals or exceeds two 3139
hundred fifty unit doses but is less than one thousand unit 3140
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3141
grams but is less than one hundred grams of L.S.D. in a liquid 3142
concentrate, liquid extract, or liquid distillate form, 3143
possession of L.S.D. is a felony of the second degree, and the 3144
court shall impose as a mandatory prison term one of the prison 3145
terms prescribed for a felony of the second degree. 3146

(e) If the amount of L.S.D. involved equals or exceeds one 3147
thousand unit doses but is less than five thousand unit doses of 3148

L.S.D. in a solid form or equals or exceeds one hundred grams 3149
but is less than five hundred grams of L.S.D. in a liquid 3150
concentrate, liquid extract, or liquid distillate form, 3151
possession of L.S.D. is a felony of the first degree, and the 3152
court shall impose as a mandatory prison term one of the prison 3153
terms prescribed for a felony of the first degree. 3154

(f) If the amount of L.S.D. involved equals or exceeds 3155
five thousand unit doses of L.S.D. in a solid form or equals or 3156
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3157
liquid extract, or liquid distillate form, possession of L.S.D. 3158
is a felony of the first degree, the offender is a major drug 3159
offender, and the court shall impose as a mandatory prison term 3160
the maximum prison term prescribed for a felony of the first 3161
degree. 3162

(6) If the drug involved in the violation is heroin or a 3163
compound, mixture, preparation, or substance containing heroin, 3164
whoever violates division (A) of this section is guilty of 3165
possession of heroin. The penalty for the offense shall be 3166
determined as follows: 3167

(a) Except as otherwise provided in division (C) (6) (b), 3168
(c), (d), (e), or (f) of this section, possession of heroin is a 3169
felony of the fifth degree, and division (B) of section 2929.13 3170
of the Revised Code applies in determining whether to impose a 3171
prison term on the offender. 3172

(b) If the amount of the drug involved equals or exceeds 3173
ten unit doses but is less than fifty unit doses or equals or 3174
exceeds one gram but is less than five grams, possession of 3175
heroin is a felony of the fourth degree, and division (C) of 3176
section 2929.13 of the Revised Code applies in determining 3177
whether to impose a prison term on the offender. 3178

(c) If the amount of the drug involved equals or exceeds 3179
fifty unit doses but is less than one hundred unit doses or 3180
equals or exceeds five grams but is less than ten grams, 3181
possession of heroin is a felony of the third degree, and there 3182
is a presumption for a prison term for the offense. 3183

(d) If the amount of the drug involved equals or exceeds 3184
one hundred unit doses but is less than five hundred unit doses 3185
or equals or exceeds ten grams but is less than fifty grams, 3186
possession of heroin is a felony of the second degree, and the 3187
court shall impose as a mandatory prison term one of the prison 3188
terms prescribed for a felony of the second degree. 3189

(e) If the amount of the drug involved equals or exceeds 3190
five hundred unit doses but is less than one thousand unit doses 3191
or equals or exceeds fifty grams but is less than one hundred 3192
grams, possession of heroin is a felony of the first degree, and 3193
the court shall impose as a mandatory prison term one of the 3194
prison terms prescribed for a felony of the first degree. 3195

(f) If the amount of the drug involved equals or exceeds 3196
one thousand unit doses or equals or exceeds one hundred grams, 3197
possession of heroin is a felony of the first degree, the 3198
offender is a major drug offender, and the court shall impose as 3199
a mandatory prison term the maximum prison term prescribed for a 3200
felony of the first degree. 3201

(7) If the drug involved in the violation is hashish or a 3202
compound, mixture, preparation, or substance containing hashish, 3203
whoever violates division (A) of this section is guilty of 3204
possession of hashish. The penalty for the offense shall be 3205
determined as follows: 3206

(a) Except as otherwise provided in division (C) (7) (b), 3207

(c), (d), (e), (f), or (g) of this section, possession of 3208
hashish is a minor misdemeanor. 3209

(b) If the amount of the drug involved equals or exceeds 3210
five grams but is less than ten grams of hashish in a solid form 3211
or equals or exceeds one gram but is less than two grams of 3212
hashish in a liquid concentrate, liquid extract, or liquid 3213
distillate form, possession of hashish is a misdemeanor of the 3214
fourth degree. 3215

(c) If the amount of the drug involved equals or exceeds 3216
ten grams but is less than fifty grams of hashish in a solid 3217
form or equals or exceeds two grams but is less than ten grams 3218
of hashish in a liquid concentrate, liquid extract, or liquid 3219
distillate form, possession of hashish is a felony of the fifth 3220
degree, and division (B) of section 2929.13 of the Revised Code 3221
applies in determining whether to impose a prison term on the 3222
offender. 3223

(d) If the amount of the drug involved equals or exceeds 3224
fifty grams but is less than two hundred fifty grams of hashish 3225
in a solid form or equals or exceeds ten grams but is less than 3226
fifty grams of hashish in a liquid concentrate, liquid extract, 3227
or liquid distillate form, possession of hashish is a felony of 3228
the third degree, and division (C) of section 2929.13 of the 3229
Revised Code applies in determining whether to impose a prison 3230
term on the offender. 3231

(e) If the amount of the drug involved equals or exceeds 3232
two hundred fifty grams but is less than one thousand grams of 3233
hashish in a solid form or equals or exceeds fifty grams but is 3234
less than two hundred grams of hashish in a liquid concentrate, 3235
liquid extract, or liquid distillate form, possession of hashish 3236
is a felony of the third degree, and there is a presumption that 3237

a prison term shall be imposed for the offense. 3238

(f) If the amount of the drug involved equals or exceeds 3239
one thousand grams but is less than two thousand grams of 3240
hashish in a solid form or equals or exceeds two hundred grams 3241
but is less than four hundred grams of hashish in a liquid 3242
concentrate, liquid extract, or liquid distillate form, 3243
possession of hashish is a felony of the second degree, and the 3244
court shall impose a mandatory prison term of five, six, seven, 3245
or eight years. 3246

(g) If the amount of the drug involved equals or exceeds 3247
two thousand grams of hashish in a solid form or equals or 3248
exceeds four hundred grams of hashish in a liquid concentrate, 3249
liquid extract, or liquid distillate form, possession of hashish 3250
is a felony of the second degree, and the court shall impose as 3251
a mandatory prison term the maximum prison term prescribed for a 3252
felony of the second degree. 3253

(8) If the drug involved is a controlled substance analog 3254
or compound, mixture, preparation, or substance that contains a 3255
controlled substance analog, whoever violates division (A) of 3256
this section is guilty of possession of a controlled substance 3257
analog. The penalty for the offense shall be determined as 3258
follows: 3259

(a) Except as otherwise provided in division (C) (8) (b), 3260
(c), (d), (e), or (f) of this section, possession of a 3261
controlled substance analog is a felony of the fifth degree, and 3262
division (B) of section 2929.13 of the Revised Code applies in 3263
determining whether to impose a prison term on the offender. 3264

(b) If the amount of the drug involved equals or exceeds 3265
ten grams but is less than twenty grams, possession of a 3266

controlled substance analog is a felony of the fourth degree, 3267
and there is a presumption for a prison term for the offense. 3268

(c) If the amount of the drug involved equals or exceeds 3269
twenty grams but is less than thirty grams, possession of a 3270
controlled substance analog is a felony of the third degree, and 3271
there is a presumption for a prison term for the offense. 3272

(d) If the amount of the drug involved equals or exceeds 3273
thirty grams but is less than forty grams, possession of a 3274
controlled substance analog is a felony of the second degree, 3275
and the court shall impose as a mandatory prison term one of the 3276
prison terms prescribed for a felony of the second degree. 3277

(e) If the amount of the drug involved equals or exceeds 3278
forty grams but is less than fifty grams, possession of a 3279
controlled substance analog is a felony of the first degree, and 3280
the court shall impose as a mandatory prison term one of the 3281
prison terms prescribed for a felony of the first degree. 3282

(f) If the amount of the drug involved equals or exceeds 3283
fifty grams, possession of a controlled substance analog is a 3284
felony of the first degree, the offender is a major drug 3285
offender, and the court shall impose as a mandatory prison term 3286
the maximum prison term prescribed for a felony of the first 3287
degree. 3288

(D) Arrest or conviction for a minor misdemeanor violation 3289
of this section does not constitute a criminal record and need 3290
not be reported by the person so arrested or convicted in 3291
response to any inquiries about the person's criminal record, 3292
including any inquiries contained in any application for 3293
employment, license, or other right or privilege, or made in 3294
connection with the person's appearance as a witness. 3295

(E) In addition to any prison term or jail term authorized 3296
or required by division (C) of this section and sections 3297
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 3298
Code and in addition to any other sanction that is imposed for 3299
the offense under this section, sections 2929.11 to 2929.18, or 3300
sections 2929.21 to 2929.28 of the Revised Code, the court that 3301
sentences an offender who is convicted of or pleads guilty to a 3302
violation of division (A) of this section may suspend the 3303
offender's driver's or commercial driver's license or permit for 3304
not more than five years. However, if the offender pleaded 3305
guilty to or was convicted of a violation of section 4511.19 of 3306
the Revised Code or a substantially similar municipal ordinance 3307
or the law of another state or the United States arising out of 3308
the same set of circumstances as the violation, the court shall 3309
suspend the offender's driver's or commercial driver's license 3310
or permit for not more than five years. If applicable, the court 3311
also shall do the following: 3312

(1) (a) If the violation is a felony of the first, second, 3313
or third degree, the court shall impose upon the offender the 3314
mandatory fine specified for the offense under division (B) (1) 3315
of section 2929.18 of the Revised Code unless, as specified in 3316
that division, the court determines that the offender is 3317
indigent. 3318

(b) Notwithstanding any contrary provision of section 3319
3719.21 of the Revised Code, the clerk of the court shall pay a 3320
mandatory fine or other fine imposed for a violation of this 3321
section pursuant to division (A) of section 2929.18 of the 3322
Revised Code in accordance with and subject to the requirements 3323
of division (F) of section 2925.03 of the Revised Code. The 3324
agency that receives the fine shall use the fine as specified in 3325
division (F) of section 2925.03 of the Revised Code. 3326

(c) If a person is charged with a violation of this 3327
section that is a felony of the first, second, or third degree, 3328
posts bail, and forfeits the bail, the clerk shall pay the 3329
forfeited bail pursuant to division (E) (1) (b) of this section as 3330
if it were a mandatory fine imposed under division (E) (1) (a) of 3331
this section. 3332

(2) If the offender is a professionally licensed person, 3333
in addition to any other sanction imposed for a violation of 3334
this section, the court immediately shall comply with section 3335
2925.38 of the Revised Code. 3336

(F) It is an affirmative defense, as provided in section 3337
2901.05 of the Revised Code, to a charge of a fourth degree 3338
felony violation under this section that the controlled 3339
substance that gave rise to the charge is in an amount, is in a 3340
form, is prepared, compounded, or mixed with substances that are 3341
not controlled substances in a manner, or is possessed under any 3342
other circumstances, that indicate that the substance was 3343
possessed solely for personal use. Notwithstanding any contrary 3344
provision of this section, if, in accordance with section 3345
2901.05 of the Revised Code, an accused who is charged with a 3346
fourth degree felony violation of division (C) (2), (4), (5), or 3347
(6) of this section sustains the burden of going forward with 3348
evidence of and establishes by a preponderance of the evidence 3349
the affirmative defense described in this division, the accused 3350
may be prosecuted for and may plead guilty to or be convicted of 3351
a misdemeanor violation of division (C) (2) of this section or a 3352
fifth degree felony violation of division (C) (4), (5), or (6) of 3353
this section respectively. 3354

(G) When a person is charged with possessing a bulk amount 3355
or multiple of a bulk amount, division (E) of section 2925.03 of 3356

the Revised Code applies regarding the determination of the amount of the controlled substance involved at the time of the offense.

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

(1) A controlled substance;

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

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

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

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

section, the sentencing court, in its discretion, may terminate	3386
the suspension.	3387
Sec. 2925.23. (A) No person shall knowingly make a false	3388
statement in any prescription, order, report, or record required	3389
by Chapter 3719. or 4729. of the Revised Code.	3390
(B) No person shall intentionally make, utter, or sell, or	3391
knowingly possess any of the following that is a false or	3392
forged:	3393
(1) Prescription;	3394
(2) Uncompleted preprinted prescription blank used for	3395
writing a prescription;	3396
(3) Official written order;	3397
(4) License for a terminal distributor of dangerous drugs,	3398
as defined in section 4729.01 of the Revised Code;	3399
(5) License for a <u>manufacturer of dangerous drugs,</u>	3400
<u>outsourcing facility, third-party logistics provider, repackager</u>	3401
<u>of dangerous drugs, or wholesale distributor of dangerous drugs,</u>	3402
as defined in section 4729.01 of the Revised Code.	3403
(C) No person, by theft as defined in section 2913.02 of	3404
the Revised Code, shall acquire any of the following:	3405
(1) A prescription;	3406
(2) An uncompleted preprinted prescription blank used for	3407
writing a prescription;	3408
(3) An official written order;	3409
(4) A blank official written order;	3410
(5) A license or blank license for a terminal distributor	3411

of dangerous drugs, as defined in section 4729.01 of the Revised Code; 3412
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(6) A license or blank license for a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code. 3414
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(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs. 3417
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(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3420
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(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows: 3425
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(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 3433
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(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in 3439
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schedule III, IV, or V or is marihuana, illegal processing of 3441
drug documents is a felony of the fifth degree, and division (C) 3442
of section 2929.13 of the Revised Code applies in determining 3443
whether to impose a prison term on the offender. 3444

(G) (1) In addition to any prison term authorized or 3445
required by division (F) of this section and sections 2929.13 3446
and 2929.14 of the Revised Code and in addition to any other 3447
sanction imposed for the offense under this section or sections 3448
2929.11 to 2929.18 of the Revised Code, the court that sentences 3449
an offender who is convicted of or pleads guilty to any 3450
violation of divisions (A) to (D) of this section may suspend 3451
for not more than five years the offender's driver's or 3452
commercial driver's license or permit. However, if the offender 3453
pleaded guilty to or was convicted of a violation of section 3454
4511.19 of the Revised Code or a substantially similar municipal 3455
ordinance or the law of another state or the United States 3456
arising out of the same set of circumstances as the violation, 3457
the court shall suspend the offender's driver's or commercial 3458
driver's license or permit for not more than five years. 3459

If the offender is a professionally licensed person, in 3460
addition to any other sanction imposed for a violation of this 3461
section, the court immediately shall comply with section 2925.38 3462
of the Revised Code. 3463

(2) Any offender who received a mandatory suspension of 3464
the offender's driver's or commercial driver's license or permit 3465
under this section prior to September 13, 2016, may file a 3466
motion with the sentencing court requesting the termination of 3467
the suspension. However, an offender who pleaded guilty to or 3468
was convicted of a violation of section 4511.19 of the Revised 3469
Code or a substantially similar municipal ordinance or law of 3470

another state or the United States that arose out of the same 3471
set of circumstances as the violation for which the offender's 3472
license or permit was suspended under this section shall not 3473
file such a motion. 3474

Upon the filing of a motion under division (G)(2) of this 3475
section, the sentencing court, in its discretion, may terminate 3476
the suspension. 3477

(H) Notwithstanding any contrary provision of section 3478
3719.21 of the Revised Code, the clerk of court shall pay a fine 3479
imposed for a violation of this section pursuant to division (A) 3480
of section 2929.18 of the Revised Code in accordance with and 3481
subject to the requirements of division (F) of section 2925.03 3482
of the Revised Code. The agency that receives the fine shall use 3483
the fine as specified in division (F) of section 2925.03 of the 3484
Revised Code. 3485

Sec. 2925.34. (A) As used in this section: 3486

(1) "Pure caffeine product" means, subject to division (A) 3487
(2) of this section, a product that consists solely or primarily 3488
of caffeine and is manufactured into a crystalline, liquid, or 3489
powdered form. 3490

(2) "Pure caffeine product" does not include any of the 3491
following that contains caffeine and is formulated, 3492
manufactured, and labeled in accordance with the laws and 3493
regulations enforced by the United States Food and Drug 3494
Administration: 3495

(a) Coffee, tea, any soft drink, any energy drink, or any 3496
other caffeine-containing beverage; 3497

(b) Any energy product. 3498

(B) Except as provided in division (C) of this section, no person shall knowingly sell or offer for sale a pure caffeine product.	3499 3500 3501
(C) Division (B) of this section does not prohibit a person from selling or offering for sale any product manufactured in a unit-dose form such as a pill, tablet, or caplet, but only if each unit dose of the product contains not more than two hundred fifty milligrams of caffeine.	3502 3503 3504 3505 3506
(D) Nothing in this section prohibits either of the following:	3507 3508
(1) Possession of a product described in division (C) of this section;	3509 3510
(2) Possession of a pure caffeine product by any of the following:	3511 3512
(a) A food processing establishment, as defined in section 3715.021 of the Revised Code;	3513 3514
(b) A manufacturer of a drug that is available without a prescription;	3515 3516
(c) A laboratory that holds a current, valid category III terminal distributor of dangerous drugs license issued by the state board of pharmacy under section 4729.54 of the Revised Code;	3517 3518 3519 3520
(d) A laboratory, as defined in section 3719.01 of the Revised Code;	3521 3522
(e) A laboratory of any agency or department of this state that performs testing, analysis, and other laboratory services on behalf of the state;	3523 3524 3525

~~(f)~~(e) A postal or delivery service that transports or 3526
delivers a pure caffeine product to an entity specified in 3527
divisions (D) (2) (a) to ~~(e)~~(d) of this section. 3528

(E) Whoever violates division (B) of this section is 3529
guilty of illegal sale of pure caffeine, a minor misdemeanor on 3530
a first offense and a misdemeanor of the third degree on each 3531
subsequent offense. 3532

Sec. 3313.752. As used in this section, "anabolic steroid" 3533
~~has the same meaning~~ means an anabolic steroid as specified in a 3534
rule adopted under section 3719.41 or 3719.45 of the Revised 3535
Code. 3536

The board of education of each city, local, exempted 3537
village, and joint vocational school district shall require the 3538
following warning to be conspicuously posted in the locker rooms 3539
of each of the district's school buildings that includes any 3540
grade higher than sixth grade: 3541

"Warning: improper use of anabolic steroids may cause 3542
serious or fatal health problems, such as heart disease, stroke, 3543
cancer, growth deformities, infertility, personality changes, 3544
severe acne, and baldness. Possession, sale, or use of anabolic 3545
steroids without a valid prescription is a crime punishable by a 3546
fine and imprisonment." 3547

Sec. 3345.41. (A) As used in this section: 3548

(1) "Anabolic steroid" ~~has the same meaning~~ means an 3549
anabolic steroid as specified in a rule adopted under section 3550
3719.41 or 3719.45 of the Revised Code. 3551

(2) "State university or college" has the same meaning as 3552
in section 3345.32 of the Revised Code. 3553

(B) The board of trustees of each state university or college shall require the following warning to be conspicuously posted in locker rooms of recreational and athletic facilities operated by the state university or college for use by students:

"Warning: improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

Sec. 3707.50. (A) As used in this section:

(1) "Anabolic steroid" ~~has the same meaning~~ means an anabolic steroid as specified in a rule adopted under section 3719.41 or 3719.45 of the Revised Code.

(2) "Athletic facility" means both of the following:

(a) A privately owned athletic training, exercise, or sports facility or stadium that is open to the public;

(b) A publicly owned sports facility or stadium.

(B) The following warning shall be conspicuously posted in each locker room of every athletic facility:

"Warning: improper use of anabolic steroids may cause serious or fatal health problems, such as heart disease, stroke, cancer, growth deformities, infertility, personality changes, severe acne, and baldness. Possession, sale, or use of anabolic steroids without a valid prescription is a crime punishable by a fine and imprisonment."

(C) No privately owned athletic facility shall fail to post the warning required by this section.

(D) Any person who violates division (C) of this section 3582
is guilty of a misdemeanor of the fourth degree. 3583

Sec. 3719.01. As used in this chapter: 3584

(A) "Administer" means the direct application of a drug, 3585
whether by injection, inhalation, ingestion, or any other means 3586
to a person or an animal. 3587

(B) "Drug enforcement administration" means the drug 3588
enforcement administration of the United States department of 3589
justice or its successor agency. 3590

(C) "Controlled substance" means a drug, compound, 3591
mixture, preparation, or substance included in schedule I, II, 3592
III, IV, or V. 3593

(D) "Dangerous drug" has the same meaning as in section 3594
4729.01 of the Revised Code. 3595

(E) "Dispense" means to sell, leave with, give away, 3596
dispose of, or deliver. 3597

(F) "Distribute" means to deal in, ship, transport, or 3598
deliver but does not include administering or dispensing a drug. 3599

(G) "Drug" has the same meaning as in section 4729.01 of 3600
the Revised Code. 3601

(H) "Drug abuse offense" and "felony drug abuse offense" 3602
~~"cocaine," and "hashish"~~ have the same meanings as in section 3603
2925.01 of the Revised Code. 3604

(I) "Federal drug abuse control laws" means the 3605
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 3606
84 Stat. 1242, 21 U.S.C. 801, as amended. 3607

(J) "Hospital" means ~~an institution for the care and~~ 3608

~~treatment of the sick and injured that is certified by a~~ 3609
~~facility registered as a hospital with the department of health~~ 3610
~~and approved by the state board of pharmacy as proper to be~~ 3611
~~entrusted with the custody of controlled substances and the~~ 3612
~~professional use of controlled substances~~under section 3701.07 3613
of the Revised Code. 3614

(K) "Hypodermic" means a hypodermic syringe or needle, or 3615
other instrument or device for the injection of medication. 3616

~~(L) "Isomer," except as otherwise expressly stated, means~~ 3617
~~the optical isomer.~~ 3618

~~(M) "Laboratory" means a laboratory approved by the state~~ 3619
~~board of pharmacy as proper to be entrusted with the custody of~~ 3620
~~controlled substances and the use of controlled substances for~~ 3621
~~scientific and clinical purposes and for purposes of~~ 3622
~~instruction.~~ 3623

~~(N)~~ "Manufacturer" means a person who manufactures a 3624
controlled substance, as "manufacture" is defined in section 3625
3715.01 of the Revised Code. 3626

~~(O)~~ (M) "Marihuana" means all parts of a plant of the 3627
genus cannabis, whether growing or not; the seeds of a plant of 3628
that type; the resin extracted from a part of a plant of that 3629
type; and every compound, manufacture, salt, derivative, 3630
mixture, or preparation of a plant of that type or of its seeds 3631
or resin. "Marihuana" does not include the mature stalks of the 3632
plant, fiber produced from the stalks, oils or cake made from 3633
the seeds of the plant, or any other compound, manufacture, 3634
salt, derivative, mixture, or preparation of the mature stalks, 3635
except the resin extracted from the mature stalks, fiber, oil or 3636
cake, or the sterilized seed of the plant that is incapable of 3637

germination. 3638

~~(P)~~(N) "Narcotic drugs" means coca leaves, opium, 3639
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 3640
this division, and every substance not chemically distinguished 3641
from them and every drug, other than cannabis, that may be 3642
included in the meaning of "narcotic drug" under the federal 3643
drug abuse control laws. As used in this division: 3644

(1) "Coca leaves" includes cocaine and any compound, 3645
manufacture, salt, derivative, mixture, or preparation of coca 3646
leaves, except derivatives of coca leaves, that does not contain 3647
cocaine, ecgonine, or substances from which cocaine or ecgonine 3648
may be synthesized or made. 3649

(2) "Isonipecaine" means any substance identified 3650
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 3651
ethyl ester, or any salt thereof, by whatever trade name 3652
designated. 3653

(3) "Amidone" means any substance identified chemically as 3654
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 3655
by whatever trade name designated. 3656

(4) "Isoamidone" means any substance identified chemically 3657
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 3658
thereof, by whatever trade name designated. 3659

(5) "Ketobemidone" means any substance identified 3660
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 3661
ketone hydrochloride, or any salt thereof, by whatever trade 3662
name designated. 3663

~~(Q)~~(6) "Cocaine" has the same meaning as in section 3664
2925.01 of the Revised Code. 3665

(O) "Official written order" means an order written on a form provided for that purpose by the director of the United States drug enforcement administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by federal law.

~~(R) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under section 3719.41 of the Revised Code, the dextrorotatory isomer of 3-methoxy-N-methylmorphinan and its salts (dextro-methorphan). "Opiate" does include its racemic and levoratory forms.~~

~~(S) "Opium poppy" means the plant of the species papaver somniferum L., except its seeds.~~

~~(T)~~ (P) "Person" means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or other legal entity.

~~(U)~~ (Q) "Pharmacist" means a person licensed under Chapter 4729. of the Revised Code to engage in the practice of pharmacy.

~~(V)~~ (R) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

~~(W)~~ (S) "Poison" means any drug, chemical, or preparation likely to be deleterious or destructive to adult human life in quantities of four grams or less.

~~(X) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.~~

~~(Y)~~ (T) "Licensed health professional authorized to

prescribe drugs," "prescriber," and "prescription" have the same 3694
meanings as in section 4729.01 of the Revised Code. 3695

~~(Z) "Registry number" means the number assigned to each 3696
person registered under the federal drug abuse control laws. 3697~~

~~(AA) (U) "Sale" includes delivery, barter, exchange, 3698
transfer, or gift, or offer thereof, and each transaction of 3699
those natures made by any person, whether as principal, 3700
proprietor, agent, servant, or employee. 3701~~

~~(BB) (V) "Schedule I," "schedule II," "schedule III," 3702
"schedule IV," and "schedule V" mean controlled substance 3703
schedules I, II, III, IV, and V, respectively, as established 3704
pursuant to by rule adopted under section 3719.41 of the Revised 3705
Code, as amended pursuant to section 3719.43 or 3719.44 of the 3706
Revised Code, or as established by emergency rule adopted under 3707
section 3719.45 of the Revised Code. 3708~~

~~(CC) (W) "Wholesaler" means a person who, on official 3709
written orders other than prescriptions, supplies controlled 3710
substances that the person has not manufactured, produced, or 3711
prepared personally and includes a "wholesale distributor of 3712
dangerous drugs" as defined in section 4729.01 of the Revised 3713
Code. 3714~~

~~(DD) (X) "Animal shelter" means a facility operated by a 3715
humane society or any society organized under Chapter 1717. of 3716
the Revised Code or a dog pound operated pursuant to Chapter 3717
955. of the Revised Code. 3718~~

~~(EE) (Y) "Terminal distributor of dangerous drugs" has the 3719
same meaning as in section 4729.01 of the Revised Code. 3720~~

~~(FF) "Category III license" means a license issued to a 3721
terminal distributor of dangerous drugs as set forth in section 3722~~

4729.54 of the Revised Code.	3723
(GC) "Prosecutor" has the same meaning as in section	3724
2935.01 of the Revised Code.	3725
(HH) <u>(Z)</u> (1) "Controlled substance analog" means, except as	3726
provided in division (HH) <u>(Z)</u> (2) of this section, a substance to	3727
which both of the following apply:	3728
(a) The chemical structure of the substance is	3729
substantially similar to the structure of a controlled substance	3730
in schedule I or II.	3731
(b) One of the following applies regarding the substance:	3732
(i) The substance has a stimulant, depressant, or	3733
hallucinogenic effect on the central nervous system that is	3734
substantially similar to or greater than the stimulant,	3735
depressant, or hallucinogenic effect on the central nervous	3736
system of a controlled substance in schedule I or II.	3737
(ii) With respect to a particular person, that person	3738
represents or intends the substance to have a stimulant,	3739
depressant, or hallucinogenic effect on the central nervous	3740
system that is substantially similar to or greater than the	3741
stimulant, depressant, or hallucinogenic effect on the central	3742
nervous system of a controlled substance in schedule I or II.	3743
(2) "Controlled substance analog" does not include any of	3744
the following:	3745
(a) A controlled substance;	3746
(b) Any substance for which there is an approved new drug	3747
application;	3748
(c) With respect to a particular person, any substance if	3749

an exemption is in effect for investigational use for that 3750
person pursuant to federal law to the extent that conduct with 3751
respect to that substance is pursuant to that exemption; 3752

(d) Any substance to the extent it is not intended for 3753
human consumption before the exemption described in division 3754
~~(HH)~~ (Z) (2) (b) of this section takes effect with respect to that 3755
substance. 3756

~~(II)~~ (AA) "Benzodiazepine" means a controlled substance 3757
that has United States food and drug administration approved 3758
labeling indicating that it is a benzodiazepine, benzodiazepine 3759
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 3760
derivative, including the following drugs and their varying salt 3761
forms or chemical congeners: alprazolam, chlordiazepoxide 3762
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 3763
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 3764
oxazepam, quazepam, temazepam, and triazolam. 3765

~~(JJ)~~ (BB) "Opioid analgesic" means a controlled substance 3766
that has analgesic pharmacologic activity at the opioid 3767
receptors of the central nervous system, including the following 3768
drugs and their varying salt forms or chemical congeners: 3769
buprenorphine, butorphanol, codeine (including acetaminophen and 3770
other combination products), dihydrocodeine, fentanyl, 3771
hydrocodone (including acetaminophen combination products), 3772
hydromorphone, meperidine, methadone, morphine sulfate, 3773
oxycodone (including acetaminophen, aspirin, and other 3774
combination products), oxymorphone, tapentadol, and tramadol. 3775

~~(KK) "Emergency facility" means a hospital emergency 3776
department or any other facility that provides emergency care. 3777~~

Sec. 3719.04. (A) A person identified in division (B) (1) 3778

(a) of section 4729.52 of the Revised Code who holds a category III license under that section may sell at wholesale controlled substances to any of the following persons and subject to the following conditions:

(1) To another person who holds a category III license issued under section ~~4729.50~~ 4729.52 of the Revised Code, ~~or to~~ a terminal distributor of dangerous drugs ~~having with~~ a category III license issued under section 4729.54 of the Revised Code;

(2) To a person in the employ of the United States government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing controlled substances by reason of official duties;

(3) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board the ship or aircraft, when not in port; provided such controlled substances shall be sold to the master of the ship or person in charge of the aircraft only in pursuance of a special official written order approved by a commissioned medical officer or acting assistant surgeon of the United States public health service;

(4) To a person in a foreign country, if the federal drug abuse control laws are complied with.

(B) An official written order for any schedule II controlled substances shall ~~be signed in triplicate by the person giving the order or by the person's authorized agent. The original shall be presented to the person who sells or dispenses the schedule II controlled substances named in the order and, if that person accepts the order, each party to the transaction~~

~~shall preserve the party's copy of the order for a period of 3808
three comply with all requirements of the federal drug abuse 3809
control laws and rules adopted by the state board of pharmacy. 3810
Except as provided in section 3719.05 of the Revised Code or as 3811
otherwise specified in rules adopted by the board, each party 3812
engaged in the sale of schedule II controlled substances shall 3813
maintain all records relating to the order for a period of five 3814
years in such a way as to be readily accessible for inspection 3815
by any public officer or employee engaged in the enforcement of 3816
Chapter 3719. of the Revised Code this chapter. Compliance with 3817
the federal drug abuse control laws, respecting the requirements 3818
governing the use of a special official written order 3819
constitutes compliance with this division. 3820~~

Sec. 3719.05. (A) A pharmacist may dispense controlled 3821
substances to any person upon a prescription issued in 3822
accordance with section 3719.06 of the Revised Code. When 3823
dispensing controlled substances, a pharmacist shall act in 3824
accordance with rules adopted by the state board of pharmacy and 3825
in accordance with the following: 3826

(1) The prescription shall be retained on file by the 3827
owner of the pharmacy in which it is filled for a period of 3828
three years, so as to be readily accessible for inspection by 3829
any public officer or employee engaged in the enforcement of 3830
Chapter 2925., 3719., or 4729. of the Revised Code. 3831

(2) Each oral prescription shall be recorded by the 3832
pharmacist and the record shall show the name and address of the 3833
patient for whom, or of the owner of the animal for which the 3834
controlled substance is dispensed, the full name, address, and 3835
registry number under the federal drug abuse control laws of the 3836
prescriber, the name of the controlled substance dispensed, the 3837

amount dispensed, and the date when dispensed. The record shall 3838
be retained on file by the owner of the pharmacy in which it is 3839
filled for a period of three years. 3840

(3) A schedule II controlled substance shall be dispensed 3841
only upon a written or electronic prescription, except that it 3842
may be dispensed upon an oral prescription in emergency 3843
situations as provided in the federal drug abuse control laws. 3844

(4) A prescription for a schedule II controlled substance 3845
shall not be refilled. 3846

(5) Prescriptions for schedule III and IV controlled 3847
substances may be refilled not more than five times in a six- 3848
month period from the date the prescription is given by a 3849
prescriber. 3850

(B) The legal owner of any stock of schedule II controlled 3851
substances in a pharmacy, upon discontinuance of dealing in 3852
those drugs, may sell the stock to a manufacturer, wholesaler, 3853
or owner of a pharmacy registered under the federal drug abuse 3854
control laws pursuant to an official written order. 3855

Sec. 3719.06. (A) (1) A licensed health professional 3856
authorized to prescribe drugs, if acting in the course of 3857
professional practice, in accordance with the laws regulating 3858
the professional's practice, and in accordance with rules 3859
adopted by the state board of pharmacy, may, except as provided 3860
in division (A) (2) or (3) of this section, do the following: 3861

(a) Prescribe schedule II, III, IV, and V controlled 3862
substances; 3863

(b) Administer or personally furnish to patients schedule 3864
II, III, IV, and V controlled substances; 3865

(c) Cause schedule II, III, IV, and V controlled substances to be administered under the prescriber's direction and supervision. 3866
3867
3868

(2) A licensed health professional authorized to prescribe drugs who is a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner is subject to both of the following: 3869
3870
3871
3872

(a) A schedule II controlled substance may be prescribed only in accordance with division (C) of section 4723.481 of the Revised Code. 3873
3874
3875

(b) No schedule II controlled substance shall be personally furnished to any patient. 3876
3877

(3) A licensed health professional authorized to prescribe drugs who is a physician assistant is subject to all of the following: 3878
3879
3880

(a) A controlled substance may be prescribed or personally furnished only if it is included in the physician-delegated prescriptive authority granted to the physician assistant in accordance with Chapter 4730. of the Revised Code. 3881
3882
3883
3884

(b) A schedule II controlled substance may be prescribed only in accordance with division (B)(4) of section 4730.41 and section 4730.411 of the Revised Code. 3885
3886
3887

(c) No schedule II controlled substance shall be personally furnished to any patient. 3888
3889

(B) No licensed health professional authorized to prescribe drugs shall prescribe, administer, or personally furnish a schedule III anabolic steroid for the purpose of human muscle building or enhancing human athletic performance and no 3890
3891
3892
3893

pharmacist shall dispense a schedule III anabolic steroid for 3894
either purpose, unless it has been approved for that purpose 3895
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3896
(1938), 21 U.S.C.A. 301, as amended. 3897

(C) Each written or electronic prescription for a 3898
controlled substance shall be properly executed, dated, and 3899
signed by the prescriber on the day when issued and shall bear 3900
the full name and address of the person for whom, or the owner 3901
of the animal for which, the controlled substance is prescribed 3902
and the full name, address, and registry number under the 3903
federal drug abuse control laws of the prescriber. If the 3904
prescription is for an animal, it shall state the species of the 3905
animal for which the controlled substance is prescribed. 3906

Sec. 3719.061. (A) (1) As used in this section: 3907

(a) "Another adult authorized to consent to the minor's 3908
medical treatment" means an adult to whom a minor's parent or 3909
guardian has given written authorization to consent to the 3910
minor's medical treatment. 3911

(b) "Emergency facility" means a hospital emergency 3912
department or any other facility that provides emergency care. 3913

(c) "Medical emergency" means a situation that in a 3914
prescriber's good faith medical judgment creates an immediate 3915
threat of serious risk to the life or physical health of a 3916
minor. 3917

~~(e)~~ (d) "Minor" means an individual under eighteen years 3918
of age who is not emancipated. 3919

(2) For purposes of this section, an individual under 3920
eighteen years of age is emancipated only if the individual has 3921
married, has entered the armed services of the United States, 3922

has become employed and self-sustaining, or otherwise has become 3923
independent from the care and control of the individual's 3924
parent, guardian, or custodian. 3925

(B) Except as provided in division (C) of this section, 3926
before issuing for a minor the first prescription in a single 3927
course of treatment for an opioid analgesic, regardless of 3928
whether the dosage is modified during that course of treatment, 3929
a prescriber shall do all of the following: 3930

(1) As part of the prescriber's examination of the minor, 3931
assess whether the minor has ever suffered, or is currently 3932
suffering, from mental health or substance abuse disorders and 3933
whether the minor has taken or is currently taking prescription 3934
drugs for treatment of those disorders; 3935

(2) Discuss with the minor and the minor's parent, 3936
guardian, or another adult authorized to consent to the minor's 3937
medical treatment all of the following: 3938

(a) The risks of addiction and overdose associated with 3939
opioid analgesics; 3940

(b) The increased risk of addiction to controlled 3941
substances of individuals suffering from both mental and 3942
substance abuse disorders; 3943

(c) The dangers of taking opioid analgesics with 3944
benzodiazepines, alcohol, or other central nervous system 3945
depressants; 3946

(d) Any other information in the patient counseling 3947
information section of the labeling for the opioid analgesic 3948
required under 21 C.F.R. 201.57(c) (18). 3949

(3) Obtain written consent for the prescription from the 3950

minor's parent, guardian, or, subject to division (E) of this 3951
section, another adult authorized to consent to the minor's 3952
medical treatment. 3953

The prescriber shall record the consent on a form, which 3954
shall be known as the "Start Talking!" consent form. The form 3955
shall be separate from any other document the prescriber uses to 3956
obtain informed consent for other treatment provided to the 3957
minor. The form shall contain all of the following: 3958

(a) The name and quantity of the opioid analgesic being 3959
prescribed and the amount of the initial dose; 3960

(b) A statement indicating that a controlled substance is 3961
a drug or other substance that the United States drug 3962
enforcement administration has identified as having a potential 3963
for abuse; 3964

(c) A statement certifying that the prescriber discussed 3965
with the minor and the minor's parent, guardian, or another 3966
adult authorized to consent to the minor's medical treatment the 3967
matters described in division (B) (2) of this section; 3968

(d) The number of refills, if any, authorized by the 3969
prescription; 3970

(e) The signature of the minor's parent, guardian, or 3971
another adult authorized to consent to the minor's medical 3972
treatment and the date of signing. 3973

(C) (1) The requirements ~~in~~ of division (B) of this section 3974
do not apply if the minor's treatment with an opioid analgesic 3975
meets any of the following criteria: 3976

(a) The treatment is associated with or incident to a 3977
medical emergency. 3978

(b) The treatment is associated with or incident to 3979
surgery, regardless of whether the surgery is performed on an 3980
inpatient or outpatient basis. 3981

(c) In the prescriber's professional judgment, fulfilling 3982
the requirements of division (B) of this section with respect to 3983
the minor's treatment would be a detriment to the minor's health 3984
or safety. 3985

(d) Except as provided in division (D) of this section, 3986
the treatment is rendered in a hospital, emergency facility, 3987
ambulatory surgical facility, nursing home, pediatric respite 3988
care program, residential care facility, freestanding 3989
rehabilitation facility, or similar institutional facility. 3990

(2) The requirements ~~in~~ of division (B) of this section do 3991
not apply to a prescription for an opioid analgesic that a 3992
prescriber issues to a minor at the time of discharge from a 3993
facility or other location described in division (C)(1)(d) of 3994
this section. 3995

(D) The exemption in division (C)(1)(d) of this section 3996
does not apply to treatment rendered in a prescriber's office 3997
that is located on the premises of or adjacent to a facility or 3998
other location described in that division. 3999

(E) If the individual who signs the consent form required 4000
by division (B)(3) of this section is another adult authorized 4001
to consent to the minor's medical treatment, the prescriber 4002
shall prescribe not more than a single, seventy-two-hour supply 4003
and indicate on the prescription the quantity that is to be 4004
dispensed pursuant to the prescription. 4005

(F) A signed "Start Talking!" consent form obtained under 4006
this section shall be maintained in the minor's medical record. 4007

Sec. 3719.07. (A) As used in this section, "description" 4008
means the dosage form, strength, and quantity, and the brand 4009
name, if any, or the generic name, of a drug or controlled 4010
substance. 4011

(B) (1) Every licensed health professional authorized to 4012
prescribe drugs shall keep a record of all controlled substances 4013
received and a record of all controlled substances administered, 4014
dispensed, or used other than by prescription. Every other 4015
person, except a pharmacist or a manufacturer, wholesaler, or 4016
other person licensed under section 4729.52 of the Revised Code, 4017
who is authorized to purchase and use controlled substances 4018
shall keep a record of all controlled substances purchased and 4019
used other than by prescription. The records shall be kept in 4020
accordance with division (C) (1) of this section. 4021

(2) Manufacturers, wholesalers, and other persons licensed 4022
under section 4729.52 of the Revised Code shall keep records of 4023
all controlled substances compounded, mixed, cultivated, grown, 4024
or by any other process produced or prepared by them, and of all 4025
controlled substances received or sold by them. The records 4026
shall be kept in accordance with division (C) (2) of this 4027
section. 4028

(3) Every ~~category III~~ terminal distributor of dangerous 4029
drugs with a category III license issued under section 4729.54 4030
of the Revised Code shall keep records of all controlled 4031
substances received or sold. The records shall be kept in 4032
accordance with division (C) (3) of this section. 4033

(4) Every person who sells or purchases for resale 4034
schedule V controlled substances exempted by section 3719.15 of 4035
the Revised Code shall keep a record showing the quantities and 4036
kinds thereof received or sold. The records shall be kept in 4037

accordance with divisions (C) (1), (2), and (3) of this section. 4038

(C) (1) The records required by divisions (B) (1) and (4) of 4039
this section shall contain the following: 4040

(a) The description of all controlled substances received, 4041
the name and address of the person from whom received, and the 4042
date of receipt; 4043

(b) The description of controlled substances administered, 4044
dispensed, purchased, sold, or used; the date of administering, 4045
dispensing, purchasing, selling, or using; the name and address 4046
of the person to whom, or for whose use, or the owner and 4047
species of the animal for which the controlled substance was 4048
administered, dispensed, purchased, sold, or used. 4049

(2) The records required by divisions (B) (2) and (4) of 4050
this section shall contain the following: 4051

(a) The description of all controlled substances produced 4052
or prepared, the name and address of the person from whom 4053
received, and the date of receipt; 4054

(b) The description of controlled substances sold, the 4055
name and address of each person to whom a controlled substance 4056
is sold, the amount of the controlled substance sold to each 4057
person, and the date it was sold. 4058

(3) The records required by divisions (B) (3) and (4) of 4059
this section shall contain the following: 4060

(a) The description of controlled substances received, the 4061
name and address of the person from whom controlled substances 4062
are received, and the date of receipt; 4063

(b) The name and place of residence of each person to whom 4064
controlled substances, including those otherwise exempted by 4065

section 3719.15 of the Revised Code, are sold, the description 4066
of the controlled substances sold to each person, and the date 4067
the controlled substances are sold to each person. 4068

(D) Every record required by this section shall be kept 4069
for a period of ~~three~~five years, unless otherwise specified in 4070
rules adopted by the state board of pharmacy. 4071

The keeping of a record required by or under the federal 4072
drug abuse control laws, containing substantially the same 4073
information as specified in this section, constitutes compliance 4074
with this section. 4075

Every person who purchases for resale or who sells 4076
controlled substance preparations exempted by section 3719.15 of 4077
the Revised Code shall keep the record required by or under the 4078
federal drug abuse control laws. 4079

Sec. 3719.09. Possession or control of controlled 4080
substances is authorized in the following instances and subject 4081
to the following conditions: 4082

(A) Possession of controlled substances in the course of 4083
business by a manufacturer, wholesaler, licensed health 4084
professional authorized to prescribe drugs, pharmacist, ~~category~~ 4085
~~III~~terminal distributor of dangerous drugs with a category III 4086
license issued under section 4729.54 of the Revised Code, or 4087
other person authorized to possess controlled substances under 4088
this chapter or Chapter 4729. of the Revised Code; 4089

(B) Possession by any person of any schedule V narcotic 4090
drug exempted under section 3719.15 of the Revised Code, where 4091
the quantity of the drug does not exceed one hundred thirty 4092
milligrams of opium, thirty-two and five-tenths milligrams of 4093
morphine or any of its salts, two hundred sixty milligrams of 4094

codeine or any of its salts, one hundred thirty milligrams of 4095
dihydrocodeine or any of its salts, or thirty-two and five- 4096
tenths milligrams of ethylmorphine or any of its salts, or, in 4097
the case of any other schedule V controlled substance or any 4098
combination of narcotic drugs, where the quantity does not 4099
exceed in pharmacologic potency any one of the drugs named above 4100
in the quantity stated; 4101

(C) Possession—As used in this division, "deception" and 4102
"theft offense" have the same meanings as in section 2913.01 of 4103
the Revised Code. 4104

Possession by any person of any controlled substance that 4105
the person obtained pursuant to a prescription issued by a 4106
licensed health professional authorized to prescribe drugs or 4107
that was obtained for the person pursuant to a prescription 4108
issued by a prescriber, when ~~the~~ all of the following apply: 4109

(1) The prescription is issued for a legitimate medical 4110
purpose; 4111

(2) The prescription is not altered or forged and was not 4112
obtained through deception or commission of a theft offense; 4113

(3) The drug is in a container regardless of whether the 4114
container is the original container in which the drug was 4115
dispensed to that person directly or indirectly by a pharmacist 4116
or personally furnished to that person by the prescriber~~+~~. 4117

(D) Possession in the course of business of combination 4118
drugs that contain pentobarbital and at least one noncontrolled 4119
substance active ingredient, in a manufactured dosage form, the 4120
only indication of which is for euthanizing animals, or other 4121
substance that the state veterinary medical licensing board and 4122
the state board of pharmacy both approve under division (A) of 4123

section 4729.532 of the Revised Code, by an agent or employee of 4124
an animal shelter who is authorized by the licensure of the 4125
animal shelter with the state board of pharmacy to purchase and 4126
possess the drug solely for use as specified in that section. As 4127
used in this division, "in the course of business" means 4128
possession or use at an establishment described in a license 4129
issued under section 4729.54 of the Revised Code, or outside 4130
that establishment when necessary because of a risk to the 4131
health or safety of any person, provided that the substance is 4132
in a quantity no greater than reasonably could be used to 4133
alleviate the risk, is in the original manufacturer's container, 4134
and is returned to the establishment as soon as possible after 4135
the risk has passed. 4136

Sec. 3719.12. Unless ~~As used in this section,~~ "prosecutor" 4137
has the same meaning as in section 2935.01 of the Revised Code. 4138

Unless a report has been made pursuant to section 2929.42 4139
of the Revised Code, on the conviction of a manufacturer, 4140
wholesaler, terminal distributor of dangerous drugs, pharmacist, 4141
pharmacy intern, dentist, chiropractor, physician, podiatrist, 4142
registered nurse, licensed practical nurse, physician assistant, 4143
optometrist, or veterinarian of the violation of this chapter or 4144
Chapter 2925. of the Revised Code, the prosecutor in the case 4145
promptly shall report the conviction to the board that licensed, 4146
certified, or registered the person to practice or to carry on 4147
business. The responsible board shall provide forms to the 4148
prosecutor. Within thirty days of the receipt of this 4149
information, the board shall initiate action in accordance with 4150
Chapter 119. of the Revised Code to determine whether to suspend 4151
or revoke the person's license, certificate, or registration. 4152

Sec. 3719.40. The controlled substances included or to be 4153

included in the schedules in established by rule adopted under 4154
section 3719.41 or 3719.45 of the Revised Code are included by 4155
whatever official, common, usual, chemical, or trade name 4156
designated. 4157

Sec. 3719.41. (A) For purposes of administration, 4158
enforcement, and regulation of the manufacture, distribution, 4159
dispensing, and possession of controlled substances, the state 4160
board of pharmacy shall adopt rules in accordance with Chapter 4161
119. of the Revised Code establishing schedule I, schedule II, 4162
schedule III, schedule IV, and schedule V incorporating the five 4163
schedules of controlled substances under the federal drug abuse 4164
control laws. 4165

The board may include in the schedules any compound, 4166
mixture, preparation, or substance that was included in the 4167
schedules immediately prior to the effective date of this 4168
section, as long as the inclusion does not have the effect of 4169
providing less stringent control of the compound, mixture, 4170
preparation, or substance than is provided under the federal 4171
drug abuse control laws or regulations adopted under those laws. 4172

(B) Except as provided in section 3719.45 of the Revised 4173
Code, the board periodically shall update the schedules by rule 4174
adopted in accordance with Chapter 119. of the Revised Code to 4175
correspond to any change in the federal drug abuse control laws 4176
or regulations adopted under those laws, any addition, transfer, 4177
or removal by congress or the attorney general of the United 4178
States as described in section 3719.43 of the Revised Code, and 4179
any addition, transfer, or removal by the board by rule adopted 4180
under section 3719.44 of the Revised Code. 4181

Sec. 3719.43. When congress or, pursuant to the federal 4183
drug abuse control laws, the attorney general of the United 4184
States adds a compound, mixture, preparation, or substance to a 4185
schedule of the federal drug abuse control laws, transfers any 4186
of the same between one schedule of the federal drug abuse 4187
control laws to another, or removes a compound, mixture, 4188
preparation, or substance from the schedules of the federal drug 4189
abuse control laws, then such addition, transfer, or removal is 4190
automatically effected in the corresponding schedule or 4191
schedules ~~in~~ established by rule adopted under section 3719.41 4192
of the Revised Code, subject to amendment pursuant to section 4193
3719.44 of the Revised Code. 4194

The state board of pharmacy shall incorporate the 4195
addition, transfer, or removal into or from the schedules in its 4196
next update of the schedules under section 3719.41 of the 4197
Revised Code. 4198

Sec. 3719.44. (A) Pursuant to this section, and by rule 4199
adopted in accordance with Chapter 119. of the Revised Code, the 4200
state board of pharmacy may do any of the following with respect 4201
to schedules I, II, III, IV, and V established ~~in~~ by rule 4202
adopted under section 3719.41 of the Revised Code: 4203

(1) Add a previously unscheduled compound, mixture, 4204
preparation, or substance to any schedule; 4205

(2) Transfer a compound, mixture, preparation, or 4206
substance from one schedule to another, provided the transfer 4207
does not have the effect under this chapter of providing less 4208
stringent control of the compound, mixture, preparation, or 4209
substance than is provided under the federal drug abuse control 4210
laws; 4211

(3) Remove a compound, mixture, preparation, or substance 4212
from the schedules where the board had previously added the 4213
compound, mixture, preparation, or substance to the schedules, 4214
provided that the removal shall not have the effect under this 4215
chapter of providing less stringent control of the compound, 4216
mixture, preparation, or substance than is provided under the 4217
federal drug abuse control laws. 4218

(B) In making a determination to add, remove, or transfer 4219
pursuant to division (A) of this section, the board shall 4220
consider the following: 4221

(1) The actual or relative potential for abuse; 4222

(2) The scientific evidence of the pharmacological effect 4223
of the substance, if known; 4224

(3) The state of current scientific knowledge regarding 4225
the substance; 4226

(4) The history and current pattern of abuse; 4227

(5) The scope, duration, and significance of abuse; 4228

(6) The risk to the public health; 4229

(7) The potential of the substance to produce psychic or 4230
physiological dependence liability; 4231

(8) Whether the substance is an immediate precursor. 4232

(C) The board may add or transfer a compound, mixture, 4233
preparation, or substance to schedule I when it appears that 4234
there is a high potential for abuse, that it has no accepted 4235
medical use in treatment in this state, or that it lacks 4236
accepted safety for use in treatment under medical supervision. 4237

(D) The board may add or transfer a compound, mixture, 4238

preparation, or substance to schedule II when it appears that 4239
there is a high potential for abuse, that it has a currently 4240
accepted medical use in treatment in this state, or currently 4241
accepted medical use in treatment with severe restrictions, and 4242
that its abuse may lead to severe physical or severe 4243
psychological dependence. 4244

(E) The board may add or transfer a compound, mixture, 4245
preparation, or substance to schedule III when it appears that 4246
there is a potential for abuse less than the substances included 4247
in schedules I and II, that it has a currently accepted medical 4248
use in treatment in this state, and that its abuse may lead to 4249
moderate or low physical or high psychological dependence. 4250

(F) The board may add or transfer a compound, mixture, 4251
preparation, or substance to schedule IV when it appears that it 4252
has a low potential for abuse relative to substances included in 4253
schedule III, that it has a currently accepted medical use in 4254
treatment in this state, and that its abuse may lead to limited 4255
physical or psychological dependence relative to the substances 4256
included in schedule III. 4257

(G) The board may add or transfer a compound, mixture, 4258
preparation, or substance to schedule V when it appears that it 4259
has lower potential for abuse than substances included in 4260
schedule IV, that it has currently accepted medical use in 4261
treatment in this state, and that its abuse may lead to limited 4262
physical or psychological dependence relative to substances 4263
included in schedule IV. 4264

(H) Even though a compound, mixture, preparation, or 4265
substance does not otherwise meet the criteria in this section 4266
for adding or transferring it to a schedule, the board may 4267
nevertheless add or transfer it to a schedule as an immediate 4268

precursor when all of the following apply:	4269
(1) It is the principal compound used, or produced	4270
primarily for use, in the manufacture of a controlled substance.	4271
(2) It is an immediate chemical intermediary used or	4272
likely to be used in the manufacture of such a controlled	4273
substance.	4274
(3) Its control is necessary to prevent, curtail, or limit	4275
the manufacture of the scheduled compound, mixture, preparation,	4276
or substance of which it is the immediate precursor.	4277
(I) Authority to control under this section does not	4278
extend to distilled spirits, wine, or beer, as those terms are	4279
defined or used in Chapter 4301. of the Revised Code.	4280
(J) Authority to control under this section does not	4281
extend to any nonnarcotic substance if the substance may, under	4282
the Federal Food, Drug, and Cosmetic Act and the laws of this	4283
state, be lawfully sold over the counter without a prescription.	4284
If a pattern of abuse develops for any nonnarcotic drug sold	4285
over the counter, the board may, by rule adopted in accordance	4286
with Chapter 119. of the Revised Code, after a public hearing	4287
and a documented study to determine that the substance actually	4288
meets the criteria listed in division (B) of this section, place	4289
the abused substance on a controlled substance schedule.	4290
(K) (1) A drug product containing ephedrine that is known	4291
as one of the following and is in the form specified shall not	4292
be considered a schedule V controlled substance:	4293
(a) Amesec capsules;	4294
(b) Bronitin tablets;	4295
(c) Bronkotabs;	4296

(d) Bronkolixir;	4297
(e) Bronkaid tablets;	4298
(f) Efedron nasal jelly;	4299
(g) Guiaphed elixir;	4300
(h) Haysma;	4301
(i) Pazo hemorrhoid ointment and suppositories;	4302
(j) Primatene "M" formula tablets;	4303
(k) Primatene "P" formula tablets;	4304
(l) Tedrigen tablets;	4305
(m) Tedral tablets, suspension and elixir;	4306
(n) T.E.P.;	4307
(o) Vatronol nose drops.	4308
(2) (a) A product containing ephedrine shall not be	4309
considered a controlled substance if the product is a food	4310
product or dietary supplement that meets all of the following	4311
criteria:	4312
(i) It contains, per dosage unit or serving, not more than	4313
the lesser of twenty-five milligrams of ephedrine alkaloids or	4314
the maximum amount of ephedrine alkaloids provided in applicable	4315
regulations adopted by the United States food and drug	4316
administration, and no other controlled substance.	4317
(ii) It contains no hydrochloride or sulfate salts of	4318
ephedrine alkaloids.	4319
(iii) It is packaged with a prominent label securely	4320
affixed to each package that states all of the following: the	4321

amount in milligrams of ephedrine in a serving or dosage unit; 4322
the amount of the food product or dietary supplement that 4323
constitutes a serving or dosage unit; that the maximum 4324
recommended dosage of ephedrine for a healthy adult human is the 4325
lesser of one hundred milligrams in a twenty-four-hour period 4326
for not more than twelve weeks or the maximum recommended dosage 4327
or period of use provided in applicable regulations adopted by 4328
the United States food and drug administration; and that 4329
improper use of the product may be hazardous to a person's 4330
health. 4331

(b) (i) Subject to division (K) (2) (b) (ii) of this section, 4332
no person shall dispense, sell, or otherwise give a product 4333
described in division (K) (2) (a) of this section to any 4334
individual under eighteen years of age. 4335

(ii) Division (K) (2) (b) (i) of this section does not apply 4336
to a physician or pharmacist who dispenses, sells, or otherwise 4337
gives a product described in division (K) (2) (a) of this section 4338
to an individual under eighteen years of age, to a parent or 4339
guardian of an individual under eighteen years of age who 4340
dispenses, sells, or otherwise gives a product of that nature to 4341
the individual under eighteen years of age, or to a person who, 4342
as authorized by the individual's parent or legal guardian, 4343
dispenses, sells, or otherwise gives a product of that nature to 4344
an individual under eighteen years of age. 4345

(c) No person in the course of selling, offering for sale, 4346
or otherwise distributing a product described in division (K) (2) 4347
(a) of this section shall advertise or represent in any manner 4348
that the product causes euphoria, ecstasy, a "buzz" or "high," 4349
or an altered mental state; heightens sexual performance; or, 4350
because it contains ephedrine alkaloids, increased muscle mass. 4351

(3) A drug product that contains the isomer 4352
pseudoephedrine, or any of its salts, optical isomers, or salts 4353
of optical isomers, shall not be considered a controlled 4354
substance if the drug product is labeled in a manner consistent 4355
with federal law or with the product's over-the-counter 4356
tentative final monograph or final monograph issued by the 4357
United States food and drug administration. 4358

(4) At the request of any person, the board may except any 4359
product containing ephedrine not described in division (K) (1) or 4360
(2) of this section or any class of products containing 4361
ephedrine from being included as a schedule V controlled 4362
substance if it determines that the product or class of products 4363
does not contain any other controlled substance. The board shall 4364
make the determination in accordance with this section and by 4365
rule adopted in accordance with Chapter 119. of the Revised 4366
Code. 4367

(L) If the board adds, transfers, or removes a compound, 4368
mixture, preparation, or substance to or from a schedule 4369
pursuant to division (A), (B), (C), (D), (E), (F), (G), or (H) 4370
of this section, the board shall incorporate the addition, 4371
transfer, or removal into the schedules in its next update of 4372
the schedules under division (B) of section 3719.41 of the 4373
Revised Code. 4374

(M) As used in this section: 4375

(1) "Food" has the same meaning as in section 3715.01 of 4376
the Revised Code. 4377

(2) "Dietary supplement" has the same meaning as in the 4378
"Federal Food, Drug, and Cosmetic Act," 108 Stat. 4327 (1994), 4379
21 U.S.C.A. 321 (ff), as amended. 4380

(3) "Ephedrine alkaloids" means ephedrine, 4381
pseudoephedrine, norephedrine, norpseudoephedrine, 4382
methylephedrine, and methylpseudoephedrine. 4383

Sec. 3719.45. (A)(1) The state board of pharmacy, by 4384
emergency rule adopted in accordance with division (G) of 4385
section 119.03 of the Revised Code, shall add a previously 4386
unscheduled compound, mixture, preparation, or substance to 4387
schedule I if the board determines that the compound, mixture, 4388
preparation, or substance has no accepted medical use in 4389
treatment in this state and poses an imminent hazard to the 4390
public health, safety, or welfare. 4391

(2) In determining whether a previously unscheduled 4392
compound, mixture, preparation, or substance poses an imminent 4393
hazard to the public health, safety, or welfare, the board shall 4394
consider all of the following with respect to the compound, 4395
mixture, preparation, or substance: 4396

(a) Its actual or relative potential for abuse; 4397

(b) The scope, duration, and significance of that abuse; 4398

(c) The risk it poses to the public health. 4399

(B)(1) If the board determines that a compound, mixture, 4400
preparation, or substance meets the criteria specified in 4401
division (A) of this section, the board shall issue a resolution 4402
requesting that the governor issue an order pursuant to division 4403
(G) of section 119.03 of the Revised Code. The resolution shall 4404
include the full text of the proposed emergency rule and the 4405
reasons for the board's determination that the compound, 4406
mixture, preparation, or substance meets the criteria specified 4407
in division (A) of this section. 4408

(2) The board may utilize a telephone conference call in 4409

making the determination that the criteria specified in division 4410
(A) of this section have been met. 4411

(C) An emergency rule adopted under this section takes 4412
effect as provided in division (G) of section 119.03 of the 4413
Revised Code. 4414

(D) Authority to control under this section does not 4415
extend to any of the following: 4416

(1) Distilled spirits, wine, or beer, as those terms are 4417
defined or used in Chapter 4301. of the Revised Code; 4418

(2) Dangerous drugs or prescription drugs approved by the 4419
United States food and drug administration; 4420

(3) Any drug approved by the United States food and drug 4421
administration to be lawfully sold over the counter. 4422

Sec. 3719.61. Nothing in the laws dealing with drugs of 4423
abuse shall be construed to prohibit treatment of narcotic drug 4424
dependent persons by the continuing maintenance of their 4425
dependence through the administration of methadone in accordance 4426
with the rules adopted by the department of mental health and 4427
addiction services under section 5119.391 of the Revised Code, 4428
when all of the following apply: 4429

(A) The likelihood that any person undergoing maintenance 4430
treatment will be cured of dependence on narcotic drugs is 4431
remote, the treatment is prescribed for the purpose of 4432
alleviating or controlling the patient's drug dependence, and 4433
the patient's prognosis while undergoing treatment is at least a 4434
partial improvement in the patient's asocial or antisocial 4435
behavior patterns; 4436

(B) In the case of an inpatient in a hospital or clinic, 4437

the amount of the maintenance drug dispensed at any one time 4438
does not exceed the quantity necessary for a single dose, and 4439
the dose is administered to the patient immediately; 4440

(C) In the case of an outpatient, the amount of the 4441
maintenance drug dispensed at any one time shall be determined 4442
by the patient's treatment provider taking into account the 4443
patient's progress in the treatment program and the patient's 4444
needs for gainful employment, education, and responsible 4445
homemaking, except that in no event shall the dosage be greater 4446
than the amount permitted by federal law and rules adopted by 4447
the department pursuant to section 5119.391 of the Revised Code; 4448

(D) The drug is not dispensed in any case to replace or 4449
supplement any part of a supply of the drug previously 4450
dispensed, or when there is reasonable cause to believe it will 4451
be used or disposed of unlawfully; 4452

(E) The drug is dispensed through a ~~program~~ community 4453
addiction services provider licensed and operated in accordance 4454
with section 5119.391 of the Revised Code. 4455

Sec. 3719.811. (A) As used in this section: 4456

(1) "Charitable pharmacy" means a pharmacy that meets all 4457
of the following requirements: 4458

(a) Holds a terminal distributor of dangerous drugs 4459
license under section 4729.54 of the Revised Code. 4460

(b) Is exempt from federal taxation pursuant to 26 U.S.C. 4461
501(a) and (c) (3). 4462

(c) Is not a hospital ~~as defined in section 3727.01 of the~~ 4463
~~Revised Code.~~ 4464

(2) "Prescription" has the same meaning as in section 4465

4729.01 of the Revised Code. 4466

(3) "Sample drug" has the same meaning as in section 4467
2925.01 of the Revised Code. 4468

(B) A manufacturer of dangerous drugs or wholesale 4469
distributor of dangerous drugs may furnish a sample drug to a 4470
charitable pharmacy if all of the following apply: 4471

(1) The sample drug is in the original container in which 4472
it was placed by its manufacturer and the container is plainly 4473
marked as a sample. 4474

(2) Prior to its being furnished, the sample drug has been 4475
stored under the proper conditions to prevent its deterioration 4476
or contamination. 4477

(3) If the sample drug is of a type that deteriorates with 4478
time, the container in which the sample drug is stored is 4479
plainly marked with the date beyond which the sample drug is 4480
unsafe to use, and the date has not expired on the sample drug 4481
furnished. Compliance with the labeling requirements of the 4482
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 4483
U.S.C. 301, as amended, constitutes compliance with division (B) 4484
(3) of this section. 4485

(4) The sample drug is distributed, stored, or discarded 4486
in such a way that the sample drug may not be acquired or used 4487
by any unauthorized person, or by any person, including a child, 4488
for whom it may present a health or safety hazard. 4489

(5) The sample drug is furnished free of charge. 4490

(6) The sample drug is not a controlled substance. 4491

(C) A representative of a manufacturer of dangerous drugs 4492
or a licensed health professional authorized to prescribe drugs 4493

may furnish a sample drug to a charitable pharmacy if all of the 4494
following apply: 4495

(1) The state board of pharmacy has adopted rules under 4496
division (F) of this section to permit such a representative or 4497
health professional to furnish a sample drug to a charitable 4498
pharmacy. 4499

(2) The representative or health professional complies 4500
with standards and procedures established in rules adopted under 4501
division (F) of this section. 4502

(3) The requirements ~~in~~of divisions (B) (1) to (6) of this 4503
section are satisfied. 4504

(D) A pharmacist working, whether or not for compensation, 4505
in a charitable pharmacy may dispense a sample drug to a person 4506
if all of the following apply: 4507

(1) The person to whom the sample drug is dispensed is 4508
eligible for the sample drug under standards established by the 4509
body responsible for the charitable pharmacy's general 4510
management. 4511

(2) The person to whom the sample is dispensed presents to 4512
the pharmacist a valid prescription for the sample drug. 4513

(3) The sample drug is dispensed free of charge. 4514

(4) The requirements ~~in~~of divisions (B) (1) to (4) and (6) 4515
of this section are satisfied. 4516

(E) Divisions (B), (C), and (D) of this section do not do 4517
either of the following: 4518

(1) Apply to or restrict the furnishing of any sample of a 4519
nonnarcotic substance if the substance may, under the "Federal 4520

Food, Drug, and Cosmetic Act" and under the law of this state, 4521
otherwise be lawfully sold over the counter without a 4522
prescription. 4523

(2) Authorize a pharmacist working, whether or not for 4524
compensation, in a charitable pharmacy to dispense a sample drug 4525
that the charitable pharmacy is unauthorized to possess, have 4526
custody or control of, or distribute. 4527

(F) The state board of pharmacy shall, in accordance with 4528
Chapter 119. of the Revised Code, adopt rules as necessary to 4529
give effect to this section. The rules may permit 4530
representatives of manufacturers of dangerous drugs or licensed 4531
health professionals authorized to prescribe drugs to furnish 4532
sample drugs to charitable pharmacies under this section. If 4533
they do so, the rules shall establish standards and procedures 4534
for the representatives or health professionals to furnish the 4535
sample drugs. 4536

Sec. 3796.01. (A) As used in this chapter: 4537

(1) "Marijuana" means marihuana as defined in section 4538
3719.01 of the Revised Code. 4539

(2) "Medical marijuana" means marijuana that is 4540
cultivated, processed, dispensed, tested, possessed, or used for 4541
a medical purpose. 4542

(3) "Academic medical center" has the same meaning as in 4543
section 4731.297 of the Revised Code. 4544

(4) "Drug database" means the database established and 4545
maintained by the state board of pharmacy pursuant to section 4546
4729.75 of the Revised Code. 4547

(5) "Physician" means an individual authorized under 4548

Chapter 4731. of the Revised Code to practice medicine and	4549
surgery or osteopathic medicine and surgery.	4550
(6) "Qualifying medical condition" means any of the	4551
following:	4552
(a) Acquired immune deficiency syndrome;	4553
(b) Alzheimer's disease;	4554
(c) Amyotrophic lateral sclerosis;	4555
(d) Cancer;	4556
(e) Chronic traumatic encephalopathy;	4557
(f) Crohn's disease;	4558
(g) Epilepsy or another seizure disorder;	4559
(h) Fibromyalgia;	4560
(i) Glaucoma;	4561
(j) Hepatitis C;	4562
(k) Inflammatory bowel disease;	4563
(l) Multiple sclerosis;	4564
(m) Pain that is either of the following:	4565
(i) Chronic and severe;	4566
(ii) Intractable.	4567
(n) Parkinson's disease;	4568
(o) Positive status for HIV;	4569
(p) Post-traumatic stress disorder;	4570
(q) Sickle cell anemia;	4571

(r) Spinal cord disease or injury;	4572
(s) Tourette's syndrome;	4573
(t) Traumatic brain injury;	4574
(u) Ulcerative colitis;	4575
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	4576 4577
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	4578 4579
(B) Notwithstanding <u>any rule adopted under</u> section 3719.41 <u>or 3719.45</u> of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.	4580 4581 4582
Sec. 3923.602. (A) As used in this section:	4583
(1) "Cost-sharing" means the cost to an insured under a policy of sickness and accident insurance or a public employee benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the policy or plan.	4584 4585 4586 4587 4588
(2) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	4589 4590
(3) "Medication synchronization" means a pharmacy service that synchronizes the filling or refilling of prescriptions in a manner that allows the dispensed drugs to be obtained on the same date each month.	4591 4592 4593 4594
(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	4595 4596
(5) "Prescription" means a written, electronic, or oral order issued by a prescriber for drugs or combinations or	4597 4598

mixtures of drugs to be used by a particular individual. 4599

(B) Notwithstanding section 3901.71 of the Revised Code, 4600
each policy of sickness and accident insurance that provides 4601
prescription drug coverage and each public employee benefit plan 4602
that provides prescription drug coverage shall provide for 4603
medication synchronization for an insured if all of the 4604
following conditions are met: 4605

(1) The insured elects to participate in medication 4606
synchronization; 4607

(2) The insured, the prescriber, and a pharmacist at a 4608
network pharmacy agree that medication synchronization is in the 4609
best interest of the insured; 4610

(3) The prescription drug to be included in the medication 4611
synchronization meets the requirements of division (C) of this 4612
section. 4613

(C) To be eligible for inclusion in medication 4614
synchronization for an insured, a prescription drug must meet 4615
all of the following requirements: 4616

(1) Be covered by the policy or plan; 4617

(2) Be prescribed for the treatment and management of a 4618
chronic disease or condition and be subject to refills; 4619

(3) Satisfy all relevant prior authorization criteria; 4620

(4) Not have quantity limits, dose optimization criteria, 4621
or other requirements that would be violated if synchronized; 4622

(5) Not have special handling or sourcing needs, as 4623
determined by the policy or plan, that require a single, 4624
designated pharmacy to fill or refill the prescription; 4625

(6) Be formulated so that the quantity or amount dispensed 4626
can be effectively divided in order to achieve synchronization; 4627

(7) Not be a schedule II controlled substance, 4628
~~opiate~~opioid analgesic, or benzodiazepine, as those terms are 4629
defined in section 3719.01 of the Revised Code. 4630

(D) (1) To provide for medication synchronization under 4631
division (B) of this section, a policy or plan shall authorize 4632
coverage of a prescription drug subject to medication 4633
synchronization when the drug is dispensed in a quantity or 4634
amount that is less than a thirty-day supply. 4635

(2) The requirement of division (D) (1) of this section 4636
applies only once for each prescription drug subject to 4637
medication synchronization for the same insured, except when 4638
either of the following occurs: 4639

(a) The prescriber changes the dosage or frequency of 4640
administration of the prescription drug subject to medication 4641
synchronization. 4642

(b) The prescriber prescribes a different drug. 4643

(E) (1) A policy or plan that provides for medication 4644
synchronization under division (B) of this section shall permit 4645
and apply a prorated daily cost-sharing rate for a supply of a 4646
prescription drug subject to medication synchronization that is 4647
dispensed at a network pharmacy. 4648

(2) Division (E) (1) of this section does not require a 4649
policy or plan to waive any cost-sharing requirements in its 4650
entirety. 4651

(F) A policy or plan that provides for medication 4652
synchronization under division (B) of this section shall not use 4653

payment structures that incorporate dispensing fees that are 4654
determined by calculating the days' supply of drugs dispensed. 4655
Dispensing fees shall be based exclusively on the total number 4656
of prescriptions that are filled or refilled. 4657

(G) This section does not require a sickness and accident 4658
insurer or public employee benefit plan to provide to a network 4659
pharmacy or a pharmacist at a network pharmacy any monetary or 4660
other financial incentive for the purpose of encouraging the 4661
pharmacy or pharmacist to recommend medication synchronization 4662
to an insured. 4663

Sec. 4729.01. As used in this chapter: 4664

(A) "Pharmacy," except when used in a context that refers 4665
to the practice of pharmacy, means any area, room, rooms, place 4666
of business, department, or portion of any of the foregoing 4667
where the practice of pharmacy is conducted. 4668

(B) "Practice of pharmacy" means providing pharmacist care 4669
requiring specialized knowledge, judgment, and skill derived 4670
from the principles of biological, chemical, behavioral, social, 4671
pharmaceutical, and clinical sciences. As used in this division, 4672
"pharmacist care" includes the following: 4673

(1) Interpreting prescriptions; 4674

(2) Dispensing drugs and drug therapy related devices; 4675

(3) Compounding drugs; 4676

(4) Counseling individuals with regard to their drug 4677
therapy, recommending drug therapy related devices, and 4678
assisting in the selection of drugs and appliances for treatment 4679
of common diseases and injuries and providing instruction in the 4680
proper use of the drugs and appliances; 4681

(5) Performing drug regimen reviews with individuals by 4682
discussing all of the drugs that the individual is taking and 4683
explaining the interactions of the drugs; 4684

(6) Performing drug utilization reviews with licensed 4685
health professionals authorized to prescribe drugs when the 4686
pharmacist determines that an individual with a prescription has 4687
a drug regimen that warrants additional discussion with the 4688
prescriber; 4689

(7) Advising an individual and the health care 4690
professionals treating an individual with regard to the 4691
individual's drug therapy; 4692

(8) Acting pursuant to a consult agreement with one or 4693
more physicians authorized under Chapter 4731. of the Revised 4694
Code to practice medicine and surgery or osteopathic medicine 4695
and surgery, if an agreement has been established; 4696

(9) Engaging in the administration of immunizations to the 4697
extent authorized by section 4729.41 of the Revised Code; 4698

(10) Engaging in the administration of drugs to the extent 4699
authorized by section 4729.45 of the Revised Code. 4700

(C) "Compounding" means the preparation, mixing, 4701
assembling, packaging, and labeling of one or more drugs in any 4702
of the following circumstances: 4703

(1) Pursuant to a prescription issued by a licensed health 4704
professional authorized to prescribe drugs; 4705

(2) Pursuant to the modification of a prescription made in 4706
accordance with a consult agreement; 4707

(3) As an incident to research, teaching activities, or 4708
chemical analysis; 4709

(4) In anticipation of orders for drugs pursuant to 4710
prescriptions, based on routine, regularly observed dispensing 4711
patterns; 4712

(5) Pursuant to a request made by a licensed health 4713
professional authorized to prescribe drugs for a drug that is to 4714
be used by the professional for the purpose of direct 4715
administration to patients in the course of the professional's 4716
practice, if all of the following apply: 4717

(a) At the time the request is made, the drug is not 4718
commercially available regardless of the reason that the drug is 4719
not available, including the absence of a manufacturer for the 4720
drug or the lack of a readily available supply of the drug from 4721
a manufacturer. 4722

(b) A limited quantity of the drug is compounded and 4723
provided to the professional. 4724

(c) The drug is compounded and provided to the 4725
professional as an occasional exception to the normal practice 4726
of dispensing drugs pursuant to patient-specific prescriptions. 4727

(D) "Consult agreement" means an agreement that has been 4728
entered into under section 4729.39 of the Revised Code. 4729

(E) "Drug" means: 4730

(1) Any article recognized in the United States 4731
pharmacopoeia and national formulary, or any supplement to them, 4732
intended for use in the diagnosis, cure, mitigation, treatment, 4733
or prevention of disease in humans or animals; 4734

(2) Any other article intended for use in the diagnosis, 4735
cure, mitigation, treatment, or prevention of disease in humans 4736
or animals; 4737

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or animals; 4738
4739

(4) Any article intended for use as a component of any article specified in division (E) (1), (2), or (3) of this section; but does not include devices or their components, parts, or accessories. 4740
4741
4742
4743

(F) "Dangerous drug" means any of the following: 4744

(1) Any drug to which either of the following applies: 4745

(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription; 4746
4747
4748
4749
4750
4751
4752

(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 4753
4754

(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply; 4755
4756
4757

(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body; 4758
4759
4760

(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 4761
4762

(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 4763
4764

- (H) "Prescription" means all of the following: 4765
- (1) A written, electronic, or oral order for drugs or 4766
combinations or mixtures of drugs to be used by a particular 4767
individual or for treating a particular animal, issued by a 4768
licensed health professional authorized to prescribe drugs; 4769
- (2) For purposes of sections 2925.61, 4723.488, 4729.44, 4770
4730.431, and 4731.94 of the Revised Code, a written, 4771
electronic, or oral order for naloxone issued to and in the name 4772
of a family member, friend, or other individual in a position to 4773
assist an individual who there is reason to believe is at risk 4774
of experiencing an opioid-related overdose. 4775
- (3) For purposes of sections 4723.4810, 4729.282, 4776
4730.432, and 4731.93 of the Revised Code, a written, 4777
electronic, or oral order for a drug to treat chlamydia, 4778
gonorrhoea, or trichomoniasis issued to and in the name of a 4779
patient who is not the intended user of the drug but is the 4780
sexual partner of the intended user; 4781
- (4) For purposes of sections 3313.7110, 3313.7111, 4782
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4783
4731.96, and 5101.76 of the Revised Code, a written, electronic, 4784
or oral order for an epinephrine autoinjector issued to and in 4785
the name of a school, school district, or camp; 4786
- (5) For purposes of Chapter 3728. and sections 4723.483, 4787
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 4788
electronic, or oral order for an epinephrine autoinjector issued 4789
to and in the name of a qualified entity, as defined in section 4790
3728.01 of the Revised Code. 4791
- (I) "Licensed health professional authorized to prescribe 4792
drugs" or "prescriber" means an individual who is authorized by 4793

law to prescribe drugs or dangerous drugs or drug therapy	4794
related devices in the course of the individual's professional	4795
practice, including only the following:	4796
(1) A dentist licensed under Chapter 4715. of the Revised	4797
Code;	4798
(2) A clinical nurse specialist, certified nurse-midwife,	4799
or certified nurse practitioner who holds a current, valid	4800
license to practice nursing as an advanced practice registered	4801
nurse issued under Chapter 4723. of the Revised Code;	4802
(3) An optometrist licensed under Chapter 4725. of the	4803
Revised Code to practice optometry under a therapeutic	4804
pharmaceutical agents certificate;	4805
(4) A physician authorized under Chapter 4731. of the	4806
Revised Code to practice medicine and surgery, osteopathic	4807
medicine and surgery, or podiatric medicine and surgery;	4808
(5) A physician assistant who holds a license to practice	4809
as a physician assistant issued under Chapter 4730. of the	4810
Revised Code, holds a valid prescriber number issued by the	4811
state medical board, and has been granted physician-delegated	4812
prescriptive authority;	4813
(6) A veterinarian licensed under Chapter 4741. of the	4814
Revised Code.	4815
(J) "Sale" or "sell" includes any transaction made by any	4816
person, whether as principal proprietor, agent, or employee, to	4817
do or offer to do any of the following: deliver, distribute,	4818
broker, exchange, gift or otherwise give away, or transfer,	4819
whether the transfer is by passage of title, physical movement,	4820
or both.	4821

(K) "Wholesale sale" and "sale at wholesale" mean any sale 4822
in which the purpose of the purchaser is to resell the article 4823
purchased or received by the purchaser. 4824

(L) "Retail sale" and "sale at retail" mean any sale other 4825
than a wholesale sale or sale at wholesale. 4826

(M) "Retail seller" means any person that sells any 4827
dangerous drug to consumers without assuming control over and 4828
responsibility for its administration. Mere advice or 4829
instructions regarding administration do not constitute control 4830
or establish responsibility. 4831

(N) "Price information" means the price charged for a 4832
prescription for a particular drug product and, in an easily 4833
understandable manner, all of the following: 4834

(1) The proprietary name of the drug product; 4835

(2) The established (generic) name of the drug product; 4836

(3) The strength of the drug product if the product 4837
contains a single active ingredient or if the drug product 4838
contains more than one active ingredient and a relevant strength 4839
can be associated with the product without indicating each 4840
active ingredient. The established name and quantity of each 4841
active ingredient are required if such a relevant strength 4842
cannot be so associated with a drug product containing more than 4843
one ingredient. 4844

(4) The dosage form; 4845

(5) The price charged for a specific quantity of the drug 4846
product. The stated price shall include all charges to the 4847
consumer, including, but not limited to, the cost of the drug 4848
product, professional fees, handling fees, if any, and a 4849

statement identifying professional services routinely furnished 4850
by the pharmacy. Any mailing fees and delivery fees may be 4851
stated separately without repetition. The information shall not 4852
be false or misleading. 4853

(O) "Wholesale distributor of dangerous drugs" or 4854
"wholesale distributor" means a person engaged in the sale of 4855
dangerous drugs at wholesale and includes any agent or employee 4856
of such a person authorized by the person to engage in the sale 4857
of dangerous drugs at wholesale. 4858

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4859
means a person, other than a pharmacist or prescriber, who 4860
manufactures dangerous drugs and who is engaged in the sale of 4861
those dangerous drugs. 4862

(Q) "Terminal distributor of dangerous drugs" or "terminal 4863
distributor" means a person who is engaged in the sale of 4864
dangerous drugs at retail, or any person, other than a 4865
manufacturer, repackager, outsourcing facility, third-party 4866
logistics provider, wholesale distributor, or pharmacist, who 4867
has possession, custody, or control of dangerous drugs for any 4868
purpose other than for that person's own use and consumption. 4869
"Terminal distributor" includes pharmacies, hospitals, nursing 4870
homes, and laboratories and all other persons who procure 4871
dangerous drugs for sale or other distribution by or under the 4872
supervision of a pharmacist or licensed health professional 4873
authorized to prescribe drugs. 4874

(R) "Promote to the public" means disseminating a 4875
representation to the public in any manner or by any means, 4876
other than by labeling, for the purpose of inducing, or that is 4877
likely to induce, directly or indirectly, the purchase of a 4878
dangerous drug at retail. 4879

(S) "Person" includes any individual, partnership, 4880
association, limited liability company, or corporation, the 4881
state, any political subdivision of the state, and any district, 4882
department, or agency of the state or its political 4883
subdivisions. 4884

(T) "Animal shelter" means a facility operated by a humane 4885
society or any society organized under Chapter 1717. of the 4886
Revised Code or a dog pound operated pursuant to Chapter 955. of 4887
the Revised Code. 4888

(U) "Food" has the same meaning as in section 3715.01 of 4889
the Revised Code. 4890

(V) "Pain management clinic" has the same meaning as in 4891
section 4731.054 of the Revised Code. 4892

(W) "Investigational drug or product" means a drug or 4893
product that has successfully completed phase one of the United 4894
States food and drug administration clinical trials and remains 4895
under clinical trial, but has not been approved for general use 4896
by the United States food and drug administration. 4897
"Investigational drug or product" does not include controlled 4898
substances in schedule I, as established ~~pursuant to~~ by rule 4899
adopted under section 3719.41 or 3719.45 of the Revised Code, 4900
and as amended. 4901

(X) "Product," when used in reference to an 4902
investigational drug or product, means a biological product, 4903
other than a drug, that is made from a natural human, animal, or 4904
microorganism source and is intended to treat a disease or 4905
medical condition. 4906

(Y) "Third-party logistics provider" means a person that 4907
provides or coordinates warehousing or other logistics services 4908

pertaining to dangerous drugs including distribution, on behalf 4909
of a manufacturer, wholesale distributor, or terminal 4910
distributor of dangerous drugs, but does not take ownership of 4911
the drugs or have responsibility to direct the sale or 4912
disposition of the drugs. 4913

(Z) "Repackager of dangerous drugs" or "repackager" means 4914
a person that repacks and relabels dangerous drugs for sale or 4915
distribution. 4916

(AA) "Outsourcing facility" means a facility that is 4917
engaged in the compounding and sale of sterile drugs and is 4918
registered as an outsourcing facility with the United States 4919
food and drug administration. 4920

Sec. 4729.19. Notwithstanding division (B) (4) of section 4921
2317.02 of the Revised Code, a pharmacist, pharmacy intern, 4922
pharmacy technician trainee, registered pharmacy technician, 4923
certified pharmacy technician, ~~licensed terminal distributor of~~ 4924
~~dangerous drugs, or registered manufacturer of dangerous drugs,~~ 4925
outsourcing facility, third-party logistics provider, repackager 4926
of dangerous drugs, or wholesale distributor of dangerous drugs 4927
shall cooperate with federal, state, and local government 4928
investigations and shall divulge all relevant information when 4929
requested by a government agency. 4930

Sec. 4729.46. (A) As used in this section, "opioid 4931
analgesic," ~~has~~ "schedule III," "schedule IV," and "schedule V" 4932
have the same meaning-meanings as in section 3719.01 of the 4933
Revised Code. 4934

(B) Except as provided in division (C) of this section or 4935
in any rules adopted under ~~division (D) of this section,~~ all of 4936
the following apply with respect to a prescription for an opioid 4937

analgesic to be used by an individual on an outpatient basis: 4938

(1) A pharmacist, ~~pharmacy intern~~ shall not dispense, or 4939
~~and a terminal~~ distributor of dangerous drugs shall not dispense 4940
or sell, the opioid analgesic in an amount that exceeds a 4941
ninety-day supply, as determined according to the prescription's 4942
directions for use of the drug, regardless of whether the 4943
prescription was issued for a greater amount. 4944

(2) Except as provided in division (B) (3) of this section, 4945
a pharmacist, ~~pharmacy intern~~, or terminal distributor of 4946
~~dangerous drugs~~ shall not dispense or sell the opioid analgesic 4947
if more than fourteen days have elapsed since the prescription 4948
was issued. 4949

(3) (a) A pharmacist or terminal distributor may dispense 4950
or sell the opioid analgesic after more than fourteen days have 4951
elapsed since the prescription was issued if, on the date the 4952
prescription was issued, the prescriber issued only one 4953
prescription for the drug to the patient and both of the 4954
following apply: 4955

(i) The prescriber provided written instructions on the 4956
prescription specifying the earliest date on which the 4957
prescription may be filled. 4958

(ii) Not more than fourteen days have elapsed since the 4959
date described in division (B) (3) (a) (i) of this section. 4960

(b) A pharmacist, ~~pharmacy intern~~, or terminal distributor 4961
of ~~dangerous drugs~~ may dispense or sell the opioid analgesic 4962
after more than fourteen days have elapsed since the 4963
prescription was issued if ~~all of the following apply:~~ 4964

~~(a) The~~ the prescription is one of multiple prescriptions 4965
for the drug issued by a single prescriber to the patient on a 4966

single day- 4967

~~(b)~~ and all of the following apply: 4968

(i) When combined, the prescriptions do not authorize the 4969
patient to receive an amount that exceeds a ninety-day supply of 4970
the drug, as determined according to the prescriptions' 4971
directions for use of the drug. 4972

~~(e)~~ (ii) The prescriber has provided written instructions 4973
on the prescription ~~indicating~~ specifying the earliest date on 4974
which the prescription may be filled. 4975

~~(d)~~ (iii) Not more than fourteen days have elapsed since 4976
the date described in division (B) (3) ~~(e)~~ (b) (ii) of this 4977
section. 4978

(c) A pharmacist or terminal distributor may dispense or 4979
sell the opioid analgesic by refilling the prescription for the 4980
opioid analgesic after more than fourteen days have elapsed 4981
since the prescription was issued if the opioid analgesic is 4982
included in schedule III, IV, or V. 4983

(d) If the prescription for the opioid analgesic was 4984
partially filled within the applicable fourteen-day period 4985
described in division (B) (2), (B) (3) (a), or (B) (3) (b) of this 4986
section, a pharmacist or terminal distributor may dispense or 4987
sell the remaining amount of the opioid analgesic after more 4988
than fourteen days have elapsed since the prescription was 4989
issued. 4990

(C) Division (B) of this section does not apply ~~when a~~ 4991
~~pharmacist, pharmacy intern, or terminal distributor of~~ 4992
~~dangerous drugs dispenses or sells an~~ in either of the following 4993
circumstances: 4994

(1) When an opioid analgesic is to be delivered outside of 4995
this state by mail, parcel post, or common carrier to a patient 4996
who resides outside of this state; 4997

(2) When an opioid analgesic is to be used as part of an 4998
individual's treatment for opioid dependence or addiction. 4999

(D) The state board of pharmacy may adopt rules 5000
establishing an amount that is less than the ninety-day supply 5001
described in division (B) (1) of this section or a period that is 5002
less than the fourteen-day ~~period~~ periods described in ~~division~~ 5003
divisions (B) (2), (B) (3) (a), and (B) (3) (b) of this section. The 5004
rules shall be adopted in accordance with Chapter 119. of the 5005
Revised Code. 5006

Sec. 4729.52. (A) As used in this section: 5007

(1) "Category II" means any dangerous drug that is not 5008
included in category III. 5009

(2) "Category III" means any controlled substance that is 5010
contained in schedule I, II, III, IV, or V. 5011

(3) "Schedule I," "schedule II," "schedule III," "schedule 5012
IV," and "schedule V" ~~mean controlled substance schedules I, II,~~ 5013
~~III, IV, and V, respectively, as established pursuant to section~~ 5014
~~3719.41 of the Revised Code and as amended~~ have the same 5015
meanings as in section 3719.01 of the Revised Code. 5016

(B) (1) (a) The state board of pharmacy shall license the 5017
following persons: 5018

(i) Wholesale distributors of dangerous drugs; 5019

(ii) Manufacturers of dangerous drugs; 5020

(iii) Outsourcing facilities; 5021

(iv) Third-party logistics providers;	5022
(v) Repackagers of dangerous drugs.	5023
(b) There shall be two categories for the licenses	5024
identified in division (B) (1) (a) of this section. The categories	5025
are as follows:	5026
(i) Category II license. A person who obtains this license	5027
may possess, have custody or control of, and distribute, only	5028
the dangerous drugs described in category II.	5029
(ii) Category III license. A person who obtains this	5030
license may possess, have custody or control of, and distribute,	5031
the dangerous drugs described in category II and category III.	5032
(c) The board may adopt rules under section 4729.26 of the	5033
Revised Code to create classification types of any license	5034
issued pursuant to this section. Persons who meet the	5035
definitions of the classification types shall comply with all	5036
requirements for the specific license classification specified	5037
in rule.	5038
(C) A person seeking a license identified in division (B)	5039
(1) (a) of this section shall file with the executive director of	5040
the board a verified application containing such information as	5041
the board requires of the applicant relative to the licensure	5042
qualifications set forth in section 4729.53 of the Revised Code	5043
and the rules adopted under that section.	5044
The board shall license as a category II or category III	5045
manufacturer, outsourcing facility, third-party logistics	5046
provider, repackager, or wholesale distributor each applicant	5047
who has paid the required license fee, if the board determines	5048
that the applicant meets the licensure qualifications set forth	5049
in section 4729.53 of the Revised Code and the rules adopted	5050

under that section. 5051

(D) The board may issue to a person who does not reside in 5052
this state a license identified in division (B) (1) (a) of this 5053
section if the person pays the required licensure fee and meets 5054
either of the following: 5055

(1) Possesses a current and valid manufacturer, 5056
outsourcing facility, third-party logistics provider, 5057
repackager, or wholesale distributor license, or its equivalent, 5058
issued by another state in which that person is physically 5059
located, but only if that state has qualifications for licensure 5060
comparable to the licensure requirements in this state; 5061

(2) Meets the requirements set forth by the board for 5062
issuance of a license identified in division (B) (1) (a) of this 5063
section, as verified by a state, federal, or other entity 5064
recognized by the board to perform such verification. 5065

(E) All licenses issued or renewed pursuant to this 5066
section are effective for a period specified by the board in 5067
rules adopted under section 4729.26 of the Revised Code. The 5068
effective period for an initial or renewed license shall not 5069
exceed twenty-four months unless the board extends the period in 5070
rules to adjust license renewal schedules. A license shall be 5071
renewed by the board pursuant to this section, the standard 5072
renewal procedure of Chapter 4745. of the Revised Code, and 5073
rules adopted by the board under section 4729.26 of the Revised 5074
Code. A person seeking to renew a license shall submit an 5075
application for renewal and pay the required renewal fee before 5076
the date specified in the rules adopted by the board. 5077

(F) Each license issued under this section shall describe 5078
not more than one establishment or place where the license 5079

holder may engage in the activities authorized by the license. 5080
No license shall authorize or permit the person named therein to 5081
engage in the sale or distribution of drugs at wholesale or to 5082
maintain possession, custody, or control of dangerous drugs for 5083
any purpose other than for the licensee's own use and 5084
consumption at any establishment or place other than that 5085
described in the license. 5086

(G) (1) (a) The category II license fee is one thousand nine 5087
hundred dollars and shall accompany each application for 5088
licensure. The license renewal fee is one thousand nine hundred 5089
dollars and shall accompany each renewal application. 5090

(b) The category III license fee is two thousand dollars 5091
and shall accompany each application for licensure. The license 5092
renewal fee is two thousand dollars and shall accompany each 5093
renewal application. 5094

(c) (i) Subject to division (G) (1) (c) (ii) of this section, 5095
a license issued pursuant to this section that has not been 5096
renewed by the date specified in rules adopted by the board may 5097
be reinstated upon payment of the renewal fee and a penalty of 5098
three hundred dollars. 5099

(ii) If a complete application for renewal has not been 5100
submitted by the sixty-first day after the renewal date 5101
specified in rules adopted by the board, the license is 5102
considered void and cannot be renewed, but the license holder 5103
may reapply for licensure. 5104

(2) Renewal fees and penalties assessed under division (G) 5105
(1) of this section shall not be returned if the applicant fails 5106
to qualify for renewal. 5107

(3) A person licensed pursuant to this section that fails 5108

to renew licensure in accordance with this section and rules 5109
adopted by the board is prohibited from engaging in 5110
manufacturing, repackaging, compounding, or distributing as a 5111
third-party logistics provider or wholesale distributor until a 5112
valid license is issued by the board. 5113

(H) Holding a license issued pursuant to this section 5114
subjects the holder and the holder's agents and employees to the 5115
jurisdiction of the board and to the laws of this state for the 5116
purpose of the enforcement of this chapter and the rules of the 5117
board. However, the filing of an application for licensure under 5118
this section by or on behalf of any person, or the issuance of a 5119
license pursuant to this section to or on behalf of any person, 5120
shall not of itself constitute evidence that the person is doing 5121
business within this state. 5122

(I) The board may enter into agreements with other states, 5123
federal agencies, and other entities to exchange information 5124
concerning licensing and inspection of any manufacturer, 5125
outsourcing facility, third-party logistics provider, 5126
repackager, or wholesale distributor located within or outside 5127
this state and to investigate alleged violations of the laws and 5128
rules governing distribution of drugs by such persons. Any 5129
information received pursuant to such an agreement is subject to 5130
the same confidentiality requirements applicable to the agency 5131
or entity from which it was received and shall not be released 5132
without prior authorization from that agency or entity. Any 5133
information received is also subject to section 4729.23 of the 5134
Revised Code. 5135

Sec. 4729.53. (A) The state board of pharmacy shall not 5136
license any person as a manufacturer of dangerous drugs, 5137
outsourcing facility, third-party logistics provider, repackager 5138

of dangerous drugs, or wholesale distributor of dangerous drugs 5139
unless the applicant for licensure furnishes satisfactory proof 5140
to the board that ~~the applicant meets~~ all of the following 5141
conditions are met: 5142

(1) If the applicant has committed acts that the board 5143
finds violate any federal, state, or local law, regulation, or 5144
rule relating to drug samples, manufacturing, compounding, 5145
repackaging, wholesale or retail drug distribution, or 5146
distribution of dangerous drugs, including controlled 5147
substances, or constitute a felony, or if a federal, state, or 5148
local governmental entity has suspended or revoked any current 5149
or prior license of the applicant for the manufacture, 5150
compounding, repackaging, distribution, or sale of any dangerous 5151
drugs, including controlled substances, the applicant, to the 5152
satisfaction of the board, assures that the applicant has in 5153
place adequate safeguards to prevent the recurrence of any such 5154
violations. 5155

(2) The applicant's past experience in the manufacture, 5156
compounding, repackaging, or distribution of dangerous drugs, 5157
including controlled substances, is acceptable to the board. 5158

(3) The applicant is properly equipped as to land, 5159
buildings, equipment, and personnel to properly carry on its 5160
business, including providing adequate security for and proper 5161
storage conditions and handling for dangerous drugs, and is 5162
complying with the requirements under this chapter and the rules 5163
adopted pursuant thereto for maintaining and making available 5164
records to properly identified board officials and federal, 5165
state, and local law enforcement agencies. 5166

(4) Personnel employed by the applicant have the 5167
appropriate education or experience, as determined by the board, 5168

to assume responsibility for positions related to compliance 5169
with this chapter and the rules adopted pursuant thereto. 5170

(5) The applicant has designated the name and address of a 5171
person to whom communications from the board may be directed and 5172
upon whom the notices and citations provided for in section 5173
4729.56 of the Revised Code may be served. 5174

(6) Adequate safeguards are assured to prevent the sale of 5175
dangerous drugs other than in accordance with section 4729.51 of 5176
the Revised Code. 5177

(7) Any With respect to criminal records checks, the 5178
applicant has done both of the following and the board has 5179
decided that the results of the criminal records checks do not 5180
make the applicant ineligible for a license issued pursuant to 5181
section 4729.52 of the Revised Code: 5182

(a) Complied with sections 4776.01 to 4776.04 of the 5183
Revised Code; 5184

(b) Required any person who is seeking to serve as the 5185
responsible person on the license, who has an ownership 5186
interest, or who is a corporate officer, as set forth in rules 5187
adopted under division (C) of this section, to submit to a 5188
criminal records check in accordance with section 4776.02 of the 5189
Revised Code and send the results of the criminal records check 5190
directly to the board. 5191

(8) The applicant meets any other requirement or 5192
qualification the board, by rule adopted in accordance with 5193
Chapter 119. of the Revised Code under division (C) of this 5194
section, considers relevant to and consistent with the public 5195
safety and health. 5196

(B) In addition to the causes described in section 4729.56 5197

of the Revised Code for refusing to grant or renew a license, 5198
the board may refuse to grant or renew a license if the board 5199
determines that the granting of the license or its renewal is 5200
not in the public interest. 5201

(C) The board shall adopt rules in accordance with Chapter 5202
119. of the Revised Code that do all of the following: 5203

(1) For purposes of division (A) (7) (b) of this section, 5204
define "responsible person" and specify the persons with 5205
ownership interests and the corporate officers who are required 5206
to submit to criminal records checks; 5207

(2) For purposes of division (A) (8) of this section, 5208
specify other requirements or qualifications, if any, that an 5209
applicant must meet to receive a license; 5210

(3) Address any other matter the board considers 5211
appropriate to implement this section. 5212

Sec. 4729.54. (A) As used in this section: 5213

(1) "Category II" means any dangerous drug that is not 5214
included in category III. 5215

(2) "Category III" means any controlled substance that is 5216
contained in schedule I, II, III, IV, or V. 5217

(3) "Emergency medical service organization" has the same 5218
meaning as in section 4765.01 of the Revised Code. 5219

(4) "Person" includes an emergency medical service 5220
organization. 5221

(5) "Schedule I," "schedule II," "schedule III," "schedule 5222
IV," and "schedule V" ~~mean controlled substance schedules I, II,~~ 5223
~~III, IV, and V, respectively, as established pursuant to section~~ 5224

~~3719.41 of the Revised Code and as amended have the same~~ 5225
meanings as in section 3719.01 of the Revised Code. 5226

(B) (1) A person seeking to be licensed as a terminal 5227
distributor of dangerous drugs shall file with the executive 5228
director of the state board of pharmacy a verified application. 5229
After it is filed, the application may not be withdrawn without 5230
approval of the board. 5231

(2) An application shall contain all the following that 5232
apply in the applicant's case: 5233

(a) Information that the board requires relative to the 5234
qualifications of a terminal distributor of dangerous drugs set 5235
forth in section 4729.55 of the Revised Code; 5236

(b) A statement as to whether the person is seeking to be 5237
licensed as a category II, category III, limited category II, or 5238
limited category III terminal distributor of dangerous drugs; 5239

(c) If the person is seeking to be licensed as a limited 5240
category II or limited category III terminal distributor of 5241
dangerous drugs, a list of the dangerous drugs that the person 5242
is seeking to possess, have custody or control of, and 5243
distribute, which list shall also specify the purpose for which 5244
those drugs will be used and their source; 5245

(d) If the person is an emergency medical service 5246
organization, the information that is specified in division (C) 5247
(1) of this section; 5248

(e) Except for an emergency medical service organization, 5249
the identity of the one establishment or place at which the 5250
person intends to engage in the sale or other distribution of 5251
dangerous drugs at retail, and maintain possession, custody, or 5252
control of dangerous drugs for purposes other than the person's 5253

own use or consumption; 5254

(f) If the application pertains to a pain management 5255
clinic, information that demonstrates, to the satisfaction of 5256
the board, compliance with division (A) of section 4729.552 of 5257
the Revised Code; 5258

(g) If the application pertains to a facility, clinic, or 5259
other location described in division (B) of section 4729.553 of 5260
the Revised Code that must hold a category III terminal 5261
distributor of dangerous drugs license with an office-based 5262
opioid treatment classification, information that demonstrates, 5263
to the satisfaction of the board, compliance with division (C) 5264
of that section. 5265

(C) (1) An emergency medical service organization seeking 5266
to be licensed as a terminal distributor of dangerous drugs 5267
shall list in its application for licensure the following 5268
additional information: 5269

(a) The units under its control that the organization 5270
determines will possess dangerous drugs for the purpose of 5271
administering emergency medical services in accordance with 5272
Chapter 4765. of the Revised Code; 5273

(b) With respect to each such unit, whether the dangerous 5274
drugs that the organization determines the unit will possess are 5275
in category II or III. 5276

(2) An emergency medical service organization that is 5277
licensed as a terminal distributor of dangerous drugs shall file 5278
a new application for such licensure if there is any change in 5279
the number, or location of, any of its units or any change in 5280
the category of the dangerous drugs that any unit will possess. 5281

(3) A unit listed in an application for licensure pursuant 5282

to division (C) (1) of this section may obtain the dangerous 5283
drugs it is authorized to possess from its emergency medical 5284
service organization or, on a replacement basis, from a hospital 5285
pharmacy. If units will obtain dangerous drugs from a hospital 5286
pharmacy, the organization shall file, and maintain in current 5287
form, the following items with the pharmacist who is responsible 5288
for the hospital's terminal distributor of dangerous drugs 5289
license: 5290

(a) A copy of its standing orders or protocol; 5291

(b) A list of the personnel employed or used by the 5292
organization to provide emergency medical services in accordance 5293
with Chapter 4765. of the Revised Code, who are authorized to 5294
possess the drugs, which list also shall indicate the personnel 5295
who are authorized to administer the drugs. 5296

(D) Each emergency medical service organization that 5297
applies for a terminal distributor of dangerous drugs license 5298
shall submit with its application the following: 5299

(1) A copy of its standing orders or protocol, which 5300
orders or protocol shall be signed by a physician; 5301

(2) A list of the dangerous drugs that its units may 5302
carry, expressed in standard dose units, which shall be signed 5303
by a physician; 5304

(3) A list of the personnel employed or used by the 5305
organization to provide emergency medical services in accordance 5306
with Chapter 4765. of the Revised Code. 5307

In accordance with Chapter 119. of the Revised Code, the 5308
board shall adopt rules specifying when an emergency medical 5309
service organization that is licensed as a terminal distributor 5310
must notify the board of any changes in its documentation 5311

submitted pursuant to division (D) of this section. 5312

(E) There shall be four categories of terminal distributor 5313
of dangerous drugs licenses. The categories are as follows: 5314

(1) Category II license. A person who obtains this license 5315
may possess, have custody or control of, and distribute only the 5316
dangerous drugs described in category II. 5317

(2) Limited category II license. A person who obtains this 5318
license may possess, have custody or control of, and distribute 5319
only the dangerous drugs described in category II that were 5320
listed in the application for licensure. 5321

(3) Category III license, which may include a pain 5322
management clinic classification issued under section 4729.552 5323
of the Revised Code. A person who obtains this license may 5324
possess, have custody or control of, and distribute the 5325
dangerous drugs described in category II and category III. If 5326
the license includes a pain management clinic classification, 5327
the person may operate a pain management clinic. 5328

(4) Limited category III license. A person who obtains 5329
this license may possess, have custody or control of, and 5330
distribute only the dangerous drugs described in category II or 5331
category III that were listed in the application for licensure. 5332

(F) Except for an application made on behalf of an animal 5333
shelter, if an applicant for a limited category II license or 5334
limited category III license intends to administer dangerous 5335
drugs to a person or animal, the applicant shall submit, with 5336
the application, a copy of its protocol or standing orders. The 5337
protocol or orders shall be signed by a licensed health 5338
professional authorized to prescribe drugs, specify the 5339
dangerous drugs to be administered, and list personnel who are 5340

authorized to administer the dangerous drugs in accordance with 5341
federal law or the law of this state. An application made on 5342
behalf of an animal shelter shall include a list of the 5343
dangerous drugs to be administered to animals and the personnel 5344
who are authorized to administer the drugs to animals in 5345
accordance with section 4729.532 of the Revised Code. 5346

In accordance with Chapter 119. of the Revised Code, the 5347
board shall adopt rules specifying when a licensee must notify 5348
the board of any changes in its documentation submitted pursuant 5349
to this division. 5350

(G) (1) Except as provided in division (G) (2) of this 5351
section, each applicant for licensure as a terminal distributor 5352
of dangerous drugs shall submit, with the application, a license 5353
fee determined as follows: 5354

(a) For a category II or limited category II license, the 5355
fee is three hundred twenty dollars. 5356

(b) For a category III license, including a license with a 5357
pain management clinic classification issued under section 5358
4729.552 of the Revised Code, or a limited category III license, 5359
four hundred forty dollars. 5360

(2) (a) Except as provided in division (G) (2) (b) of this 5361
section, for a person who is required to hold a license as a 5362
terminal distributor of dangerous drugs pursuant to division (D) 5363
of section 4729.541 of the Revised Code, the fee is one hundred 5364
twenty dollars. 5365

(b) For a professional association, corporation, 5366
partnership, or limited liability company organized for the 5367
purpose of practicing veterinary medicine, the fee is one 5368
hundred twenty dollars. 5369

(3) Fees assessed under divisions (G) (1) and (2) of this section shall not be returned if the applicant fails to qualify for the license.

(H) (1) The board shall issue a terminal distributor of dangerous drugs license to each person who submits an application for such licensure in accordance with this section, pays the required license fee, is determined by the board to meet the requirements set forth in section 4729.55 of the Revised Code, and satisfies any other applicable requirements of this section.

(2) The license of a person other than an emergency medical service organization shall describe the one establishment or place at which the licensee may engage in the sale or other distribution of dangerous drugs at retail and maintain possession, custody, or control of dangerous drugs for purposes other than the licensee's own use or consumption. The one establishment or place shall be that which is identified in the application for licensure.

No such license shall authorize or permit the terminal distributor of dangerous drugs named in it to engage in the sale or other distribution of dangerous drugs at retail or to maintain possession, custody, or control of dangerous drugs for any purpose other than the distributor's own use or consumption, at any establishment or place other than that described in the license, except that an agent or employee of an animal shelter may possess and use dangerous drugs in the course of business as provided in division (D) of section 4729.532 of the Revised Code.

(3) The license of an emergency medical service organization shall cover and describe all the units of the

organization listed in its application for licensure. 5400

(I) (1) All licenses issued or renewed pursuant to this 5401
section shall be effective for a period specified by the board 5402
in rules adopted under section 4729.26 of the Revised Code. The 5403
effective period for an initial or renewed license shall not 5404
exceed twenty-four months unless the board extends the period in 5405
rules to adjust license renewal schedules. A license shall be 5406
renewed by the board according to the provisions of this 5407
section, the standard renewal procedure of Chapter 4745. of the 5408
Revised Code, and rules adopted by the board under section 5409
4729.26 of the Revised Code. A person seeking to renew a license 5410
shall submit an application for renewal and pay the required fee 5411
on or before the date specified in the rules adopted by the 5412
board. The fee required for the renewal of a license shall be 5413
the same as the license fee paid under division (G) of this 5414
section. 5415

(2) (a) Subject to division (I) (2) (b) of this section, a 5416
license that has not been renewed by the date specified in rules 5417
adopted by the board may be reinstated only upon payment of the 5418
required renewal fee and a penalty fee of one hundred ten 5419
dollars. 5420

(b) If an application for renewal has not been submitted 5421
by the sixty-first day after the renewal date specified in rules 5422
adopted by the board, the license is considered void and cannot 5423
be renewed, but the license holder may reapply for licensure. 5424

(3) A terminal distributor of dangerous drugs that fails 5425
to renew licensure in accordance with this section and rules 5426
adopted by the board is prohibited from engaging in the retail 5427
sale, possession, or distribution of dangerous drugs until a 5428
valid license is issued by the board. 5429

(J) (1) No emergency medical service organization that is 5430
licensed as a terminal distributor of dangerous drugs shall fail 5431
to comply with division (C) (2) or (3) of this section. 5432

(2) No emergency medical service organization that is 5433
licensed as a terminal distributor of dangerous drugs shall fail 5434
to comply with division (D) of this section. 5435

(3) No licensed terminal distributor of dangerous drugs 5436
shall possess, have custody or control of, or distribute 5437
dangerous drugs that the terminal distributor is not entitled to 5438
possess, have custody or control of, or distribute by virtue of 5439
its category of licensure. 5440

(4) No licensee that is required by division (F) of this 5441
section to notify the board of changes in its protocol or 5442
standing orders, or in personnel, shall fail to comply with that 5443
division. 5444

(K) The board may enter into agreements with other states, 5445
federal agencies, and other entities to exchange information 5446
concerning licensing and inspection of terminal distributors of 5447
dangerous drugs located within or outside this state and to 5448
investigate alleged violations of the laws and rules governing 5449
distribution of drugs by terminal distributors. Any information 5450
received pursuant to such an agreement is subject to the same 5451
confidentiality requirements applicable to the agency or entity 5452
from which it was received and shall not be released without 5453
prior authorization from that agency or entity. 5454

Sec. 4729.55. No license shall be issued to an applicant 5455
for licensure as a terminal distributor of dangerous drugs 5456
unless the applicant has furnished satisfactory proof to the 5457
state board of pharmacy that: 5458

(A) The applicant is equipped as to land, buildings, and 5459
equipment to properly carry on the business of a terminal 5460
distributor of dangerous drugs within the category of licensure 5461
approved by the board. 5462

(B) A pharmacist, licensed health professional authorized 5463
to prescribe drugs, animal shelter licensed ~~with the state board~~ 5464
~~of pharmacy~~ under section 4729.531 of the Revised Code, or a 5465
laboratory ~~as defined in section 3719.01 of the Revised Code~~ 5466
will maintain supervision and control over the possession and 5467
custody of dangerous drugs that may be acquired by or on behalf 5468
of the applicant. 5469

(C) Adequate safeguards are assured to prevent the sale or 5470
other distribution of dangerous drugs by any person other than a 5471
pharmacist or licensed health professional authorized to 5472
prescribe drugs. 5473

(D) Adequate safeguards are assured that the applicant 5474
will carry on the business of a terminal distributor of 5475
dangerous drugs in a manner that allows pharmacists and pharmacy 5476
interns employed by the terminal distributor to practice 5477
pharmacy in a safe and effective manner. 5478

(E) If the applicant, or any agent or employee of the 5479
applicant, has been found guilty of violating section 4729.51 of 5480
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 5481
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 5482
control laws, Chapter 2925., 3715., 3719., or 4729. of the 5483
Revised Code, or any rule of the board, adequate safeguards are 5484
assured to prevent the recurrence of the violation. 5485

(F) In the case of an applicant who is a food processor or 5486
retail seller of food, the applicant will maintain supervision 5487

and control over the possession and custody of nitrous oxide. 5488

(G) In the case of an applicant who is a retail seller of 5489
oxygen in original packages labeled as required by the "Federal 5490
Food, Drug, and Cosmetic Act," the applicant will maintain 5491
supervision and control over the possession, custody, and retail 5492
sale of the oxygen. 5493

(H) If the application is made on behalf of an animal 5494
shelter, at least one of the agents or employees of the animal 5495
shelter is certified in compliance with section 4729.532 of the 5496
Revised Code. 5497

(I) In the case of an applicant who is a retail seller of 5498
peritoneal dialysis solutions in original packages labeled as 5499
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 5500
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 5501
supervision and control over the possession, custody, and retail 5502
sale of the peritoneal dialysis solutions. 5503

(J) In the case of an applicant who is a pain management 5504
clinic, the applicant meets the requirements to receive a 5505
license with a pain management clinic classification issued 5506
under section 4729.552 of the Revised Code. 5507

(K) In the case of an applicant who is operating a 5508
facility, clinic, or other location described in division (B) of 5509
section 4729.553 of the Revised Code that must hold a category 5510
III terminal distributor of dangerous drugs license with an 5511
office-based opioid treatment classification, the applicant 5512
meets the requirements to receive that license with that 5513
classification. 5514

Sec. 4729.553. (A) As used in this section: 5515

(1) "Controlled substance" has the same meaning as in 5516

section 3719.01 of the Revised Code. 5517

(2) "Hospital" means a hospital registered with the 5518
department of health under section 3701.07 of the Revised Code. 5519

(3) "Office-based opioid treatment" means the treatment of 5520
opioid dependence or addiction using a controlled substance. 5521

(B) (1) Except as provided in division (B) (2) of this 5522
section, no person shall knowingly operate a facility, clinic, 5523
or other location where a prescriber provides office-based 5524
opioid treatment to more than thirty patients or that meets any 5525
other identifying criteria established in rules adopted under 5526
~~division (C) of this section~~ without holding a category III 5527
terminal distributor of dangerous drugs license with an office- 5528
based opioid treatment classification. 5529

(2) Division (B) (1) of this section does not apply to any 5530
of the following: 5531

(a) A hospital; 5532

(b) A facility for the treatment of opioid dependence or 5533
addiction that is operated by a hospital; 5534

(c) A physician practice owned or controlled, in whole or 5535
in part, by a hospital or by an entity that owns or controls, in 5536
whole or in part, one or more hospitals; 5537

(d) A facility that conducts only clinical research and 5538
uses controlled substances in studies approved by a hospital- 5539
based institutional review board or an institutional review 5540
board that is accredited by the association for the 5541
accreditation of human research protection programs, inc.; 5542

(e) A facility that holds a category III terminal 5543
distributor of dangerous drugs license in accordance with 5544

section 4729.54 of the Revised Code for the purpose of treating 5545
drug dependence or addiction as part of an opioid treatment 5546
program and is the subject of a current, valid certification 5547
from the substance abuse and mental health services 5548
administration of the United States department of health and 5549
human services pursuant to 42 C.F.R. 8.11; 5550

(f) A program or facility that ~~is licensed or certified~~ 5551
holds a license or certification issued by the department of 5552
mental health and addiction services under Chapter 5119. of the 5553
Revised Code if the license or certification is approved by the 5554
state board of pharmacy; 5555

(g) A federally qualified health center or federally 5556
qualified health center look-alike, as defined in section 5557
3701.047 of the Revised Code; 5558

(h) A state or local correctional facility, as defined in 5559
section 5163.45 of the Revised Code; 5560

(i) Any other facility specified in rules adopted under 5561
this section. 5562

(C) To be eligible to receive a license as a category III 5563
terminal distributor of dangerous drugs with an office-based 5564
opioid treatment classification, an applicant shall submit 5565
evidence satisfactory to the state board of pharmacy that the 5566
applicant's office-based opioid treatment will be operated in 5567
accordance with the requirements specified in division (D) of 5568
this section and that the applicant meets any other applicable 5569
requirements of this chapter. 5570

If the board determines that an applicant meets all of the 5571
requirements, the board shall issue to the applicant a license 5572
as a category III terminal distributor of dangerous drugs with 5573

an office-based opioid treatment classification. 5574

(D) The holder of a category III terminal distributor 5575
license with an office-based opioid treatment classification 5576
shall do all of the following: 5577

(1) Be in control of a facility that is owned and operated 5578
solely by one or more physicians authorized under Chapter 4731. 5579
of the Revised Code to practice medicine and surgery or 5580
osteopathic medicine and surgery, unless the state board of 5581
pharmacy ~~has exempted the holder from~~ waives this requirement 5582
for the holder; 5583

(2) Comply with the requirements for conducting office- 5584
based opioid treatment, as established by the state medical 5585
board in rules adopted under section 4731.056 of the Revised 5586
Code; 5587

(3) Require any person with ownership of the facility to 5588
submit to a criminal records check in accordance with section 5589
4776.02 of the Revised Code and send the results of the criminal 5590
records check directly to the state board of pharmacy for review 5591
and decision under section 4729.071 of the Revised Code; 5592

(4) Require ~~all employees of each person employed by or~~ 5593
seeking employment with the facility to submit to a criminal 5594
records check in accordance with section 4776.02 of the Revised 5595
Code ~~and ensure~~; 5596

(5) Ensure that no a person is not employed who has 5597
previously been by the facility if the person, within the ten 5598
years immediately preceding the date the person applied for 5599
employment, was convicted of, or pleaded guilty to, either of 5600
the following, unless the state board of pharmacy permits the 5601
person to be employed by waiving this requirement for the 5602

<u>facility:</u>	5603
(a) A theft offense, described in division (K) (3) of section 2913.01 of the Revised Code, that would constitute a felony under the laws of this state, any other state, or the United States;	5604 5605 5606 5607
(b) A felony drug offense, as defined in section 2925.01 of the Revised Code.	5608 5609
(5) (6) Maintain a list of each person with ownership of the facility and notify the state board of pharmacy of any change to that list.	5610 5611 5612
(E) No person subject to licensure as a category III terminal distributor of dangerous drugs with an office-based opioid treatment classification shall knowingly fail to remain in compliance with the requirements of division (D) of this section and any other applicable requirements of this chapter.	5613 5614 5615 5616 5617
(F) The state board of pharmacy may impose a fine of not more than five thousand dollars on a person who violates division (B) or (E) of this section. A separate fine may be imposed for each day the violation continues. In imposing the fine, the board's actions shall be taken in accordance with Chapter 119. of the Revised Code.	5618 5619 5620 5621 5622 5623
(G) The state board of pharmacy shall adopt rules as it considers necessary to implement and administer this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	5624 5625 5626 5627
Sec. 4731.97. (A) As used in this section:	5628
(1) "Investigational drug, product, or device" means a drug, product, or device that has successfully completed phase	5629 5630

one of United States food and drug administration clinical 5631
trials and remains under clinical investigation, but has not 5632
been approved for general use by the United States food and drug 5633
administration. "Investigational drug, product, or device" does 5634
not include controlled substances in schedule I, as established 5635
~~pursuant to~~ by rule adopted under section 3719.41 or 3719.45 of 5636
the Revised Code, and as amended. 5637

(2) "Drug" has the same meaning as in section 4729.01 of 5638
the Revised Code. 5639

(3) "Product" means a biological product, other than a 5640
drug, that is made from a natural human, animal, or 5641
microorganism source and is intended to treat a disease or 5642
medical condition. 5643

(4) "Device" means a medical device that is intended for 5644
use in the diagnosis or treatment of a disease or medical 5645
condition. 5646

(5) "Physician" means an individual authorized by this 5647
chapter to practice medicine and surgery or osteopathic medicine 5648
and surgery. 5649

(6) "Terminal condition" means any of the following 5650
conditions, if irreversible, incurable, and untreatable through 5651
a method of treatment approved by the United States food and 5652
drug administration: 5653

(a) A progressive form of cancer; 5654

(b) A progressive neurological disorder; 5655

(c) A progressive musculoskeletal disorder; 5656

(d) A condition that, based on reasonable medical 5657
standards and a reasonable degree of medical certainty, appears 5658

likely to cause death within a period of time that is relatively 5659
short but does not exceed twelve months. 5660

(7) "Treating physician" means the physician primarily 5661
responsible for providing medical care and treating an eligible 5662
patient's terminal condition. "Treating physician" does not 5663
include the patient's primary care physician unless that 5664
physician is treating the patient's terminal condition and no 5665
other physician is primarily responsible for treating the 5666
terminal condition. The patient may have more than one treating 5667
physician. 5668

(B) (1) Subject to division (B) (2) of this section, an 5669
individual is an eligible patient if all of the following 5670
conditions are met: 5671

(a) The individual has a terminal condition, as determined 5672
by the individual's treating physician and by one other 5673
physician who has examined the individual. 5674

(b) The individual, as determined by the individual's 5675
treating physician, has considered all treatment options for the 5676
terminal condition that are approved by the United States food 5677
and drug administration and determined that there are no 5678
satisfactory or comparable approved treatments and that the risk 5679
from the investigational drug, product, or device is no greater 5680
than the probable risk from not treating the terminal condition. 5681

(c) The individual's treating physician recommends the use 5682
of the investigational drug, product, or device as a last option 5683
available for the individual, attests that it represents the 5684
individual's best chance at survival, and agrees to either 5685
administer or personally furnish it or has issued a prescription 5686
to the individual for the investigational drug, product, or 5687

device. 5688

(d) The treating physician includes documentation in the 5689
patient's medical record that all of the foregoing conditions 5690
have been met. 5691

(2) An individual who meets the requirements of division 5692
(B) (1) of this section is not an eligible patient if a clinical 5693
trial using the investigational drug, product, or device is 5694
actively being conducted within one hundred miles of the 5695
individual's residence, unless the individual applied for 5696
participation but was denied access to that clinical trial. 5697

(C) (1) A treating physician may treat an eligible patient 5698
with an investigational drug, product, or device after securing 5699
the patient's informed consent in a signed statement. If the 5700
patient is a minor or lacks the capacity to consent, the 5701
informed consent must be obtained from a parent, guardian, or 5702
other person legally responsible for the patient. 5703

(2) To secure informed consent, the treating physician 5704
must do all of the following: 5705

(a) On a form based on the template created by the state 5706
medical board under division (I) of this section, record all of 5707
the following: 5708

(i) An explanation of the approved treatment options for 5709
the terminal condition from which the patient suffers; 5710

(ii) The specific proposed investigational drug, product, 5711
or device; 5712

(iii) The potentially best and worst outcomes of using the 5713
investigational drug, product, or device with a realistic 5714
description of the most likely outcome, including that there is 5715

no proof of efficacy and that it is possible new, unanticipated, 5716
different, or worse symptoms might result, and that death could 5717
be hastened by the investigational drug, product, or device; 5718

(iv) An explanation that the manufacturer of the 5719
investigational drug, product, or device may hold the patient 5720
liable for all expenses that arise from the patient's use of the 5721
investigational drug, product, or device; 5722

(v) An explanation that any health insurance or government 5723
program that covers the individual may not include coverage of 5724
any charges by the treating physician or another health care 5725
provider for any care or treatment resulting from the patient's 5726
use of the investigational drug, product, or device; 5727

(vi) A statement explaining that the manufacturer of the 5728
investigational drug, product, or device, the pharmacy or other 5729
distributor of the drug, and the patient's treating physician or 5730
administering hospital are not liable for or subject to any of 5731
the following for an act or omission related to providing, 5732
distributing, or treating with, an investigational drug, 5733
product, or device, unless the act or omission constitutes 5734
willful or wanton misconduct: damages in any civil action, 5735
prosecution in any criminal proceeding, or professional 5736
disciplinary action. 5737

(b) Have the individual giving consent sign the form in 5738
the conscious presence of a competent witness; 5739

(c) Have the witness also sign the form and attest that 5740
the individual giving consent appeared to do all of the 5741
following: 5742

(i) Concur with the treating physician in believing that 5743
all approved treatment options would be unlikely to prolong the 5744

patient's life; 5745

(ii) Understand the risks involved with using the 5746
investigational drug, product, or device; 5747

(iii) Willingly desire to use the investigational drug, 5748
product, or device to treat the terminal condition. 5749

(3) An eligible patient, or the patient's parent, 5750
guardian, or other person legally responsible for the patient, 5751
may revoke consent to treatment with an investigational drug, 5752
product, or device at any time and in any manner that 5753
communicates the revocation. 5754

(D) (1) Except for actions constituting willful or wanton 5755
misconduct, a treating physician who recommends or treats an 5756
eligible patient with an investigational drug, product, or 5757
device in compliance with this section is not liable for or 5758
subject to any of the following for an action or omission 5759
related to treatment with the investigational drug, product, or 5760
device: damages in any civil action, prosecution in any criminal 5761
proceeding, or professional disciplinary action. 5762

(2) This section does not create a new cause of action or 5763
substantive legal right against a treating physician or hospital 5764
related to a physician's not recommending the use of an 5765
investigational drug, product, or device. 5766

(E) An official, employee, or agent of this state shall 5767
not, solely because an investigational drug, product, or device 5768
has not been approved for general use by the United States food 5769
and drug administration, prevent or attempt to prevent access by 5770
an eligible patient or eligible patient's treating physician to 5771
an investigational drug, product, or device that is being 5772
provided or is to be provided in accordance with this section or 5773

section 4729.89 of the Revised Code. 5774

(F) If an eligible patient dies while being treated with 5775
an investigational drug, product, or device and there are any 5776
outstanding costs related to treating the patient, the patient's 5777
estate, devisees, and heirs shall not be held liable by any 5778
person or government entity for those costs. 5779

(G) Nothing in this section requires a health care 5780
insurer, the medicaid program or any other government health 5781
care program, or any other entity that offers health care 5782
benefits to provide coverage for the costs incurred from the use 5783
of any investigational drug, product, or device. 5784

(H) Nothing in this section condones, authorizes, or 5785
approves of assisted suicide, as defined in section 3795.01 of 5786
the Revised Code, or any action that is considered mercy killing 5787
or euthanasia. 5788

(I) As soon as practicable after ~~the effective date of~~ 5789
~~this section~~ April 6, 2017, the state medical board shall create 5790
a template of the form to be used by a treating physician to 5791
secure a patient's informed consent under division (C) (2) of 5792
this section and make the template available to physicians and 5793
hospitals. 5794

Sec. 5164.7511. (A) As used in this section: 5795

(1) "Cost-sharing" means any cost-sharing requirements 5796
instituted for the medicaid program under section 5162.20 of the 5797
Revised Code. 5798

(2) "Medication synchronization" means a pharmacy service 5799
that synchronizes the filling or refilling of prescriptions in a 5800
manner that allows the dispensed drugs to be obtained on the 5801
same date each month. 5802

(3) "Prescriber" has the same meaning as in section 5803
4729.01 of the Revised Code. 5804

(B) With respect to coverage of prescribed drugs, the 5805
medicaid program shall provide for medication synchronization 5806
for a medicaid recipient if all of the following conditions are 5807
met: 5808

(1) The recipient elects to participate in medication 5809
synchronization. 5810

(2) The recipient, the prescriber, and a pharmacist at a 5811
pharmacy participating in the medicaid program agree that 5812
medication synchronization is in the best interest of the 5813
recipient. 5814

(3) The prescribed drug to be included in the medication 5815
synchronization meets the requirements of division (C) of this 5816
section. 5817

(C) To be eligible for inclusion in medication 5818
synchronization for a medicaid recipient, a prescribed drug must 5819
meet all of the following requirements: 5820

(1) Be covered by the medicaid program; 5821

(2) Be prescribed for the treatment and management of a 5822
chronic disease or condition and be subject to refills; 5823

(3) Satisfy all relevant prior authorization criteria; 5824

(4) Not have quantity limits, dose optimization criteria, 5825
or other requirements that would be violated if synchronized; 5826

(5) Not have special handling or sourcing needs, as 5827
determined by the medicaid program, that require a single, 5828
designated pharmacy to fill or refill the prescription; 5829

(6) Be formulated so that the quantity or amount dispensed 5830
can be effectively divided in order to achieve synchronization; 5831

(7) Not be a schedule II controlled substance, ~~opiate~~ 5832
opioid analgesic, or benzodiazepine, as those terms are defined 5833
in section 3719.01 of the Revised Code. 5834

(D) (1) To provide for medication synchronization under 5835
division (B) of this section, the medicaid program shall 5836
authorize coverage of a prescribed drug subject to medication 5837
synchronization when the drug is dispensed in a quantity or 5838
amount that is less than a thirty-day supply. 5839

(2) The requirement of division (D) (1) of this section 5840
applies only once for each prescribed drug subject to medication 5841
synchronization for the same medicaid recipient, except when 5842
either of the following occurs: 5843

(a) The prescriber changes the dosage or frequency of 5844
administration of the prescribed drug subject to medication 5845
synchronization. 5846

(b) The prescriber prescribes a different drug. 5847

(E) (1) In providing for medication synchronization under 5848
division (B) of this section, the medicaid program shall apply a 5849
prorated daily cost-sharing rate for a supply of a prescribed 5850
drug subject to medication synchronization that is dispensed at 5851
a pharmacy participating in the program. 5852

(2) Division (E) (1) of this section does not require the 5853
medicaid program to waive any cost-sharing requirement in its 5854
entirety. 5855

(F) In providing for medication synchronization under 5856
division (B) of this section, the medicaid program shall not use 5857

payment structures that incorporate dispensing fees that are 5858
determined by calculating the days' supply of drugs dispensed. 5859
Dispensing fees shall be based exclusively on the total number 5860
of prescriptions that are filled or refilled. 5861

(G) This section does not require the medicaid program to 5862
provide to a pharmacy participating in the program or a 5863
pharmacist at a participating pharmacy any monetary or other 5864
financial incentive for the purpose of encouraging the pharmacy 5865
or pharmacist to recommend medication synchronization to a 5866
medicaid recipient. 5867

Section 2. That existing sections 119.03, 149.43, 149.45, 5868
1751.68, 2907.02, 2907.05, 2925.01, 2925.03, 2925.09, 2925.11, 5869
2925.23, 2925.34, 3313.752, 3345.41, 3707.50, 3719.01, 3719.04, 5870
3719.05, 3719.06, 3719.061, 3719.07, 3719.09, 3719.12, 3719.40, 5871
3719.43, 3719.44, 3719.61, 3719.811, 3796.01, 3923.602, 4729.01, 5872
4729.19, 4729.46, 4729.52, 4729.53, 4729.54, 4729.55, 4729.553, 5873
4731.97, and 5164.7511 and section 3719.41 of the Revised Code 5874
are hereby repealed. 5875

Section 3. (A) Except as provided in division (B) of this 5876
section, Sections 1 and 2 of this act take effect on the date 5877
that is twelve months after the effective date of this section. 5878

(B) Sections 149.43, 149.45, 2925.01, 2925.09, 2925.11, 5879
2925.23, 3719.04, 3719.05, 3719.06, 3719.07, 3719.09, 3719.45, 5880
3719.61, 4729.19, 4729.28, 4729.43, 4729.46, 4729.53, and 5881
4729.553 of the Revised Code, as amended by this act, take 5882
effect at the earliest time permitted by law. 5883

Section 4. The State Board of Pharmacy shall adopt rules 5884
establishing controlled substance schedules as anticipated by 5885
the repeal and reenactment by this act of section 3719.41 of the 5886

Revised Code. The rules shall be adopted in accordance with 5887
Chapter 119. of the Revised Code. In adopting the rules, the 5888
Board is not subject to business review under sections 121.81, 5889
121.82, and 121.83 of the Revised Code. 5890

The Board shall complete the rulemaking process so that 5891
the rules take effect on the same date as Sections 1 and 2 of 5892
this act. 5893

Section 5. As used in the versions of sections 2907.02, 5894
2907.05, 3313.752, 3345.41, 3707.50, 3719.01, 3719.40, 3796.01, 5895
4729.01, and 4731.97 of the Revised Code that are in effect 5896
prior to the date that is twelve months after the effective date 5897
of this section, "controlled substance" and "schedule I" include 5898
any compound, mixture, preparation, or substance added to 5899
schedule I by the State Board of Pharmacy through the adoption 5900
of emergency rules under section 3719.45 of the Revised Code, as 5901
enacted by this act. 5902

Section 6. The General Assembly, applying the principle 5903
stated in division (B) of section 1.52 of the Revised Code that 5904
amendments are to be harmonized if reasonably capable of 5905
simultaneous operation, finds that the following sections, 5906
presented in this act as composites of the sections as amended 5907
by the acts indicated, are the resulting versions of the 5908
sections in effect prior to the effective date of the sections 5909
as presented in this act: 5910

Section 149.45 of the Revised Code as amended by both Sub. 5911
H.B. 317 and Sub. H.B. 359 of the 131st General Assembly. 5912

Section 2925.03 of the Revised Code as amended by Am. Sub. 5913
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 5914
Assembly. 5915

Section 2925.11 of the Revised Code as amended by Sub.	5916
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General	5917
Assembly.	5918