

As Reported by the House Health Committee

133rd General Assembly

Regular Session

2019-2020

H. B. No. 29

Representative Koehler

Cosponsors: Representatives Riedel, Perales, Smith, R., Kent, Stoltzfus, Carfagna

A BILL

To enact section 2925.62 of the Revised Code to 1
prohibit sales of dextromethorphan without a 2
prescription to persons under age 18. 3

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

Section 1. That section 2925.62 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2925.62. (A) As used in this section: 6

(1) "Dextromethorphan" means the dextrorotatory isomer of 7
3-methoxy-N-methylmorphinan, including its salts, but not 8
including its racemic or levorotatory forms. 9

(2) "Evidence of majority and identity" means a document 10
issued by the federal government or a state, county, or 11
municipal government, or a subdivision or agency of any of the 12
foregoing, including a driver's or commercial driver's license, 13
an identification card issued under sections 4507.50 to 4507.52 14
of the Revised Code, a military identification card, or any 15
other form of identification that bears the name, date of birth, 16
description, and picture of the person identified. 17

(3) "Retailer" means a place of business that offers 18
consumer products for sale to the general public, including a 19
place of business that is licensed under Chapter 4729. of the 20
Revised Code as a terminal distributor of dangerous drugs. 21

(B) No retailer or employee of a retailer shall knowingly 22
supply, deliver, give, or otherwise provide a drug, material, 23
compound, mixture, preparation, or substance containing any 24
quantity of dextromethorphan through the sale of any product to 25
a person under eighteen years of age, unless the person has a 26
prescription for the product being purchased. 27

(C) For purposes of division (B) of this section, the 28
person making the sale of a product containing dextromethorphan 29
shall require and obtain evidence of majority and identity from 30
the purchaser, unless from the purchaser's outward appearance 31
the person making the sale would reasonably presume the 32
purchaser to be twenty-five years of age or older. Proof that 33
the person making the sale demanded, was shown, and acted in 34
reasonable reliance on the purchaser's evidence of majority and 35
identity is a defense to any charge of a violation of division 36
(B) of this section. 37

(D) A retailer or employee of a retailer is not liable for 38
damages in a civil action for injury, death, or loss to person 39
or property that allegedly arises from an act or omission 40
associated with a failure to prevent the sale of a product 41
containing dextromethorphan to a person under eighteen years of 42
age, unless the act or omission constitutes willful or wanton 43
misconduct. 44

(E) Whoever violates division (B) of this section is 45
guilty of illegally selling dextromethorphan, a minor 46
misdemeanor. 47