

As Passed by the Senate

133rd General Assembly

Regular Session

2019-2020

Am. Sub. H. B. No. 365

Representative Manning, G.

**Cosponsors: Representatives Carruthers, Lanese, Richardson, Roemer, Rogers,
Seitz, Stein**

**Senators Huffman, S., Blessing, Burke, Eklund, Gavarone, Hackett, Manning,
Peterson, Wilson**

A BILL

To amend sections 2925.01, 2925.03, 4758.20, 1
4758.42, 4758.61, 5164.751, and 5167.01 and to 2
enact sections 3902.50, 3902.51, 4729.49, and 3
5167.123 of the Revised Code to revise the 4
requirements for a chemical dependency counselor 5
II license, to prohibit a health plan issuer or 6
Medicaid managed care organization from taking 7
certain actions with respect to reimbursements 8
to 340B covered entities, and to enhance 9
penalties for certain drug trafficking offenses 10
committed in the vicinity of a substance 11
addiction services provider and to name the 12
act's drug trafficking provisions the "Relapse 13
Reduction Act." 14

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

Section 1. That sections 2925.01, 2925.03, 4758.20, 15
4758.42, 4758.61, 5164.751, and 5167.01 be amended and sections 16

3902.50, 3902.51, 4729.49, and 5167.123 of the Revised Code be 17
enacted to read as follows: 18

Sec. 2925.01. As used in this chapter: 19

(A) "Administer," "controlled substance," "controlled 20
substance analog," "dispense," "distribute," "hypodermic," 21
"manufacturer," "official written order," "person," 22
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 23
"schedule III," "schedule IV," "schedule V," and "wholesaler" 24
have the same meanings as in section 3719.01 of the Revised 25
Code. 26

(B) "Drug dependent person" and "drug of abuse" have the 27
same meanings as in section 3719.011 of the Revised Code. 28

(C) "Drug," "dangerous drug," "licensed health 29
professional authorized to prescribe drugs," and "prescription" 30
have the same meanings as in section 4729.01 of the Revised 31
Code. 32

(D) "Bulk amount" of a controlled substance means any of 33
the following: 34

(1) For any compound, mixture, preparation, or substance 35
included in schedule I, schedule II, or schedule III, with the 36
exception of any controlled substance analog, marihuana, 37
cocaine, L.S.D., heroin, any fentanyl-related compound, and 38
hashish and except as provided in division (D)(2), (5), or (6) 39
of this section, whichever of the following is applicable: 40

(a) An amount equal to or exceeding ten grams or twenty- 41
five unit doses of a compound, mixture, preparation, or 42
substance that is or contains any amount of a schedule I opiate 43
or opium derivative; 44

(b) An amount equal to or exceeding ten grams of a 45
compound, mixture, preparation, or substance that is or contains 46
any amount of raw or gum opium; 47

(c) An amount equal to or exceeding thirty grams or ten 48
unit doses of a compound, mixture, preparation, or substance 49
that is or contains any amount of a schedule I hallucinogen 50
other than tetrahydrocannabinol or lysergic acid amide, or a 51
schedule I stimulant or depressant; 52

(d) An amount equal to or exceeding twenty grams or five 53
times the maximum daily dose in the usual dose range specified 54
in a standard pharmaceutical reference manual of a compound, 55
mixture, preparation, or substance that is or contains any 56
amount of a schedule II opiate or opium derivative; 57

(e) An amount equal to or exceeding five grams or ten unit 58
doses of a compound, mixture, preparation, or substance that is 59
or contains any amount of phencyclidine; 60

(f) An amount equal to or exceeding one hundred twenty 61
grams or thirty times the maximum daily dose in the usual dose 62
range specified in a standard pharmaceutical reference manual of 63
a compound, mixture, preparation, or substance that is or 64
contains any amount of a schedule II stimulant that is in a 65
final dosage form manufactured by a person authorized by the 66
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 67
U.S.C.A. 301, as amended, and the federal drug abuse control 68
laws, as defined in section 3719.01 of the Revised Code, that is 69
or contains any amount of a schedule II depressant substance or 70
a schedule II hallucinogenic substance; 71

(g) An amount equal to or exceeding three grams of a 72
compound, mixture, preparation, or substance that is or contains 73

any amount of a schedule II stimulant, or any of its salts or 74
isomers, that is not in a final dosage form manufactured by a 75
person authorized by the Federal Food, Drug, and Cosmetic Act 76
and the federal drug abuse control laws. 77

(2) An amount equal to or exceeding one hundred twenty 78
grams or thirty times the maximum daily dose in the usual dose 79
range specified in a standard pharmaceutical reference manual of 80
a compound, mixture, preparation, or substance that is or 81
contains any amount of a schedule III or IV substance other than 82
an anabolic steroid or a schedule III opiate or opium 83
derivative; 84

(3) An amount equal to or exceeding twenty grams or five 85
times the maximum daily dose in the usual dose range specified 86
in a standard pharmaceutical reference manual of a compound, 87
mixture, preparation, or substance that is or contains any 88
amount of a schedule III opiate or opium derivative; 89

(4) An amount equal to or exceeding two hundred fifty 90
milliliters or two hundred fifty grams of a compound, mixture, 91
preparation, or substance that is or contains any amount of a 92
schedule V substance; 93

(5) An amount equal to or exceeding two hundred solid 94
dosage units, sixteen grams, or sixteen milliliters of a 95
compound, mixture, preparation, or substance that is or contains 96
any amount of a schedule III anabolic steroid; 97

(6) For any compound, mixture, preparation, or substance 98
that is a combination of a fentanyl-related compound and any 99
other compound, mixture, preparation, or substance included in 100
schedule III, schedule IV, or schedule V, if the defendant is 101
charged with a violation of section 2925.11 of the Revised Code 102

and the sentencing provisions set forth in divisions (C) (10) (b) 103
and (C) (11) of that section will not apply regarding the 104
defendant and the violation, the bulk amount of the controlled 105
substance for purposes of the violation is the amount specified 106
in division (D) (1), (2), (3), (4), or (5) of this section for 107
the other schedule III, IV, or V controlled substance that is 108
combined with the fentanyl-related compound. 109

(E) "Unit dose" means an amount or unit of a compound, 110
mixture, or preparation containing a controlled substance that 111
is separately identifiable and in a form that indicates that it 112
is the amount or unit by which the controlled substance is 113
separately administered to or taken by an individual. 114

(F) "Cultivate" includes planting, watering, fertilizing, 115
or tilling. 116

(G) "Drug abuse offense" means any of the following: 117

(1) A violation of division (A) of section 2913.02 that 118
constitutes theft of drugs, or a violation of section 2925.02, 119
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 120
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 121
or 2925.37 of the Revised Code; 122

(2) A violation of an existing or former law of this or 123
any other state or of the United States that is substantially 124
equivalent to any section listed in division (G) (1) of this 125
section; 126

(3) An offense under an existing or former law of this or 127
any other state, or of the United States, of which planting, 128
cultivating, harvesting, processing, making, manufacturing, 129
producing, shipping, transporting, delivering, acquiring, 130
possessing, storing, distributing, dispensing, selling, inducing 131

another to use, administering to another, using, or otherwise	132
dealing with a controlled substance is an element;	133
(4) A conspiracy to commit, attempt to commit, or	134
complicity in committing or attempting to commit any offense	135
under division (G) (1), (2), or (3) of this section.	136
(H) "Felony drug abuse offense" means any drug abuse	137
offense that would constitute a felony under the laws of this	138
state, any other state, or the United States.	139
(I) "Harmful intoxicant" does not include beer or	140
intoxicating liquor but means any of the following:	141
(1) Any compound, mixture, preparation, or substance the	142
gas, fumes, or vapor of which when inhaled can induce	143
intoxication, excitement, giddiness, irrational behavior,	144
depression, stupefaction, paralysis, unconsciousness,	145
asphyxiation, or other harmful physiological effects, and	146
includes, but is not limited to, any of the following:	147
(a) Any volatile organic solvent, plastic cement, model	148
cement, fingernail polish remover, lacquer thinner, cleaning	149
fluid, gasoline, or other preparation containing a volatile	150
organic solvent;	151
(b) Any aerosol propellant;	152
(c) Any fluorocarbon refrigerant;	153
(d) Any anesthetic gas.	154
(2) Gamma Butyrolactone;	155
(3) 1,4 Butanediol.	156
(J) "Manufacture" means to plant, cultivate, harvest,	157
process, make, prepare, or otherwise engage in any part of the	158

production of a drug, by propagation, extraction, chemical 159
synthesis, or compounding, or any combination of the same, and 160
includes packaging, repackaging, labeling, and other activities 161
incident to production. 162

(K) "Possess" or "possession" means having control over a 163
thing or substance, but may not be inferred solely from mere 164
access to the thing or substance through ownership or occupation 165
of the premises upon which the thing or substance is found. 166

(L) "Sample drug" means a drug or pharmaceutical 167
preparation that would be hazardous to health or safety if used 168
without the supervision of a licensed health professional 169
authorized to prescribe drugs, or a drug of abuse, and that, at 170
one time, had been placed in a container plainly marked as a 171
sample by a manufacturer. 172

(M) "Standard pharmaceutical reference manual" means the 173
current edition, with cumulative changes if any, of references 174
that are approved by the state board of pharmacy. 175

(N) "Juvenile" means a person under eighteen years of age. 176

(O) "Counterfeit controlled substance" means any of the 177
following: 178

(1) Any drug that bears, or whose container or label 179
bears, a trademark, trade name, or other identifying mark used 180
without authorization of the owner of rights to that trademark, 181
trade name, or identifying mark; 182

(2) Any unmarked or unlabeled substance that is 183
represented to be a controlled substance manufactured, 184
processed, packed, or distributed by a person other than the 185
person that manufactured, processed, packed, or distributed it; 186

(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;

(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.

(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.

(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.

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

(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;

(2) Any other parcel of real property that is owned or

leased by a board of education of a school, the governing 216
authority of a community school established under Chapter 3314. 217
of the Revised Code, or the governing body of a nonpublic school 218
for which the state board of education prescribes minimum 219
standards under section 3301.07 of the Revised Code and on which 220
some of the instruction, extracurricular activities, or training 221
of the school is conducted, whether or not any instruction, 222
extracurricular activities, or training provided by the school 223
is being conducted on the parcel of real property at the time a 224
criminal offense is committed. 225

(S) "School building" means any building in which any of 226
the instruction, extracurricular activities, or training 227
provided by a school is conducted, whether or not any 228
instruction, extracurricular activities, or training provided by 229
the school is being conducted in the school building at the time 230
a criminal offense is committed. 231

(T) "Disciplinary counsel" means the disciplinary counsel 232
appointed by the board of commissioners on grievances and 233
discipline of the supreme court under the Rules for the 234
Government of the Bar of Ohio. 235

(U) "Certified grievance committee" means a duly 236
constituted and organized committee of the Ohio state bar 237
association or of one or more local bar associations of the 238
state of Ohio that complies with the criteria set forth in Rule 239
V, section 6 of the Rules for the Government of the Bar of Ohio. 240

(V) "Professional license" means any license, permit, 241
certificate, registration, qualification, admission, temporary 242
license, temporary permit, temporary certificate, or temporary 243
registration that is described in divisions (W) (1) to (37) of 244
this section and that qualifies a person as a professionally 245

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

instructor's license, hair design instructor's license,	274
manicurist instructor's license, esthetics instructor's license,	275
natural hair style instructor's license, independent	276
contractor's license, or tanning facility permit under Chapter	277
4713. of the Revised Code;	278
(8) A person who has been issued a license to practice	279
dentistry, a general anesthesia permit, a conscious sedation	280
permit, a limited resident's license, a limited teaching	281
license, a dental hygienist's license, or a dental hygienist's	282
teacher's certificate under Chapter 4715. of the Revised Code;	283
(9) A person who has been issued an embalmer's license, a	284
funeral director's license, a funeral home license, or a	285
crematory license, or who has been registered for an embalmer's	286
or funeral director's apprenticeship under Chapter 4717. of the	287
Revised Code;	288
(10) A person who has been licensed as a registered nurse	289
or practical nurse, or who has been issued a certificate for the	290
practice of nurse-midwifery under Chapter 4723. of the Revised	291
Code;	292
(11) A person who has been licensed to practice optometry	293
or to engage in optical dispensing under Chapter 4725. of the	294
Revised Code;	295
(12) A person licensed to act as a pawnbroker under	296
Chapter 4727. of the Revised Code;	297
(13) A person licensed to act as a precious metals dealer	298
under Chapter 4728. of the Revised Code;	299
(14) A person licensed under Chapter 4729. of the Revised	300
Code as a pharmacist or pharmacy intern or registered under that	301
chapter as a registered pharmacy technician, certified pharmacy	302

technician, or pharmacy technician trainee;	303
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	304 305 306 307 308
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	309 310
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	311 312 313 314 315
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	316 317
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	318 319 320
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	321 322
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	323 324
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	325 326
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	327 328
(24) A person who has been issued a motor vehicle salvage	329

dealer's license under Chapter 4738. of the Revised Code;	330
(25) A person who has been licensed to act as a steam	331
engineer under Chapter 4739. of the Revised Code;	332
(26) A person who has been issued a license or temporary	333
permit to practice veterinary medicine or any of its branches,	334
or who is registered as a graduate animal technician under	335
Chapter 4741. of the Revised Code;	336
(27) A person who has been issued a hearing aid dealer's	337
or fitter's license or trainee permit under Chapter 4747. of the	338
Revised Code;	339
(28) A person who has been issued a class A, class B, or	340
class C license or who has been registered as an investigator or	341
security guard employee under Chapter 4749. of the Revised Code;	342
(29) A person licensed to practice as a nursing home	343
administrator under Chapter 4751. of the Revised Code;	344
(30) A person licensed to practice as a speech-language	345
pathologist or audiologist under Chapter 4753. of the Revised	346
Code;	347
(31) A person issued a license as an occupational	348
therapist or physical therapist under Chapter 4755. of the	349
Revised Code;	350
(32) A person who is licensed as a licensed professional	351
clinical counselor, licensed professional counselor, social	352
worker, independent social worker, independent marriage and	353
family therapist, or marriage and family therapist, or	354
registered as a social work assistant under Chapter 4757. of the	355
Revised Code;	356
(33) A person issued a license to practice dietetics under	357

Chapter 4759. of the Revised Code;	358
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	359 360 361
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	362 363
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	364 365
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	366 367 368
(X) "Cocaine" means any of the following:	369
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	370 371
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	372 373 374 375
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	376 377 378 379 380 381
(Y) "L.S.D." means lysergic acid diethylamide.	382
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	383 384

(1) It is contained in or derived from any part of the 385
plant of the genus cannabis, whether in solid form or in a 386
liquid concentrate, liquid extract, or liquid distillate form. 387

(2) It has a delta-9 tetrahydrocannabinol concentration of 388
more than three-tenths per cent. 389

"Hashish" does not include a hemp byproduct in the 390
possession of a licensed hemp processor under Chapter 928. of 391
the Revised Code, provided that the hemp byproduct is being 392
produced, stored, and disposed of in accordance with rules 393
adopted under section 928.03 of the Revised Code. 394

(AA) "Marihuana" has the same meaning as in section 395
3719.01 of the Revised Code, except that it does not include 396
hashish. 397

(BB) An offense is "committed in the vicinity of a 398
juvenile" if the offender commits the offense within one hundred 399
feet of a juvenile or within the view of a juvenile, regardless 400
of whether the offender knows the age of the juvenile, whether 401
the offender knows the offense is being committed within one 402
hundred feet of or within view of the juvenile, or whether the 403
juvenile actually views the commission of the offense. 404

(CC) "Presumption for a prison term" or "presumption that 405
a prison term shall be imposed" means a presumption, as 406
described in division (D) of section 2929.13 of the Revised 407
Code, that a prison term is a necessary sanction for a felony in 408
order to comply with the purposes and principles of sentencing 409
under section 2929.11 of the Revised Code. 410

(DD) "Major drug offender" has the same meaning as in 411
section 2929.01 of the Revised Code. 412

(EE) "Minor drug possession offense" means either of the 413

following:	414
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	415 416
(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.	417 418 419
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	420 421
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	422 423
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	424 425 426
(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.	427 428 429 430 431
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	432 433
(KK) "Fentanyl-related compound" means any of the following:	434 435
(1) Fentanyl;	436
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	437 438 439
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	440

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	441
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl] -N-phenylpropanamide);	442 443
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	444 445 446
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	447 448
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	449 450
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- phenethyl)-4- piperidinyl]propanamide;	451 452
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	453 454
(10) Alfentanil;	455
(11) Carfentanil;	456
(12) Remifentanil;	457
(13) Sufentanil;	458
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	459 460
(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- fluorofentanyl:	461 462 463 464 465 466 467

- (a) A chemical scaffold consisting of both of the following: 468
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- (i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted; 470
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- (ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen. 472
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- (b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester; 475
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- (c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and 478
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- (d) The compound has not been approved for medical use by the United States food and drug administration. 480
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- (LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree. 482
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- (MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section for a felony of the second degree. 489
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(NN) "Maximum first degree felony mandatory prison term" 496
means the maximum definite prison term prescribed in division 497
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 498
the first degree, except that if the violation for which 499
sentence is being imposed is committed on or after March 22, 500
2019, it means the longest minimum prison term prescribed in 501
division (A) (1) (a) of that section for a felony of the first 502
degree. 503

(OO) "Maximum second degree felony mandatory prison term" 504
means the maximum definite prison term prescribed in division 505
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 506
the second degree, except that if the violation for which 507
sentence is being imposed is committed on or after March 22, 508
2019, it means the longest minimum prison term prescribed in 509
division (A) (2) (a) of that section for a felony of the second 510
degree. 511

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 512
as in section 928.01 of the Revised Code. 513

(QQ) An offense is "committed in the vicinity of a 514
substance addiction services provider" if both of the following 515
apply: 516

(1) The offender commits the offense on the premises of a 517
substance addiction services provider's facility, including a 518
facility licensed prior to June 29, 2019, under section 5119.391 519
of the Revised Code to provide methadone treatment or an opioid 520
treatment program licensed on or after that date under section 521
5119.37 of the Revised Code, or within one thousand feet of the 522
premises of a substance addiction services provider's facility. 523

(2) The offender recklessly disregards whether the offense 524

is being committed within the vicinity described in division 525
(QQ) (1) of this section. 526

(RR) "Substance addiction services provider" means an 527
agency, association, corporation, other legal entity, 528
individual, or program that provides one or more of the 529
following at a facility: 530

(1) Either alcohol addiction services, or drug addiction 531
services, or both such services that are certified by the 532
director of mental health and addiction services under section 533
5119.36 of the Revised Code; 534

(2) Recovery supports that are related to either alcohol 535
addiction services, or drug addiction services, or both such 536
services and paid for with federal, state, or local funds 537
administered by the department of mental health and addiction 538
services or a board of alcohol, drug addiction, and mental 539
health services. 540

(SS) "Premises of a substance addiction services 541
provider's facility" means the parcel of real property on which 542
any substance addiction service provider's facility is situated. 543

(TT) "Alcohol and drug addiction services" has the same 544
meaning as in section 5119.01 of the Revised Code. 545

Sec. 2925.03. (A) No person shall knowingly do any of the 546
following: 547

(1) Sell or offer to sell a controlled substance or a 548
controlled substance analog; 549

(2) Prepare for shipment, ship, transport, deliver, 550
prepare for distribution, or distribute a controlled substance 551
or a controlled substance analog, when the offender knows or has 552

reasonable cause to believe that the controlled substance or a 553
controlled substance analog is intended for sale or resale by 554
the offender or another person. 555

(B) This section does not apply to any of the following: 556

(1) Manufacturers, licensed health professionals 557
authorized to prescribe drugs, pharmacists, owners of 558
pharmacies, and other persons whose conduct is in accordance 559
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 560
4741. of the Revised Code; 561

(2) If the offense involves an anabolic steroid, any 562
person who is conducting or participating in a research project 563
involving the use of an anabolic steroid if the project has been 564
approved by the United States food and drug administration; 565

(3) Any person who sells, offers for sale, prescribes, 566
dispenses, or administers for livestock or other nonhuman 567
species an anabolic steroid that is expressly intended for 568
administration through implants to livestock or other nonhuman 569
species and approved for that purpose under the "Federal Food, 570
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 571
as amended, and is sold, offered for sale, prescribed, 572
dispensed, or administered for that purpose in accordance with 573
that act. 574

(C) Whoever violates division (A) of this section is 575
guilty of one of the following: 576

(1) If the drug involved in the violation is any compound, 577
mixture, preparation, or substance included in schedule I or 578
schedule II, with the exception of marihuana, cocaine, L.S.D., 579
heroin, any fentanyl-related compound, hashish, and any 580
controlled substance analog, whoever violates division (A) of 581

this section is guilty of aggravated trafficking in drugs. The 582
penalty for the offense shall be determined as follows: 583

(a) Except as otherwise provided in division (C) (1) (b), 584
(c), (d), (e), or (f) of this section, aggravated trafficking in 585
drugs is a felony of the fourth degree, and division (C) of 586
section 2929.13 of the Revised Code applies in determining 587
whether to impose a prison term on the offender. 588

(b) Except as otherwise provided in division (C) (1) (c), 589
(d), (e), or (f) of this section, if the offense was committed 590
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 591
or in the vicinity of a substance addiction services provider, 592
aggravated trafficking in drugs is a felony of the third degree, 593
and division (C) of section 2929.13 of the Revised Code applies 594
in determining whether to impose a prison term on the offender. 595

(c) Except as otherwise provided in this division, if the 596
amount of the drug involved equals or exceeds the bulk amount 597
but is less than five times the bulk amount, aggravated 598
trafficking in drugs is a felony of the third degree, and, 599
except as otherwise provided in this division, there is a 600
presumption for a prison term for the offense. If aggravated 601
trafficking in drugs is a felony of the third degree under this 602
division and if the offender two or more times previously has 603
been convicted of or pleaded guilty to a felony drug abuse 604
offense, the court shall impose as a mandatory prison term one 605
of the prison terms prescribed for a felony of the third degree. 606
If the amount of the drug involved is within that range and if 607
the offense was committed in the vicinity of a school ~~or,~~ in the 608
vicinity of a juvenile, or in the vicinity of a substance 609
addiction services provider, aggravated trafficking in drugs is 610
a felony of the second degree, and the court shall impose as a 611

mandatory prison term a second degree felony mandatory prison 612
term. 613

(d) Except as otherwise provided in this division, if the 614
amount of the drug involved equals or exceeds five times the 615
bulk amount but is less than fifty times the bulk amount, 616
aggravated trafficking in drugs is a felony of the second 617
degree, and the court shall impose as a mandatory prison term a 618
second degree felony mandatory prison term. If the amount of the 619
drug involved is within that range and if the offense was 620
committed in the vicinity of a school ~~or,~~ in the vicinity of a 621
juvenile, or in the vicinity of a substance addiction services 622
provider, aggravated trafficking in drugs is a felony of the 623
first degree, and the court shall impose as a mandatory prison 624
term a first degree felony mandatory prison term. 625

(e) If the amount of the drug involved equals or exceeds 626
fifty times the bulk amount but is less than one hundred times 627
the bulk amount and regardless of whether the offense was 628
committed in the vicinity of a school ~~or,~~ in the vicinity of a 629
juvenile, or in the vicinity of a substance addiction services 630
provider, aggravated trafficking in drugs is a felony of the 631
first degree, and the court shall impose as a mandatory prison 632
term a first degree felony mandatory prison term. 633

(f) If the amount of the drug involved equals or exceeds 634
one hundred times the bulk amount and regardless of whether the 635
offense was committed in the vicinity of a school ~~or,~~ in the 636
vicinity of a juvenile, or in the vicinity of a substance 637
addiction services provider, aggravated trafficking in drugs is 638
a felony of the first degree, the offender is a major drug 639
offender, and the court shall impose as a mandatory prison term 640
a maximum first degree felony mandatory prison term. 641

(2) If the drug involved in the violation is any compound, 642
mixture, preparation, or substance included in schedule III, IV, 643
or V, whoever violates division (A) of this section is guilty of 644
trafficking in drugs. The penalty for the offense shall be 645
determined as follows: 646

(a) Except as otherwise provided in division (C) (2) (b), 647
(c), (d), or (e) of this section, trafficking in drugs is a 648
felony of the fifth degree, and division (B) of section 2929.13 649
of the Revised Code applies in determining whether to impose a 650
prison term on the offender. 651

(b) Except as otherwise provided in division (C) (2) (c), 652
(d), or (e) of this section, if the offense was committed in the 653
vicinity of a school or in the vicinity of a juvenile, 654
trafficking in drugs is a felony of the fourth degree, and 655
division (C) of section 2929.13 of the Revised Code applies in 656
determining whether to impose a prison term on the offender. 657

(c) Except as otherwise provided in this division, if the 658
amount of the drug involved equals or exceeds the bulk amount 659
but is less than five times the bulk amount, trafficking in 660
drugs is a felony of the fourth degree, and division (B) of 661
section 2929.13 of the Revised Code applies in determining 662
whether to impose a prison term for the offense. If the amount 663
of the drug involved is within that range and if the offense was 664
committed in the vicinity of a school or in the vicinity of a 665
juvenile, trafficking in drugs is a felony of the third degree, 666
and there is a presumption for a prison term for the offense. 667

(d) Except as otherwise provided in this division, if the 668
amount of the drug involved equals or exceeds five times the 669
bulk amount but is less than fifty times the bulk amount, 670
trafficking in drugs is a felony of the third degree, and there 671

is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

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

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

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

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

degree, and division (B) of section 2929.13 of the Revised Code 702
applies in determining whether to impose a prison term on the 703
offender. 704

(c) Except as otherwise provided in this division, if the 705
amount of the drug involved equals or exceeds two hundred grams 706
but is less than one thousand grams, trafficking in marihuana is 707
a felony of the fourth degree, and division (B) of section 708
2929.13 of the Revised Code applies in determining whether to 709
impose a prison term on the offender. If the amount of the drug 710
involved is within that range and if the offense was committed 711
in the vicinity of a school or in the vicinity of a juvenile, 712
trafficking in marihuana is a felony of the third degree, and 713
division (C) of section 2929.13 of the Revised Code applies in 714
determining whether to impose a prison term on the offender. 715

(d) Except as otherwise provided in this division, if the 716
amount of the drug involved equals or exceeds one thousand grams 717
but is less than five thousand grams, trafficking in marihuana 718
is a felony of the third degree, and division (C) of section 719
2929.13 of the Revised Code applies in determining whether to 720
impose a prison term on the offender. If the amount of the drug 721
involved is within that range and if the offense was committed 722
in the vicinity of a school or in the vicinity of a juvenile, 723
trafficking in marihuana is a felony of the second degree, and 724
there is a presumption that a prison term shall be imposed for 725
the offense. 726

(e) Except as otherwise provided in this division, if the 727
amount of the drug involved equals or exceeds five thousand 728
grams but is less than twenty thousand grams, trafficking in 729
marihuana is a felony of the third degree, and there is a 730
presumption that a prison term shall be imposed for the offense. 731

If the amount of the drug involved is within that range and if 732
the offense was committed in the vicinity of a school or in the 733
vicinity of a juvenile, trafficking in marihuana is a felony of 734
the second degree, and there is a presumption that a prison term 735
shall be imposed for the offense. 736

(f) Except as otherwise provided in this division, if the 737
amount of the drug involved equals or exceeds twenty thousand 738
grams but is less than forty thousand grams, trafficking in 739
marihuana is a felony of the second degree, and the court shall 740
impose as a mandatory prison term a second degree felony 741
mandatory prison term of five, six, seven, or eight years. If 742
the amount of the drug involved is within that range and if the 743
offense was committed in the vicinity of a school or in the 744
vicinity of a juvenile, trafficking in marihuana is a felony of 745
the first degree, and the court shall impose as a mandatory 746
prison term a maximum first degree felony mandatory prison term. 747

(g) Except as otherwise provided in this division, if the 748
amount of the drug involved equals or exceeds forty thousand 749
grams, trafficking in marihuana is a felony of the second 750
degree, and the court shall impose as a mandatory prison term a 751
maximum second degree felony mandatory prison term. If the 752
amount of the drug involved equals or exceeds forty thousand 753
grams and if the offense was committed in the vicinity of a 754
school or in the vicinity of a juvenile, trafficking in 755
marihuana is a felony of the first degree, and the court shall 756
impose as a mandatory prison term a maximum first degree felony 757
mandatory prison term. 758

(h) Except as otherwise provided in this division, if the 759
offense involves a gift of twenty grams or less of marihuana, 760
trafficking in marihuana is a minor misdemeanor upon a first 761

offense and a misdemeanor of the third degree upon a subsequent 762
offense. If the offense involves a gift of twenty grams or less 763
of marihuana and if the offense was committed in the vicinity of 764
a school or in the vicinity of a juvenile, trafficking in 765
marihuana is a misdemeanor of the third degree. 766

(4) If the drug involved in the violation is cocaine or a 767
compound, mixture, preparation, or substance containing cocaine, 768
whoever violates division (A) of this section is guilty of 769
trafficking in cocaine. The penalty for the offense shall be 770
determined as follows: 771

(a) Except as otherwise provided in division (C) (4) (b), 772
(c), (d), (e), (f), or (g) of this section, trafficking in 773
cocaine is a felony of the fifth degree, and division (B) of 774
section 2929.13 of the Revised Code applies in determining 775
whether to impose a prison term on the offender. 776

(b) Except as otherwise provided in division (C) (4) (c), 777
(d), (e), (f), or (g) of this section, if the offense was 778
committed in the vicinity of a school ~~or,~~ in the vicinity of a 779
juvenile, or in the vicinity of a substance addiction services 780
provider, trafficking in cocaine is a felony of the fourth 781
degree, and division (C) of section 2929.13 of the Revised Code 782
applies in determining whether to impose a prison term on the 783
offender. 784

(c) Except as otherwise provided in this division, if the 785
amount of the drug involved equals or exceeds five grams but is 786
less than ten grams of cocaine, trafficking in cocaine is a 787
felony of the fourth degree, and division (B) of section 2929.13 788
of the Revised Code applies in determining whether to impose a 789
prison term for the offense. If the amount of the drug involved 790
is within that range and if the offense was committed in the 791

vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 792
the vicinity of a substance addiction services provider, 793
trafficking in cocaine is a felony of the third degree, and 794
there is a presumption for a prison term for the offense. 795

(d) Except as otherwise provided in this division, if the 796
amount of the drug involved equals or exceeds ten grams but is 797
less than twenty grams of cocaine, trafficking in cocaine is a 798
felony of the third degree, and, except as otherwise provided in 799
this division, there is a presumption for a prison term for the 800
offense. If trafficking in cocaine is a felony of the third 801
degree under this division and if the offender two or more times 802
previously has been convicted of or pleaded guilty to a felony 803
drug abuse offense, the court shall impose as a mandatory prison 804
term one of the prison terms prescribed for a felony of the 805
third degree. If the amount of the drug involved is within that 806
range and if the offense was committed in the vicinity of a 807
school~~or,~~ in the vicinity of a juvenile, or in the vicinity of 808
a substance addiction services provider, trafficking in cocaine 809
is a felony of the second degree, and the court shall impose as 810
a mandatory prison term a second degree felony mandatory prison 811
term. 812

(e) Except as otherwise provided in this division, if the 813
amount of the drug involved equals or exceeds twenty grams but 814
is less than twenty-seven grams of cocaine, trafficking in 815
cocaine is a felony of the second degree, and the court shall 816
impose as a mandatory prison term a second degree felony 817
mandatory prison term. If the amount of the drug involved is 818
within that range and if the offense was committed in the 819
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 820
the vicinity of a substance addiction services provider, 821
trafficking in cocaine is a felony of the first degree, and the 822

court shall impose as a mandatory prison term a first degree 823
felony mandatory prison term. 824

(f) If the amount of the drug involved equals or exceeds 825
twenty-seven grams but is less than one hundred grams of cocaine 826
and regardless of whether the offense was committed in the 827
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 828
the vicinity of a substance addiction services provider, 829
trafficking in cocaine is a felony of the first degree, and the 830
court shall impose as a mandatory prison term a first degree 831
felony mandatory prison term. 832

(g) If the amount of the drug involved equals or exceeds 833
one hundred grams of cocaine and regardless of whether the 834
offense was committed in the vicinity of a school ~~or,~~ in the 835
vicinity of a juvenile, or in the vicinity of a substance 836
addiction services provider, trafficking in cocaine is a felony 837
of the first degree, the offender is a major drug offender, and 838
the court shall impose as a mandatory prison term a maximum 839
first degree felony mandatory prison term. 840

(5) If the drug involved in the violation is L.S.D. or a 841
compound, mixture, preparation, or substance containing L.S.D., 842
whoever violates division (A) of this section is guilty of 843
trafficking in L.S.D. The penalty for the offense shall be 844
determined as follows: 845

(a) Except as otherwise provided in division (C) (5) (b), 846
(c), (d), (e), (f), or (g) of this section, trafficking in 847
L.S.D. is a felony of the fifth degree, and division (B) of 848
section 2929.13 of the Revised Code applies in determining 849
whether to impose a prison term on the offender. 850

(b) Except as otherwise provided in division (C) (5) (c), 851

(d), (e), (f), or (g) of this section, if the offense was 852
committed in the vicinity of a school ~~or,~~ in the vicinity of a 853
juvenile, or in the vicinity of a substance addiction services 854
provider, trafficking in L.S.D. is a felony of the fourth 855
degree, and division (C) of section 2929.13 of the Revised Code 856
applies in determining whether to impose a prison term on the 857
offender. 858

(c) Except as otherwise provided in this division, if the 859
amount of the drug involved equals or exceeds ten unit doses but 860
is less than fifty unit doses of L.S.D. in a solid form or 861
equals or exceeds one gram but is less than five grams of L.S.D. 862
in a liquid concentrate, liquid extract, or liquid distillate 863
form, trafficking in L.S.D. is a felony of the fourth degree, 864
and division (B) of section 2929.13 of the Revised Code applies 865
in determining whether to impose a prison term for the offense. 866
If the amount of the drug involved is within that range and if 867
the offense was committed in the vicinity of a school ~~or,~~ in the 868
vicinity of a juvenile, or in the vicinity of a substance 869
addiction services provider, trafficking in L.S.D. is a felony 870
of the third degree, and there is a presumption for a prison 871
term for the offense. 872

(d) Except as otherwise provided in this division, if the 873
amount of the drug involved equals or exceeds fifty unit doses 874
but is less than two hundred fifty unit doses of L.S.D. in a 875
solid form or equals or exceeds five grams but is less than 876
twenty-five grams of L.S.D. in a liquid concentrate, liquid 877
extract, or liquid distillate form, trafficking in L.S.D. is a 878
felony of the third degree, and, except as otherwise provided in 879
this division, there is a presumption for a prison term for the 880
offense. If trafficking in L.S.D. is a felony of the third 881
degree under this division and if the offender two or more times 882

previously has been convicted of or pleaded guilty to a felony 883
drug abuse offense, the court shall impose as a mandatory prison 884
term one of the prison terms prescribed for a felony of the 885
third degree. If the amount of the drug involved is within that 886
range and if the offense was committed in the vicinity of a 887
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 888
a substance addiction services provider, trafficking in L.S.D. 889
is a felony of the second degree, and the court shall impose as 890
a mandatory prison term a second degree felony mandatory prison 891
term. 892

(e) Except as otherwise provided in this division, if the 893
amount of the drug involved equals or exceeds two hundred fifty 894
unit doses but is less than one thousand unit doses of L.S.D. in 895
a solid form or equals or exceeds twenty-five grams but is less 896
than one hundred grams of L.S.D. in a liquid concentrate, liquid 897
extract, or liquid distillate form, trafficking in L.S.D. is a 898
felony of the second degree, and the court shall impose as a 899
mandatory prison term a second degree felony mandatory prison 900
term. If the amount of the drug involved is within that range 901
and if the offense was committed in the vicinity of a school ~~or,~~ 902
in the vicinity of a juvenile, or in the vicinity of a substance 903
addiction services provider, trafficking in L.S.D. is a felony 904
of the first degree, and the court shall impose as a mandatory 905
prison term a first degree felony mandatory prison term. 906

(f) If the amount of the drug involved equals or exceeds 907
one thousand unit doses but is less than five thousand unit 908
doses of L.S.D. in a solid form or equals or exceeds one hundred 909
grams but is less than five hundred grams of L.S.D. in a liquid 910
concentrate, liquid extract, or liquid distillate form and 911
regardless of whether the offense was committed in the vicinity 912
of a school ~~or,~~ in the vicinity of a juvenile, or in the 913

vicinity of a substance addiction services provider, trafficking 914
in L.S.D. is a felony of the first degree, and the court shall 915
impose as a mandatory prison term a first degree felony 916
mandatory prison term. 917

(g) If the amount of the drug involved equals or exceeds 918
five thousand unit doses of L.S.D. in a solid form or equals or 919
exceeds five hundred grams of L.S.D. in a liquid concentrate, 920
liquid extract, or liquid distillate form and regardless of 921
whether the offense was committed in the vicinity of a school 922
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 923
substance addiction services provider, trafficking in L.S.D. is 924
a felony of the first degree, the offender is a major drug 925
offender, and the court shall impose as a mandatory prison term 926
a maximum first degree felony mandatory prison term. 927

(6) If the drug involved in the violation is heroin or a 928
compound, mixture, preparation, or substance containing heroin, 929
whoever violates division (A) of this section is guilty of 930
trafficking in heroin. The penalty for the offense shall be 931
determined as follows: 932

(a) Except as otherwise provided in division (C) (6) (b), 933
(c), (d), (e), (f), or (g) of this section, trafficking in 934
heroin is a felony of the fifth degree, and division (B) of 935
section 2929.13 of the Revised Code applies in determining 936
whether to impose a prison term on the offender. 937

(b) Except as otherwise provided in division (C) (6) (c), 938
(d), (e), (f), or (g) of this section, if the offense was 939
committed in the vicinity of a school ~~or,~~ in the vicinity of a 940
juvenile, or in the vicinity of a substance addiction services 941
provider, trafficking in heroin is a felony of the fourth 942
degree, and division (C) of section 2929.13 of the Revised Code 943

applies in determining whether to impose a prison term on the 944
offender. 945

(c) Except as otherwise provided in this division, if the 946
amount of the drug involved equals or exceeds ten unit doses but 947
is less than fifty unit doses or equals or exceeds one gram but 948
is less than five grams, trafficking in heroin is a felony of 949
the fourth degree, and division (B) of section 2929.13 of the 950
Revised Code applies in determining whether to impose a prison 951
term for the offense. If the amount of the drug involved is 952
within that range and if the offense was committed in the 953
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 954
the vicinity of a substance addiction services provider, 955
trafficking in heroin is a felony of the third degree, and there 956
is a presumption for a prison term for the offense. 957

(d) Except as otherwise provided in this division, if the 958
amount of the drug involved equals or exceeds fifty unit doses 959
but is less than one hundred unit doses or equals or exceeds 960
five grams but is less than ten grams, trafficking in heroin is 961
a felony of the third degree, and there is a presumption for a 962
prison term for the offense. If the amount of the drug involved 963
is within that range and if the offense was committed in the 964
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 965
the vicinity of a substance addiction services provider, 966
trafficking in heroin is a felony of the second degree, and 967
there is a presumption for a prison term for the offense. 968

(e) Except as otherwise provided in this division, if the 969
amount of the drug involved equals or exceeds one hundred unit 970
doses but is less than five hundred unit doses or equals or 971
exceeds ten grams but is less than fifty grams, trafficking in 972
heroin is a felony of the second degree, and the court shall 973

impose as a mandatory prison term a second degree felony 974
mandatory prison term. If the amount of the drug involved is 975
within that range and if the offense was committed in the 976
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 977
the vicinity of a substance addiction services provider, 978
trafficking in heroin is a felony of the first degree, and the 979
court shall impose as a mandatory prison term a first degree 980
felony mandatory prison term. 981

(f) If the amount of the drug involved equals or exceeds 982
five hundred unit doses but is less than one thousand unit doses 983
or equals or exceeds fifty grams but is less than one hundred 984
grams and regardless of whether the offense was committed in the 985
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 986
the vicinity of a substance addiction services provider, 987
trafficking in heroin is a felony of the first degree, and the 988
court shall impose as a mandatory prison term a first degree 989
felony mandatory prison term. 990

(g) If the amount of the drug involved equals or exceeds 991
one thousand unit doses or equals or exceeds one hundred grams 992
and regardless of whether the offense was committed in the 993
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 994
the vicinity of a substance addiction services provider, 995
trafficking in heroin is a felony of the first degree, the 996
offender is a major drug offender, and the court shall impose as 997
a mandatory prison term a maximum first degree felony mandatory 998
prison term. 999

(7) If the drug involved in the violation is hashish or a 1000
compound, mixture, preparation, or substance containing hashish, 1001
whoever violates division (A) of this section is guilty of 1002
trafficking in hashish. The penalty for the offense shall be 1003

determined as follows: 1004

(a) Except as otherwise provided in division (C) (7) (b), 1005
(c), (d), (e), (f), or (g) of this section, trafficking in 1006
hashish is a felony of the fifth degree, and division (B) of 1007
section 2929.13 of the Revised Code applies in determining 1008
whether to impose a prison term on the offender. 1009

(b) Except as otherwise provided in division (C) (7) (c), 1010
(d), (e), (f), or (g) of this section, if the offense was 1011
committed in the vicinity of a school ~~or~~, in the vicinity of a 1012
juvenile, or in the vicinity of a substance addiction services 1013
provider, trafficking in hashish is a felony of the fourth 1014
degree, and division (B) of section 2929.13 of the Revised Code 1015
applies in determining whether to impose a prison term on the 1016
offender. 1017

(c) Except as otherwise provided in this division, if the 1018
amount of the drug involved equals or exceeds ten grams but is 1019
less than fifty grams of hashish in a solid form or equals or 1020
exceeds two grams but is less than ten grams of hashish in a 1021
liquid concentrate, liquid extract, or liquid distillate form, 1022
trafficking in hashish is a felony of the fourth degree, and 1023
division (B) of section 2929.13 of the Revised Code applies in 1024
determining whether to impose a prison term on the offender. If 1025
the amount of the drug involved is within that range and if the 1026
offense was committed in the vicinity of a school ~~or~~, in the 1027
vicinity of a juvenile, or in the vicinity of a substance 1028
addiction services provider, trafficking in hashish is a felony 1029
of the third degree, and division (C) of section 2929.13 of the 1030
Revised Code applies in determining whether to impose a prison 1031
term on the offender. 1032

(d) Except as otherwise provided in this division, if the 1033

amount of the drug involved equals or exceeds fifty grams but is 1034
less than two hundred fifty grams of hashish in a solid form or 1035
equals or exceeds ten grams but is less than fifty grams of 1036
hashish in a liquid concentrate, liquid extract, or liquid 1037
distillate form, trafficking in hashish is a felony of the third 1038
degree, and division (C) of section 2929.13 of the Revised Code 1039
applies in determining whether to impose a prison term on the 1040
offender. If the amount of the drug involved is within that 1041
range and if the offense was committed in the vicinity of a 1042
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 1043
a substance addiction services provider, trafficking in hashish 1044
is a felony of the second degree, and there is a presumption 1045
that a prison term shall be imposed for the offense. 1046

(e) Except as otherwise provided in this division, if the 1047
amount of the drug involved equals or exceeds two hundred fifty 1048
grams but is less than one thousand grams of hashish in a solid 1049
form or equals or exceeds fifty grams but is less than two 1050
hundred grams of hashish in a liquid concentrate, liquid 1051
extract, or liquid distillate form, trafficking in hashish is a 1052
felony of the third degree, and there is a presumption that a 1053
prison term shall be imposed for the offense. If the amount of 1054
the drug involved is within that range and if the offense was 1055
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1056
juvenile, or in the vicinity of a substance addiction services 1057
provider, trafficking in hashish is a felony of the second 1058
degree, and there is a presumption that a prison term shall be 1059
imposed for the offense. 1060

(f) Except as otherwise provided in this division, if the 1061
amount of the drug involved equals or exceeds one thousand grams 1062
but is less than two thousand grams of hashish in a solid form 1063
or equals or exceeds two hundred grams but is less than four 1064

hundred grams of hashish in a liquid concentrate, liquid 1065
extract, or liquid distillate form, trafficking in hashish is a 1066
felony of the second degree, and the court shall impose as a 1067
mandatory prison term a second degree felony mandatory prison 1068
term of five, six, seven, or eight years. If the amount of the 1069
drug involved is within that range and if the offense was 1070
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1071
juvenile, or in the vicinity of a substance addiction services 1072
provider, trafficking in hashish is a felony of the first 1073
degree, and the court shall impose as a mandatory prison term a 1074
maximum first degree felony mandatory prison term. 1075

(g) Except as otherwise provided in this division, if the 1076
amount of the drug involved equals or exceeds two thousand grams 1077
of hashish in a solid form or equals or exceeds four hundred 1078
grams of hashish in a liquid concentrate, liquid extract, or 1079
liquid distillate form, trafficking in hashish is a felony of 1080
the second degree, and the court shall impose as a mandatory 1081
prison term a maximum second degree felony mandatory prison 1082
term. If the amount of the drug involved equals or exceeds two 1083
thousand grams of hashish in a solid form or equals or exceeds 1084
four hundred grams of hashish in a liquid concentrate, liquid 1085
extract, or liquid distillate form and if the offense was 1086
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1087
juvenile, or in the vicinity of a substance addiction services 1088
provider, trafficking in hashish is a felony of the first 1089
degree, and the court shall impose as a mandatory prison term a 1090
maximum first degree felony mandatory prison term. 1091

(8) If the drug involved in the violation is a controlled 1092
substance analog or compound, mixture, preparation, or substance 1093
that contains a controlled substance analog, whoever violates 1094
division (A) of this section is guilty of trafficking in a 1095

controlled substance analog. The penalty for the offense shall 1096
be determined as follows: 1097

(a) Except as otherwise provided in division (C) (8) (b), 1098
(c), (d), (e), (f), or (g) of this section, trafficking in a 1099
controlled substance analog is a felony of the fifth degree, and 1100
division (C) of section 2929.13 of the Revised Code applies in 1101
determining whether to impose a prison term on the offender. 1102

(b) Except as otherwise provided in division (C) (8) (c), 1103
(d), (e), (f), or (g) of this section, if the offense was 1104
committed in the vicinity of a school ~~or~~, in the vicinity of a 1105
juvenile, or in the vicinity of a substance addiction services 1106
provider, trafficking in a controlled substance analog is a 1107
felony of the fourth degree, and division (C) of section 2929.13 1108
of the Revised Code applies in determining whether to impose a 1109
prison term on the offender. 1110

(c) Except as otherwise provided in this division, if the 1111
amount of the drug involved equals or exceeds ten grams but is 1112
less than twenty grams, trafficking in a controlled substance 1113
analog is a felony of the fourth degree, and division (B) of 1114
section 2929.13 of the Revised Code applies in determining 1115
whether to impose a prison term for the offense. If the amount 1116
of the drug involved is within that range and if the offense was 1117
committed in the vicinity of a school ~~or~~, in the vicinity of a 1118
juvenile, or in the vicinity of a substance addiction services 1119
provider, trafficking in a controlled substance analog is a 1120
felony of the third degree, and there is a presumption for a 1121
prison term for the offense. 1122

(d) Except as otherwise provided in this division, if the 1123
amount of the drug involved equals or exceeds twenty grams but 1124
is less than thirty grams, trafficking in a controlled substance 1125

analog is a felony of the third degree, and there is a 1126
presumption for a prison term for the offense. If the amount of 1127
the drug involved is within that range and if the offense was 1128
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1129
juvenile, or in the vicinity of a substance addiction services 1130
provider, trafficking in a controlled substance analog is a 1131
felony of the second degree, and there is a presumption for a 1132
prison term for the offense. 1133

(e) Except as otherwise provided in this division, if the 1134
amount of the drug involved equals or exceeds thirty grams but 1135
is less than forty grams, trafficking in a controlled substance 1136
analog is a felony of the second degree, and the court shall 1137
impose as a mandatory prison term a second degree felony 1138
mandatory prison term. If the amount of the drug involved is 1139
within that range and if the offense was committed in the 1140
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1141
the vicinity of a substance addiction services provider, 1142
trafficking in a controlled substance analog is a felony of the 1143
first degree, and the court shall impose as a mandatory prison 1144
term a first degree felony mandatory prison term. 1145

(f) If the amount of the drug involved equals or exceeds 1146
forty grams but is less than fifty grams and regardless of 1147
whether the offense was committed in the vicinity of a school ~~or~~ 1148
~~,~~ in the vicinity of a juvenile, or in the vicinity of a 1149
substance addiction services provider, trafficking in a 1150
controlled substance analog is a felony of the first degree, and 1151
the court shall impose as a mandatory prison term a first degree 1152
felony mandatory prison term. 1153

(g) If the amount of the drug involved equals or exceeds 1154
fifty grams and regardless of whether the offense was committed 1155

in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 1156
or in the vicinity of a substance addiction services provider, 1157
trafficking in a controlled substance analog is a felony of the 1158
first degree, the offender is a major drug offender, and the 1159
court shall impose as a mandatory prison term a maximum first 1160
degree felony mandatory prison term. 1161

(9) If the drug involved in the violation is a fentanyl- 1162
related compound or a compound, mixture, preparation, or 1163
substance containing a fentanyl-related compound and division 1164
(C) (10) (a) of this section does not apply to the drug involved, 1165
whoever violates division (A) of this section is guilty of 1166
trafficking in a fentanyl-related compound. The penalty for the 1167
offense shall be determined as follows: 1168

(a) Except as otherwise provided in division (C) (9) (b), 1169
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1170
a fentanyl-related compound is a felony of the fifth degree, and 1171
division (B) of section 2929.13 of the Revised Code applies in 1172
determining whether to impose a prison term on the offender. 1173

(b) Except as otherwise provided in division (C) (9) (c), 1174
(d), (e), (f), (g), or (h) of this section, if the offense was 1175
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1176
juvenile, or in the vicinity of a substance addiction services 1177
provider, trafficking in a fentanyl-related compound is a felony 1178
of the fourth degree, and division (C) of section 2929.13 of the 1179
Revised Code applies in determining whether to impose a prison 1180
term on the offender. 1181

(c) Except as otherwise provided in this division, if the 1182
amount of the drug involved equals or exceeds ten unit doses but 1183
is less than fifty unit doses or equals or exceeds one gram but 1184
is less than five grams, trafficking in a fentanyl-related 1185

compound is a felony of the fourth degree, and division (B) of 1186
section 2929.13 of the Revised Code applies in determining 1187
whether to impose a prison term for the offense. If the amount 1188
of the drug involved is within that range and if the offense was 1189
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1190
juvenile, or in the vicinity of a substance addiction services 1191
provider, trafficking in a fentanyl-related compound is a felony 1192
of the third degree, and there is a presumption for a prison 1193
term for the offense. 1194

(d) Except as otherwise provided in this division, if the 1195
amount of the drug involved equals or exceeds fifty unit doses 1196
but is less than one hundred unit doses or equals or exceeds 1197
five grams but is less than ten grams, trafficking in a 1198
fentanyl-related compound is a felony of the third degree, and 1199
there is a presumption for a prison term for the offense. If the 1200
amount of the drug involved is within that range and if the 1201
offense was committed in the vicinity of a school ~~or,~~ in the 1202
vicinity of a juvenile, or in the vicinity of a substance 1203
addiction services provider, trafficking in a fentanyl-related 1204
compound is a felony of the second degree, and there is a 1205
presumption for a prison term for the offense. 1206

(e) Except as otherwise provided in this division, if the 1207
amount of the drug involved equals or exceeds one hundred unit 1208
doses but is less than two hundred unit doses or equals or 1209
exceeds ten grams but is less than twenty grams, trafficking in 1210
a fentanyl-related compound is a felony of the second degree, 1211
and the court shall impose as a mandatory prison term one of the 1212
prison terms prescribed for a felony of the second degree. If 1213
the amount of the drug involved is within that range and if the 1214
offense was committed in the vicinity of a school ~~or,~~ in the 1215
vicinity of a juvenile, or in the vicinity of a substance 1216

addiction services provider, trafficking in a fentanyl-related 1217
compound is a felony of the first degree, and the court shall 1218
impose as a mandatory prison term one of the prison terms 1219
prescribed for a felony of the first degree. 1220

(f) If the amount of the drug involved equals or exceeds 1221
two hundred unit doses but is less than five hundred unit doses 1222
or equals or exceeds twenty grams but is less than fifty grams 1223
and regardless of whether the offense was committed in the 1224
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 1225
the vicinity of a substance addiction services provider, 1226
trafficking in a fentanyl-related compound is a felony of the 1227
first degree, and the court shall impose as a mandatory prison 1228
term one of the prison terms prescribed for a felony of the 1229
first degree. 1230

(g) If the amount of the drug involved equals or exceeds 1231
five hundred unit doses but is less than one thousand unit doses 1232
or equals or exceeds fifty grams but is less than one hundred 1233
grams and regardless of whether the offense was committed in the 1234
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 1235
the vicinity of a substance addiction services provider, 1236
trafficking in a fentanyl-related compound is a felony of the 1237
first degree, and the court shall impose as a mandatory prison 1238
term the maximum prison term prescribed for a felony of the 1239
first degree. 1240

(h) If the amount of the drug involved equals or exceeds 1241
one thousand unit doses or equals or exceeds one hundred grams 1242
and regardless of whether the offense was committed in the 1243
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 1244
the vicinity of a substance addiction services provider, 1245
trafficking in a fentanyl-related compound is a felony of the 1246

first degree, the offender is a major drug offender, and the 1247
court shall impose as a mandatory prison term the maximum prison 1248
term prescribed for a felony of the first degree. 1249

(10) If the drug involved in the violation is a compound, 1250
mixture, preparation, or substance that is a combination of a 1251
fentanyl-related compound and marihuana, one of the following 1252
applies: 1253

(a) Except as otherwise provided in division (C)(10)(b) of 1254
this section, the offender is guilty of trafficking in marihuana 1255
and shall be punished under division (C)(3) of this section. The 1256
offender is not guilty of trafficking in a fentanyl-related 1257
compound and shall not be charged with, convicted of, or 1258
punished under division (C)(9) of this section for trafficking 1259
in a fentanyl-related compound. 1260

(b) If the offender knows or has reason to know that the 1261
compound, mixture, preparation, or substance that is the drug 1262
involved contains a fentanyl-related compound, the offender is 1263
guilty of trafficking in a fentanyl-related compound and shall 1264
be punished under division (C)(9) of this section. 1265

(D) In addition to any prison term authorized or required 1266
by division (C) of this section and sections 2929.13 and 2929.14 1267
of the Revised Code, and in addition to any other sanction 1268
imposed for the offense under this section or sections 2929.11 1269
to 2929.18 of the Revised Code, the court that sentences an 1270
offender who is convicted of or pleads guilty to a violation of 1271
division (A) of this section may suspend the driver's or 1272
commercial driver's license or permit of the offender in 1273
accordance with division (G) of this section. However, if the 1274
offender pleaded guilty to or was convicted of a violation of 1275
section 4511.19 of the Revised Code or a substantially similar 1276

municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of this section. If applicable, the court also shall do the following:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

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

(E) When a person is charged with the sale of or offer to

sell a bulk amount or a multiple of a bulk amount of a 1307
controlled substance, the jury, or the court trying the accused, 1308
shall determine the amount of the controlled substance involved 1309
at the time of the offense and, if a guilty verdict is returned, 1310
shall return the findings as part of the verdict. In any such 1311
case, it is unnecessary to find and return the exact amount of 1312
the controlled substance involved, and it is sufficient if the 1313
finding and return is to the effect that the amount of the 1314
controlled substance involved is the requisite amount, or that 1315
the amount of the controlled substance involved is less than the 1316
requisite amount. 1317

(F) (1) Notwithstanding any contrary provision of section 1318
3719.21 of the Revised Code and except as provided in division 1319
(H) of this section, the clerk of the court shall pay any 1320
mandatory fine imposed pursuant to division (D) (1) of this 1321
section and any fine other than a mandatory fine that is imposed 1322
for a violation of this section pursuant to division (A) or (B) 1323
(5) of section 2929.18 of the Revised Code to the county, 1324
township, municipal corporation, park district, as created 1325
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1326
state law enforcement agencies in this state that primarily were 1327
responsible for or involved in making the arrest of, and in 1328
prosecuting, the offender. However, the clerk shall not pay a 1329
mandatory fine so imposed to a law enforcement agency unless the 1330
agency has adopted a written internal control policy under 1331
division (F) (2) of this section that addresses the use of the 1332
fine moneys that it receives. Each agency shall use the 1333
mandatory fines so paid to subsidize the agency's law 1334
enforcement efforts that pertain to drug offenses, in accordance 1335
with the written internal control policy adopted by the 1336
recipient agency under division (F) (2) of this section. 1337

(2) Prior to receiving any fine moneys under division (F) 1338
(1) of this section or division (B) of section 2925.42 of the 1339
Revised Code, a law enforcement agency shall adopt a written 1340
internal control policy that addresses the agency's use and 1341
disposition of all fine moneys so received and that provides for 1342
the keeping of detailed financial records of the receipts of 1343
those fine moneys, the general types of expenditures made out of 1344
those fine moneys, and the specific amount of each general type 1345
of expenditure. The policy shall not provide for or permit the 1346
identification of any specific expenditure that is made in an 1347
ongoing investigation. All financial records of the receipts of 1348
those fine moneys, the general types of expenditures made out of 1349
those fine moneys, and the specific amount of each general type 1350
of expenditure by an agency are public records open for 1351
inspection under section 149.43 of the Revised Code. 1352
Additionally, a written internal control policy adopted under 1353
this division is such a public record, and the agency that 1354
adopted it shall comply with it. 1355

(3) As used in division (F) of this section: 1356

(a) "Law enforcement agencies" includes, but is not 1357
limited to, the state board of pharmacy and the office of a 1358
prosecutor. 1359

(b) "Prosecutor" has the same meaning as in section 1360
2935.01 of the Revised Code. 1361

(G) (1) If the sentencing court suspends the offender's 1362
driver's or commercial driver's license or permit under division 1363
(D) of this section or any other provision of this chapter, the 1364
court shall suspend the license, by order, for not more than 1365
five years. If an offender's driver's or commercial driver's 1366
license or permit is suspended pursuant to this division, the 1367

offender, at any time after the expiration of two years from the 1368
day on which the offender's sentence was imposed or from the day 1369
on which the offender finally was released from a prison term 1370
under the sentence, whichever is later, may file a motion with 1371
the sentencing court requesting termination of the suspension; 1372
upon the filing of such a motion and the court's finding of good 1373
cause for the termination, the court may terminate the 1374
suspension. 1375

(2) Any offender who received a mandatory suspension of 1376
the offender's driver's or commercial driver's license or permit 1377
under this section prior to September 13, 2016, may file a 1378
motion with the sentencing court requesting the termination of 1379
the suspension. However, an offender who pleaded guilty to or 1380
was convicted of a violation of section 4511.19 of the Revised 1381
Code or a substantially similar municipal ordinance or law of 1382
another state or the United States that arose out of the same 1383
set of circumstances as the violation for which the offender's 1384
license or permit was suspended under this section shall not 1385
file such a motion. 1386

Upon the filing of a motion under division (G)(2) of this 1387
section, the sentencing court, in its discretion, may terminate 1388
the suspension. 1389

(H)(1) In addition to any prison term authorized or 1390
required by division (C) of this section and sections 2929.13 1391
and 2929.14 of the Revised Code, in addition to any other 1392
penalty or sanction imposed for the offense under this section 1393
or sections 2929.11 to 2929.18 of the Revised Code, and in 1394
addition to the forfeiture of property in connection with the 1395
offense as prescribed in Chapter 2981. of the Revised Code, the 1396
court that sentences an offender who is convicted of or pleads 1397

guilty to a violation of division (A) of this section may impose 1398
upon the offender an additional fine specified for the offense 1399
in division (B) (4) of section 2929.18 of the Revised Code. A 1400
fine imposed under division (H) (1) of this section is not 1401
subject to division (F) of this section and shall be used solely 1402
for the support of one or more eligible community addiction 1403
services providers in accordance with divisions (H) (2) and (3) 1404
of this section. 1405

(2) The court that imposes a fine under division (H) (1) of 1406
this section shall specify in the judgment that imposes the fine 1407
one or more eligible community addiction services providers for 1408
the support of which the fine money is to be used. No community 1409
addiction services provider shall receive or use money paid or 1410
collected in satisfaction of a fine imposed under division (H) 1411
(1) of this section unless the services provider is specified in 1412
the judgment that imposes the fine. No community addiction 1413
services provider shall be specified in the judgment unless the 1414
services provider is an eligible community addiction services 1415
provider and, except as otherwise provided in division (H) (2) of 1416
this section, unless the services provider is located in the 1417
county in which the court that imposes the fine is located or in 1418
a county that is immediately contiguous to the county in which 1419
that court is located. If no eligible community addiction 1420
services provider is located in any of those counties, the 1421
judgment may specify an eligible community addiction services 1422
provider that is located anywhere within this state. 1423

(3) Notwithstanding any contrary provision of section 1424
3719.21 of the Revised Code, the clerk of the court shall pay 1425
any fine imposed under division (H) (1) of this section to the 1426
eligible community addiction services provider specified 1427
pursuant to division (H) (2) of this section in the judgment. The 1428

eligible community addiction services provider that receives the 1429
fine moneys shall use the moneys only for the alcohol and drug 1430
addiction services identified in the application for 1431
certification of services under section 5119.36 of the Revised 1432
Code or in the application for a license under section 5119.37 1433
of the Revised Code filed with the department of mental health 1434
and addiction services by the community addiction services 1435
provider specified in the judgment. 1436

(4) Each community addiction services provider that 1437
receives in a calendar year any fine moneys under division (H) 1438
(3) of this section shall file an annual report covering that 1439
calendar year with the court of common pleas and the board of 1440
county commissioners of the county in which the services 1441
provider is located, with the court of common pleas and the 1442
board of county commissioners of each county from which the 1443
services provider received the moneys if that county is 1444
different from the county in which the services provider is 1445
located, and with the attorney general. The community addiction 1446
services provider shall file the report no later than the first 1447
day of March in the calendar year following the calendar year in 1448
which the services provider received the fine moneys. The report 1449
shall include statistics on the number of persons served by the 1450
community addiction services provider, identify the types of 1451
alcohol and drug addiction services provided to those persons, 1452
and include a specific accounting of the purposes for which the 1453
fine moneys received were used. No information contained in the 1454
report shall identify, or enable a person to determine the 1455
identity of, any person served by the community addiction 1456
services provider. Each report received by a court of common 1457
pleas, a board of county commissioners, or the attorney general 1458
is a public record open for inspection under section 149.43 of 1459

the Revised Code.	1460
(5) As used in divisions (H) (1) to (5) of this section:	1461
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	1462 1463 1464
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	1465 1466 1467 1468
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	1469 1470
(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 one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	1471 1472 1473 1474 1475 1476 1477 1478
(1) A controlled substance;	1479
(2) Any substance for which there is an approved new drug application;	1480 1481
(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.	1482 1483 1484 1485
<u>Sec. 3902.50. As used in this section and section 3902.51</u> <u>of the Revised Code:</u>	1486 1487

(A) "340B covered entity" and "third-party administrator" 1488
have the same meanings as in section 5167.01 of the Revised 1489
Code. 1490

(B) "Health plan issuer" has the same meaning as in 1491
section 3922.01 of the Revised Code. 1492

(C) "Terminal distributor of dangerous drugs" has the same 1493
meaning as in section 4729.01 of the Revised Code. 1494

Sec. 3902.51. (A) On and after the effective date of this 1495
section, a contract entered into between a health plan issuer, 1496
including a third-party administrator, and a 340B covered entity 1497
shall not contain any of the following provisions: 1498

(1) A reimbursement rate for a prescription drug that is 1499
less than the national average drug acquisition cost rate for 1500
that drug as determined by the United States centers for 1501
medicare and medicaid services, measured at the time the drug is 1502
administered or dispensed, or, if no such rate is available at 1503
that time, a reimbursement rate that is less than the wholesale 1504
acquisition cost of the drug, as defined in 42 U.S.C. 1395w- 1505
3a(c) (6) (B) ; 1506

(2) A dispensing fee reimbursement amount that is less 1507
than the reimbursement amount provided to a terminal distributor 1508
of dangerous drugs under section 5164.753 of the Revised Code; 1509

(3) A fee that is not imposed on a health care provider 1510
that is not a 340B covered entity; 1511

(4) A fee amount that exceeds the fee amount for a health 1512
care provider that is not a 340B covered entity. 1513

(B) No health plan issuer or third-party administrator 1514
making payments pursuant to a health benefit plan shall 1515

discriminate against a 340B covered entity in a manner that 1516
prevents or interferes with an enrollee's choice to receive a 1517
prescription drug from a 340B covered entity or its contracted 1518
pharmacies. 1519

(C) Any provision of a contract entered into between a 1520
health plan issuer and a 340B covered entity that is contrary to 1521
division (A) of this section is unenforceable and shall be 1522
replaced with the dispensing fee or reimbursement rate that 1523
applies for health care providers that are not 340B covered 1524
entities. 1525

Sec. 4729.49. (A) As used in this section, "340B covered 1526
entity," "medicaid managed care organization," and "third-party 1527
administrator" have the same meanings as in section 5167.01 of 1528
the Revised Code. 1529

(B) A contract between a terminal distributor of dangerous 1530
drugs and a 340B covered entity shall require the terminal 1531
distributor to comply with division (C) of this section. 1532

(C) When paying a 340B covered entity for a dangerous drug 1533
dispensed to a patient, a terminal distributor shall pay to the 1534
340B covered entity the full reimbursement amount the terminal 1535
distributor receives from the patient and the patient's health 1536
insurer, including a third-party administrator or medicaid 1537
managed care organization, except that the terminal distributor 1538
may deduct from the full reimbursement amount a fee agreed on in 1539
writing by the terminal distributor and the 340B covered entity. 1540

Sec. 4758.20. (A) The chemical dependency professionals 1541
board shall adopt rules to establish, specify, or provide for 1542
all of the following: 1543

(1) Fees for the purposes authorized by section 4758.21 of 1544

the Revised Code; 1545

(2) If the board, pursuant to section 4758.221 of the 1546
Revised Code, elects to administer examinations for individuals 1547
seeking to act as substance abuse professionals in a U.S. 1548
department of transportation drug and alcohol testing program, 1549
the board's administration of the examinations; 1550

(3) For the purpose of section 4758.23 of the Revised 1551
Code, codes of ethical practice and professional conduct for 1552
individuals who hold a license, certificate, or endorsement 1553
issued under this chapter; 1554

(4) For the purpose of section 4758.24 of the Revised 1555
Code, all of the following: 1556

(a) Good moral character requirements for an individual 1557
who seeks or holds a license, certificate, or endorsement issued 1558
under this chapter; 1559

(b) The documents that an individual seeking such a 1560
license, certificate, or endorsement must submit to the board; 1561

(c) Requirements to obtain the license, certificate, or 1562
endorsement that are in addition to the requirements established 1563
under sections 4758.39, 4758.40, 4758.41, 4758.42, 4758.43, 1564
4758.44, 4758.45, 4758.46, 4758.47, and 4758.48 of the Revised 1565
Code. The additional requirements may include preceptorships. 1566

(d) The period of time that an individual whose registered 1567
applicant certificate has expired must wait before applying for 1568
a new registered applicant certificate. 1569

(5) For the purpose of section 4758.28 of the Revised 1570
Code, requirements for approval of continuing education courses 1571
of study for individuals who hold a license, certificate, or 1572

endorsement issued under this chapter;	1573
(6) For the purpose of section 4758.30 of the Revised Code, the intervention for and treatment of an individual holding a license, certificate, or endorsement issued under this chapter whose abilities to practice are impaired due to abuse of or dependency on alcohol or other drugs or other physical or mental condition;	1574 1575 1576 1577 1578 1579
(7) Requirements governing reinstatement of a suspended or revoked license, certificate, or endorsement under division (B) of section 4758.30 of the Revised Code, including requirements for determining the amount of time an individual must wait to apply for reinstatement;	1580 1581 1582 1583 1584
(8) For the purpose of section 4758.31 of the Revised Code, methods of ensuring that all records the board holds pertaining to an investigation remain confidential during the investigation;	1585 1586 1587 1588
(9) Criteria for employees of the board to follow when performing their duties under division (B) of section 4758.35 of the Revised Code;	1589 1590 1591
(10) For the purpose of division (A)(1) of section 4758.39 and division (A)(1) of section 4758.40 of the Revised Code, course requirements for a degree in a behavioral science or nursing that shall, at a minimum, include at least forty semester hours in all of the following courses:	1592 1593 1594 1595 1596
(a) Theories of counseling and psychotherapy;	1597
(b) Counseling procedures;	1598
(c) Group process and techniques;	1599
(d) Relationship therapy;	1600

(e) Research methods and statistics;	1601
(f) Fundamentals of assessment and diagnosis, including measurement and appraisal;	1602 1603
(g) Psychopathology;	1604
(h) Human development;	1605
(i) Cultural competence in counseling;	1606
(j) Ethics.	1607
(11) For the purpose of division (A) (2) of section 4758.39 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have and the number of those hours that must be in clinical supervisory experience;	1608 1609 1610 1611 1612
(12) For the purpose of division (A) (3) of section 4758.39, division (A) (3) of section 4758.40, division (A) (3) of section 4758.41, and division <u>divisions</u> (A) (3) <u>and (D) (3)</u> of section 4758.42 of the Revised Code, both of the following:	1613 1614 1615 1616
(a) The number of hours of training in chemical dependency an individual must have;	1617 1618
(b) Training requirements for chemical dependency that shall, at a minimum, include qualifications for the individuals who provide the training and the content areas covered in the training.	1619 1620 1621 1622
(13) For the purpose of division (A) (2) of section 4758.40, division (A) (2) of section 4758.41, and division (A) (2) of section 4758.42 of the Revised Code, the number of hours of compensated work or supervised internship experience that an individual must have;	1623 1624 1625 1626 1627

(14) For the purpose of division (B) (2) (b) of section 1628
4758.40 and division (B) (2) of section 4758.41 of the Revised 1629
Code, requirements for the forty clock hours of training on the 1630
version of the diagnostic and statistical manual of mental 1631
disorders that is current at the time of the training, including 1632
the number of the clock hours that must be on substance-related 1633
disorders, the number of the clock hours that must be on 1634
chemical dependency conditions, and the number of the clock 1635
hours that must be on awareness of other mental and emotional 1636
disorders; 1637

(15) For the purpose of division (A) (1) of section 4758.41 1638
of the Revised Code, course requirements for a degree in a 1639
behavioral science or nursing; 1640

(16) For the purpose of division (C) (2) of section 4758.42 1641
of the Revised Code, education requirements for chemical 1642
dependency; 1643

(17) For the purpose of division (C) (3) of section 4758.42 1644
of the Revised Code, requirements for programs that provide 1645
practicum experience in chemical dependency; 1646

(18) For the purpose of division (A) of section 4758.43 of 1647
the Revised Code, both of the following: 1648

(a) The number of hours of training in chemical dependency 1649
counseling that an individual must have; 1650

(b) Training requirements for chemical dependency 1651
counseling that shall, at a minimum, include qualifications for 1652
the individuals who provide the training and the content areas 1653
covered in the training. 1654

~~(17)~~ (19) For the purpose of division (A) (1) of section 1655
4758.44 of the Revised Code, the number of hours of compensated 1656

work experience in prevention services that an individual must 1657
have and the number of those hours that must be in administering 1658
or supervising the services; 1659

~~(18)~~ (20) For the purpose of division (A) (2) of section 1660
4758.44 of the Revised Code, the field of study in which an 1661
individual must obtain at least a bachelor's degree; 1662

~~(19)~~ (21) For the purpose of division (A) (3) of section 1663
4758.44, division (A) (3) of section 4758.45, and division (D) of 1664
section 4758.46 of the Revised Code, both of the following: 1665

(a) The number of hours of prevention-related education 1666
that an individual must have; 1667

(b) Requirements for prevention-related education. 1668

~~(20)~~ (22) For the purpose of division (A) (4) of section 1669
4758.44 of the Revised Code, the number of hours of 1670
administrative or supervisory education that an individual must 1671
have; 1672

~~(21)~~ (23) For the purpose of division (A) (1) of section 1673
4758.45 of the Revised Code, the number of hours of compensated 1674
or volunteer work, field placement, intern, or practicum 1675
experience in prevention services that an individual must have 1676
and the number of those hours that must be in planning or 1677
delivering the services; 1678

~~(22)~~ (24) For the purpose of division (A) (2) of section 1679
4758.45 of the Revised Code, the field of study in which an 1680
individual must obtain at least an associate's degree; 1681

~~(23)~~ (25) For the purpose of division (C) of section 1682
4758.46 of the Revised Code, the number of hours of compensated 1683
or volunteer work, field placement, intern, or practicum 1684

experience in prevention services that an individual must have; 1685

~~(24)~~ (26) Standards for the one hundred hours of 1686
compensated work or supervised internship in gambling disorder 1687
direct clinical experience required by division (B) (2) of 1688
section 4758.48 of the Revised Code; 1689

~~(25)~~ (27) For the purpose of section 4758.51 of the 1690
Revised Code, continuing education requirements for individuals 1691
who hold a license, certificate, or endorsement issued under 1692
this chapter; 1693

~~(26)~~ (28) For the purpose of section 4758.51 of the 1694
Revised Code, the number of hours of continuing education that 1695
an individual must complete to have an expired license, 1696
certificate, or endorsement restored under section 4758.26 of 1697
the Revised Code; 1698

~~(27)~~ (29) For the purpose of divisions (A) and (B) of 1699
section 4758.52 of the Revised Code, training requirements for 1700
chemical dependency counseling; 1701

~~(28)~~ (30) The duties, which may differ, of all of the 1702
following: 1703

(a) An independent chemical dependency counselor-clinical 1704
supervisor licensed under this chapter who supervises a chemical 1705
dependency counselor III under section 4758.56 of the Revised 1706
Code; 1707

(b) An independent chemical dependency counselor-clinical 1708
supervisor, independent chemical dependency counselor, or 1709
chemical dependency counselor III licensed under this chapter 1710
who supervises a chemical dependency counselor assistant under 1711
section 4758.59 of the Revised Code; 1712

(c) A prevention consultant or prevention specialist 1713
certified under this chapter ~~or independent chemical dependency~~ 1714
~~counselor clinical supervisor, independent chemical dependency~~ 1715
~~counselor, or chemical dependency counselor III licensed under~~ 1716
~~this chapter~~ who supervises a prevention specialist assistant or 1717
registered applicant under section 4758.61 of the Revised Code. 1718

~~(29)~~ (31) The duties of an independent chemical dependency 1719
counselor licensed under this chapter who holds the gambling 1720
disorder endorsement who supervises a chemical dependency 1721
counselor III with the gambling disorder endorsement under 1722
section 4758.62 of the Revised Code. 1723

~~(30)~~ (32) Anything else necessary to administer this 1724
chapter. 1725

(B) All rules adopted under this section shall be adopted 1726
in accordance with Chapter 119. of the Revised Code and any 1727
applicable federal laws and regulations. 1728

(C) When it adopts rules under this section, the board may 1729
consider standards established by any national association or 1730
other organization representing the interests of those involved 1731
in chemical dependency counseling or prevention services. 1732

Sec. 4758.42. An individual seeking a chemical dependency 1733
counselor II license shall meet the requirements of division (A) 1734
~~or, (B), or (C)~~ of this section or, until three years after the 1735
effective date of this amendment, division (A), (B), (C), or (D) 1736
of this section. 1737

(A) To meet the requirements of this division, an 1738
individual must meet all of the following requirements: 1739

(1) Hold from an accredited educational institution an 1740
associate's degree in a behavioral science or nursing or a 1741

bachelor's degree in any field;	1742
(2) Have not less than the number of hours specified in rules adopted under section 4758.20 of the Revised Code of compensated work or supervised internship experience in any of the following, not less than twenty per cent of which are in chemical dependency counseling:	1743 1744 1745 1746 1747
(a) Chemical dependency services, substance abuse services, or both types of services;	1748 1749
(b) The practice of psychology, as defined in section 4732.01 of the Revised Code;	1750 1751
(c) The practice of professional counseling, the practice of social work, or the practice of marriage and family therapy, all as defined in section 4757.01 of the Revised Code.	1752 1753 1754
(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;	1755 1756 1757 1758
(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.	1759 1760 1761 1762
(B) To meet the requirement of this division, an individual must hold, on December 23, 2002, a certificate or credentials that were accepted under former section 3793.07 of the Revised Code as authority to practice as a certified chemical dependency counselor II.	1763 1764 1765 1766 1767
<u>(C) To meet the requirements of this division, an individual must meet all of the following requirements:</u>	1768 1769

<u>(1) Hold from an accredited educational institution an</u>	1770
<u>associate's or bachelor's degree in either of the following with</u>	1771
<u>a specialization in chemical dependency counseling:</u>	1772
<u>(a) A behavioral science;</u>	1773
<u>(b) Nursing.</u>	1774
<u>(2) Have a minimum of one hundred eighty hours of</u>	1775
<u>education in chemical dependency that meets the requirements</u>	1776
<u>specified in rules adopted under section 4758.20 of the Revised</u>	1777
<u>Code;</u>	1778
<u>(3) While holding a valid chemical dependency counselor</u>	1779
<u>assistant certificate, have successfully completed, over the</u>	1780
<u>course of not more than any two semesters, at least two hundred</u>	1781
<u>forty hours of supervised practicum experience in chemical</u>	1782
<u>dependency through a program that meets all of the following</u>	1783
<u>requirements:</u>	1784
<u>(a) The program includes at least two hours per week of</u>	1785
<u>supervised practicum experience;</u>	1786
<u>(b) The program provides intensive outpatient treatment or</u>	1787
<u>a higher level of care, or another level of care if specified in</u>	1788
<u>rules adopted under section 4758.20 of the Revised Code;</u>	1789
<u>(c) The program meets other requirements specified in</u>	1790
<u>rules adopted under that section.</u>	1791
<u>(4) Have at least one thousand hours of compensated work</u>	1792
<u>experience as a chemical dependency counselor assistant;</u>	1793
<u>(5) Provide to the chemical dependency professionals board</u>	1794
<u>a written recommendation from an individual who supervised the</u>	1795
<u>individual's practice of chemical dependency counseling as a</u>	1796
<u>chemical dependency counselor assistant as required by division</u>	1797

<u>(B) of section 4758.59 of the Revised Code;</u>	1798
<u>(6) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.</u>	1799 1800 1801 1802
<u>(D) To meet the requirements of this division, an individual must meet all of the following requirements:</u>	1803 1804
<u>(1) Since at least December 31, 2008, continuously have done both of the following:</u>	1805 1806
<u>(a) Held a valid chemical dependency counselor assistant certificate;</u>	1807 1808
<u>(b) Practiced chemical dependency counseling while under supervision as required by division (B) of section 4758.59 of the Revised Code.</u>	1809 1810 1811
<u>(2) Provide to the board a written recommendation from an individual who supervised the individual's practice of chemical dependency counseling as a chemical dependency counselor assistant;</u>	1812 1813 1814 1815
<u>(3) Have a minimum of the number of hours specified in rules adopted under section 4758.20 of the Revised Code of training in chemical dependency that meets the requirements specified in those rules;</u>	1816 1817 1818 1819
<u>(4) Pass one or more examinations administered pursuant to section 4758.22 of the Revised Code for the purpose of determining competence to practice as a chemical dependency counselor II.</u>	1820 1821 1822 1823
Sec. 4758.61. An individual who holds a valid prevention specialist assistant certificate or registered applicant	1824 1825

certificate issued under this chapter may engage in the practice 1826
of prevention services under the supervision of any of the 1827
following: 1828

(A) A prevention consultant or prevention specialist 1829
certified under this chapter; 1830

~~(B) An independent chemical dependency counselor clinical-~~ 1831
~~supervisor, an independent chemical dependency counselor, or a~~ 1832
~~chemical dependency counselor III licensed under this chapter;~~ 1833

~~(C)~~ An individual authorized under Chapter 4731. of the 1834
Revised Code to practice medicine and surgery or osteopathic 1835
medicine and surgery; 1836

~~(D)~~ (C) A psychologist licensed under Chapter 4732. of the 1837
Revised Code; 1838

~~(E)~~ (D) A registered nurse licensed under Chapter 4723. of 1839
the Revised Code; 1840

~~(F)~~ (E) A licensed professional clinical counselor, a 1841
licensed professional counselor, an independent social worker, a 1842
social worker, an independent marriage and family therapist, or 1843
a marriage and family therapist licensed under Chapter 4757. of 1844
the Revised Code; 1845

~~(G)~~ (F) A school counselor licensed by the department of 1846
education pursuant to section 3319.22 of the Revised Code; 1847

~~(H)~~ (G) A health education specialist certified by the 1848
national commission for health education credentialing; 1849

~~(I)~~ (H) An individual authorized to practice as a 1850
certified nurse practitioner or clinical nurse specialist under 1851
Chapter 4723. of the Revised Code. 1852

Sec. 5164.751. (A) As used in this section, "state maximum allowable cost" means the per unit amount the medicaid program pays a terminal distributor of dangerous drugs for a prescribed drug included in the state maximum allowable cost program established under division (B) of this section. "State maximum allowable cost" excludes dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any.

(B) ~~The Subject to section 5167.123 of the Revised Code,~~ the medicaid director shall establish a state maximum allowable cost program for purposes of managing medicaid payments to terminal distributors of dangerous drugs for prescribed drugs identified by the director pursuant to this division. The director shall do all of the following with respect to the program:

(1) Identify and create a list of prescribed drugs to be included in the program.

(2) Update the list of prescribed drugs described in division (B)(1) of this section on a weekly basis.

(3) Review the state maximum allowable cost for each prescribed drug included on the list described in division (B)(1) of this section on a weekly basis.

Sec. 5167.01. As used in this chapter:

(A) "340B covered entity" means an entity described in section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 256b(a)(4) and includes any pharmacy under contract with the entity to dispense drugs on behalf of the entity.

(B) "Affiliated company" means an entity, including a third-party payer or specialty pharmacy, with common ownership, members of a board of directors, or managers, or that is a

parent company, subsidiary company, jointly held company, or 1882
holding company with respect to the other entity. 1883

~~(B)~~ (C) "Care management system" means the system 1884
established under section 5167.03 of the Revised Code. 1885

~~(C)~~ (D) "Controlled substance" has the same meaning as in 1886
section 3719.01 of the Revised Code. 1887

~~(D)~~ (E) "Dual eligible individual" has the same meaning as 1888
in section 5160.01 of the Revised Code. 1889

~~(E)~~ (F) "Emergency services" has the same meaning as in 1890
the "Social Security Act," section 1932(b)(2), 42 U.S.C. 1396u- 1891
2(b)(2). 1892

~~(F)~~ (G) "Enrollee" means a medicaid recipient who 1893
participates in the care management system and enrolls in a 1894
medicaid MCO plan. 1895

~~(G)~~ (H) "ICDS participant" has the same meaning as in 1896
section 5164.01 of the Revised Code. 1897

~~(H)~~ (I) "Medicaid managed care organization" means a 1898
managed care organization under contract with the department of 1899
medicaid pursuant to section 5167.10 of the Revised Code. 1900

~~(I)~~ (J) "Medicaid MCO plan" means a plan that a medicaid 1901
managed care organization, pursuant to its contract with the 1902
department of medicaid under section 5167.10 of the Revised 1903
Code, makes available to medicaid recipients participating in 1904
the care management system. 1905

~~(J)~~ (K) "Medicaid waiver component" has the same meaning 1906
as in section 5166.01 of the Revised Code. 1907

~~(K)~~ (L) "Network provider" has the same meaning as in 42 1908

C.F.R. 438.2.	1909
(L) <u>(M)</u> "Nursing facility services" has the same meaning	1910
as in section 5165.01 of the Revised Code.	1911
(M) <u>(N)</u> "Part B drug" means a drug or biological described	1912
in section 1842(o) (1) (C) of the "Social Security Act," 42 U.S.C.	1913
1395u(o) (1) (C).	1914
(N) <u>(O)</u> "Pharmacy benefit manager" has the same meaning as	1915
in section 3959.01 of the Revised Code.	1916
(O) <u>(P)</u> "Practice of pharmacy" has the same meaning as in	1917
section 4729.01 of the Revised Code.	1918
(P) <u>(Q)</u> "Prescribed drug" has the same meaning as in	1919
section 5164.01 of the Revised Code.	1920
(Q) <u>(R)</u> "Prior authorization requirement" has the same	1921
meaning as in section 5160.34 of the Revised Code.	1922
(R) <u>(S)</u> "Provider" means any person or government entity	1923
that furnishes services to a medicaid recipient enrolled in a	1924
medicaid MCO plan, regardless of whether the person or entity	1925
has a provider agreement.	1926
(S) <u>(T)</u> "Provider agreement" has the same meaning as in	1927
section 5164.01 of the Revised Code.	1928
(T) <u>(U)</u> "State pharmacy benefit manager" means the	1929
pharmacy benefit manager selected by and under contract with the	1930
medicaid director under section 5167.24 of the Revised Code.	1931
(U) <u>(V)</u> "Third-party administrator" means any person who	1932
adjusts or settles claims on behalf of an insuring entity in	1933
connection with life, dental, health, prescription drugs, or	1934
disability insurance or self-insurance programs and includes a	1935

pharmacy benefit manager. 1936

Sec. 5167.123. (A) No contract between a medicaid managed 1937
care organization, including a third-party administrator, and a 1938
340B covered entity shall contain any of the following 1939
provisions: 1940

(1) A payment rate for a prescribed drug that is less than 1941
the national average drug acquisition cost rate for that drug as 1942
determined by the United States centers for medicare and 1943
medicaid services, measured at the time the drug is administered 1944
or dispensed, or, if no such rate is available at that time, a 1945
reimbursement rate that is less than the wholesale acquisition 1946
cost of the drug, as defined in 42 U.S.C. 1395w-3a(c) (6) (B); 1947

(2) A fee that is not imposed on a health care provider 1948
that is not a 340B covered entity; 1949

(3) A fee amount that exceeds the amount for a health care 1950
provider that is not a 340B covered entity. 1951

(B) The organization, or its contracted third-party 1952
administrators, shall not discriminate against a 340B covered 1953
entity in a manner that prevents or interferes with a medicaid 1954
recipient's choice to receive a prescription drug from a 340B 1955
covered entity or its contracted pharmacies. 1956

(C) Any provision of a contract entered into between the 1957
organization and a 340B covered entity that is contrary to 1958
division (A) of this section is unenforceable and shall be 1959
replaced with the dispensing fee or payment rate that applies 1960
for health care providers that are not 340B covered entities. 1961

Section 2. That existing sections 2925.01, 2925.03, 1962
4758.20, 4758.42, 4758.61, 5164.751, and 5167.01 of the Revised 1963
Code are hereby repealed. 1964

Section 3. The amendments made in this act to sections 1965
2925.01 and 2925.03 of the Revised Code shall be known as the 1966
"Relapse Reduction Act." 1967

Section 4. Not later than June 1, 2021, the Department of 1968
Mental Health and Addiction Services, in consultation with the 1969
Chemical Dependency Professionals Board, shall study levels of 1970
care that must be offered by a program providing practicum 1971
experience for purposes of division (C) (3) of section 4758.42 of 1972
the Revised Code and develop recommendations regarding whether 1973
levels of care not specifically authorized in that division 1974
should be authorized through rule. 1975

Section 5. Section 2925.03 of the Revised Code is 1976
presented in this act as a composite of the section as amended 1977
by H.B. 111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd 1978
General Assembly. The General Assembly, applying the principle 1979
stated in division (B) of section 1.52 of the Revised Code that 1980
amendments are to be harmonized if reasonably capable of 1981
simultaneous operation, finds that the composite is the 1982
resulting version of the section in effect prior to the 1983
effective date of the section as presented in this act. 1984