

**As Introduced**

**133rd General Assembly  
Regular Session  
2019-2020**

**H. B. No. 642**

**Representative Brent**

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**A BILL**

To amend sections 1.58, 109.572, 2923.01, 2923.41, 1  
2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2  
2925.11, 2925.14, 2925.22, 2925.23, 2925.36, 3  
2925.38, 2925.51, 2929.01, 2929.14, 3719.01, 4  
3719.21, 3734.44, 4510.17, and 5924.1121; to 5  
enact sections 1.06, 2925.111, 2927.30, 2927.31, 6  
2927.32, and 2953.39; and to repeal section 7  
2925.141 of the Revised Code to repeal criminal 8  
prohibitions against the trafficking and 9  
possession of cannabis. 10

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

**Section 1.** That sections 1.58, 109.572, 2923.01, 2923.41, 11  
2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 2925.14, 12  
2925.22, 2925.23, 2925.36, 2925.38, 2925.51, 2929.01, 2929.14, 13  
3719.01, 3719.21, 3734.44, 4510.17, and 5924.1121 be amended and 14  
sections 1.06, 2925.111, 2927.30, 2927.31, 2927.32, and 2953.39 15  
of the Revised Code be enacted to read as follows: 16

**Sec. 1.06.** (A) As used in the Revised Code, "cannabis" 17  
means all parts of a plant of the genus cannabis, whether 18  
growing or not; the seeds of a plant of that type; the resin 19

extracted from a part of a plant of that type; and every 20  
compound, manufacture, salt, derivative, mixture, or preparation 21  
of a plant of that type or of its seeds or resin. "Cannabis" 22  
does not include the mature stalks of the plant, fiber produced 23  
from the stalks, oils or cake made from the seeds of the plant, 24  
or any other compound, manufacture, salt, derivative, mixture, 25  
or preparation of the mature stalks, except the resin extracted 26  
from the mature stalks, fiber, oil or cake, or the sterilized 27  
seed of the plant that is incapable of germination. "Cannabis" 28  
does not include "hemp" or a "hemp product" as those terms are 29  
defined in section 928.01 of the Revised Code. 30

(B) Unless expressly stated otherwise, any reference in 31  
the Revised Code or the Administrative Code to "marijuana" or 32  
"marihuana" is deemed to be a reference to "cannabis." 33

**Sec. 1.58.** (A) The reenactment, amendment, or repeal of a 34  
statute does not, except as provided in ~~division~~ divisions (B), 35  
(C), (D), (E), and (F) of this section: 36

(1) Affect the prior operation of the statute or any prior 37  
action taken thereunder; 38

(2) Affect any validation, cure, right, privilege, 39  
obligation, or liability previously acquired, accrued, accorded, 40  
or incurred thereunder; 41

(3) Affect any violation thereof or penalty, forfeiture, 42  
or punishment incurred in respect thereto, prior to the 43  
amendment or repeal; 44

(4) Affect any investigation, proceeding, or remedy in 45  
respect of any such privilege, obligation, liability, penalty, 46  
forfeiture, or punishment; and the investigation, proceeding, or 47  
remedy may be instituted, continued, or enforced, and the 48

penalty, forfeiture, or punishment imposed, as if the statute 49  
had not been repealed or amended. 50

(B) If the penalty, forfeiture, or punishment for any 51  
offense is reduced by a reenactment or amendment of a statute, 52  
the penalty, forfeiture, or punishment, if not already imposed, 53  
shall be imposed according to the statute as amended. 54

(C) Any person who, prior to the effective date of this 55  
amendment, was convicted of or pleaded guilty to and was 56  
sentenced for a cannabis possession offense based on a violation 57  
of section 2925.11, 2925.14, or 2925.141 of the Revised Code as 58  
those sections existed prior to the effective date of this 59  
amendment, and who is currently serving a jail term or term of 60  
imprisonment for that offense, may file an application to have 61  
the offender's sentence vacated under this section. The person 62  
may file the application at any time on or after the effective 63  
date of this amendment. The application shall do all of the 64  
following: 65

(1) Identify the applicant, the offense for which the 66  
vacation is sought, the date of the conviction or plea of guilty 67  
to that offense, and the court in which the conviction occurred 68  
or the plea of guilty was entered. 69

(2) Include evidence that the offense was a violation of 70  
section 2925.11, 2925.14, or 2925.141 of the Revised Code as 71  
those sections existed prior to the effective date of this 72  
amendment, and that the offense was a cannabis possession 73  
offense. 74

(3) Include a request for vacation of the conviction or 75  
plea of guilty for that offense under this section. 76

(D) Upon the filing of an application under division (C) 77

of this section, the court shall set a date for a hearing and 78  
shall notify the prosecutor for the case of the hearing on the 79  
application. The prosecutor may object to the granting of the 80  
vacation by filing an objection with the court prior to the date 81  
set for the hearing. The prosecutor shall specify in the 82  
objection the reasons for believing a denial of the vacation is 83  
justified. The court shall hold the hearing scheduled under this 84  
division. 85

(E) At the hearing held under division (D) of this 86  
section, the court shall do each of the following: 87

(1) If the prosecutor has filed an objection in accordance 88  
with division (D) of this section, consider the reasons against 89  
vacation specified by the prosecutor in the objection; 90

(2) Determine whether the applicant has been convicted of 91  
or pleaded guilty to a violation of section 2925.11, 2925.14, or 92  
2925.141 of the Revised Code as those sections existed prior to 93  
the effective date of this amendment, whether the applicant is 94  
currently serving a term of imprisonment or jail term for that 95  
offense, and whether the offense was a cannabis possession 96  
offense. 97

(F) If the court determines at the hearing held under 98  
division (D) of this section that an offense that is the subject 99  
of an application under this section is a violation of section 100  
2925.11, 2925.14, or 2925.141 of the Revised Code as those 101  
sections existed prior to the effective date of this amendment, 102  
that the offender is currently serving a term of imprisonment or 103  
jail term for that offense, and that the offense is a cannabis 104  
possession offense, the court shall vacate the offender's 105  
sentence for that offense and any penalty, forfeiture, or 106  
punishment that applies to the sentence for that offense. If, 107

after vacating a sentence under this section, the offender has 108  
completed any sentence for which the offender is jailed or 109  
imprisoned, the court shall grant the offender a final release 110  
from confinement. 111

(G) As used in this section: 112

(1) "Prosecutor" has the same meaning as in section 113  
2953.31 of the Revised Code. 114

(2) "Cannabis possession offense" means either of the 115  
following: 116

(a) A violation of section 2925.11 of the Revised Code, as 117  
that section existed prior to the effective date of this 118  
amendment, that involved the obtaining, possession, or use of 119  
cannabis; 120

(b) A violation of section 2925.14 or 2925.141 of the 121  
Revised Code, as those sections existed prior to the effective 122  
date of this amendment, that involved the use or possession with 123  
purpose to use of drug paraphernalia associated with the 124  
obtaining, possession, or use of cannabis. 125

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 126  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 127  
Code, a completed form prescribed pursuant to division (C) (1) of 128  
this section, and a set of fingerprint impressions obtained in 129  
the manner described in division (C) (2) of this section, the 130  
superintendent of the bureau of criminal identification and 131  
investigation shall conduct a criminal records check in the 132  
manner described in division (B) of this section to determine 133  
whether any information exists that indicates that the person 134  
who is the subject of the request previously has been convicted 135  
of or pleaded guilty to any of the following: 136

(a) A violation of section 2903.01, 2903.02, 2903.03, 137  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 138  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 139  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 140  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 141  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 142  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 143  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 144  
sexual penetration in violation of former section 2907.12 of the 145  
Revised Code, a violation of section 2905.04 of the Revised Code 146  
as it existed prior to July 1, 1996, a violation of section 147  
2919.23 of the Revised Code that would have been a violation of 148  
section 2905.04 of the Revised Code as it existed prior to July 149  
1, 1996, had the violation been committed prior to that date, or 150  
a violation of section 2925.11 of the Revised Code that is not a 151  
minor drug possession offense; 152

(b) A violation of an existing or former law of this 153  
state, any other state, or the United States that is 154  
substantially equivalent to any of the offenses listed in 155  
division (A)(1)(a) of this section; 156

(c) If the request is made pursuant to section 3319.39 of 157  
the Revised Code for an applicant who is a teacher, any offense 158  
specified in section 3319.31 of the Revised Code. 159

(2) On receipt of a request pursuant to section 3712.09 or 160  
3721.121 of the Revised Code, a completed form prescribed 161  
pursuant to division (C)(1) of this section, and a set of 162  
fingerprint impressions obtained in the manner described in 163  
division (C)(2) of this section, the superintendent of the 164  
bureau of criminal identification and investigation shall 165  
conduct a criminal records check with respect to any person who 166

has applied for employment in a position for which a criminal 167  
records check is required by those sections. The superintendent 168  
shall conduct the criminal records check in the manner described 169  
in division (B) of this section to determine whether any 170  
information exists that indicates that the person who is the 171  
subject of the request previously has been convicted of or 172  
pleaded guilty to any of the following: 173

(a) A violation of section 2903.01, 2903.02, 2903.03, 174  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 175  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 176  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 177  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 178  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 179  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 180  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 181  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 182

(b) An existing or former law of this state, any other 183  
state, or the United States that is substantially equivalent to 184  
any of the offenses listed in division (A) (2) (a) of this 185  
section. 186

(3) On receipt of a request pursuant to section 173.27, 187  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 188  
5123.081, or 5123.169 of the Revised Code, a completed form 189  
prescribed pursuant to division (C) (1) of this section, and a 190  
set of fingerprint impressions obtained in the manner described 191  
in division (C) (2) of this section, the superintendent of the 192  
bureau of criminal identification and investigation shall 193  
conduct a criminal records check of the person for whom the 194  
request is made. The superintendent shall conduct the criminal 195  
records check in the manner described in division (B) of this 196

section to determine whether any information exists that 197  
indicates that the person who is the subject of the request 198  
previously has been convicted of, has pleaded guilty to, or 199  
(except in the case of a request pursuant to section 5164.34, 200  
5164.341, or 5164.342 of the Revised Code) has been found 201  
eligible for intervention in lieu of conviction for any of the 202  
following, regardless of the date of the conviction, the date of 203  
entry of the guilty plea, or (except in the case of a request 204  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 205  
Revised Code) the date the person was found eligible for 206  
intervention in lieu of conviction: 207

(a) A violation of section 959.13, 959.131, 2903.01, 208  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 209  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 210  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 211  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 212  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 213  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 214  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 215  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 216  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 217  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 218  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 219  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 220  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 221  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 222  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 223  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 224  
2925.13, 2925.14, ~~2925.141~~, 2925.22, 2925.23, 2925.24, 2925.36, 225  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 226

(b) Felonious sexual penetration in violation of former 227



section 2907.12 of the Revised Code;	228
(c) A violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996;	229 230
(d) A violation of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A) (3) (a) to (c) of this section;	231 232 233 234
(e) A violation of an existing or former municipal ordinance or law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in divisions (A) (3) (a) to (d) of this section.	235 236 237 238
(4) On receipt of a request pursuant to section 2151.86 or 2151.904 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following:	239 240 241 242 243 244 245 246 247 248 249
(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49,	250 251 252 253 254 255 256

2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 257  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 258  
2927.12, or 3716.11 of the Revised Code, a violation of section 259  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 260  
a violation of section 2919.23 of the Revised Code that would 261  
have been a violation of section 2905.04 of the Revised Code as 262  
it existed prior to July 1, 1996, had the violation been 263  
committed prior to that date, a violation of section 2925.11 of 264  
the Revised Code that is not a minor drug possession offense, 265  
two or more OVI or OVUAC violations committed within the three 266  
years immediately preceding the submission of the application or 267  
petition that is the basis of the request, or felonious sexual 268  
penetration in violation of former section 2907.12 of the 269  
Revised Code; 270

(b) A violation of an existing or former law of this 271  
state, any other state, or the United States that is 272  
substantially equivalent to any of the offenses listed in 273  
division (A) (4) (a) of this section. 274

(5) Upon receipt of a request pursuant to section 5104.013 275  
of the Revised Code, a completed form prescribed pursuant to 276  
division (C) (1) of this section, and a set of fingerprint 277  
impressions obtained in the manner described in division (C) (2) 278  
of this section, the superintendent of the bureau of criminal 279  
identification and investigation shall conduct a criminal 280  
records check in the manner described in division (B) of this 281  
section to determine whether any information exists that 282  
indicates that the person who is the subject of the request has 283  
been convicted of or pleaded guilty to any of the following: 284

(a) A violation of section 2151.421, 2903.01, 2903.02, 285  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 286

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 287  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 288  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 289  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 290  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 291  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 292  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 293  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 294  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 295  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 296  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 297  
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 298  
3716.11 of the Revised Code, felonious sexual penetration in 299  
violation of former section 2907.12 of the Revised Code, a 300  
violation of section 2905.04 of the Revised Code as it existed 301  
prior to July 1, 1996, a violation of section 2919.23 of the 302  
Revised Code that would have been a violation of section 2905.04 303  
of the Revised Code as it existed prior to July 1, 1996, had the 304  
violation been committed prior to that date, a violation of 305  
section 2925.11 of the Revised Code that is not a minor drug 306  
possession offense, a violation of section 2923.02 or 2923.03 of 307  
the Revised Code that relates to a crime specified in this 308  
division, or a second violation of section 4511.19 of the 309  
Revised Code within five years of the date of application for 310  
licensure or certification. 311

(b) A violation of an existing or former law of this 312  
state, any other state, or the United States that is 313  
substantially equivalent to any of the offenses or violations 314  
described in division (A) (5) (a) of this section. 315

(6) Upon receipt of a request pursuant to section 5153.111 316  
of the Revised Code, a completed form prescribed pursuant to 317

division (C) (1) of this section, and a set of fingerprint 318  
impressions obtained in the manner described in division (C) (2) 319  
of this section, the superintendent of the bureau of criminal 320  
identification and investigation shall conduct a criminal 321  
records check in the manner described in division (B) of this 322  
section to determine whether any information exists that 323  
indicates that the person who is the subject of the request 324  
previously has been convicted of or pleaded guilty to any of the 325  
following: 326

(a) A violation of section 2903.01, 2903.02, 2903.03, 327  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 328  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 329  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 330  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 331  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 332  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 333  
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 334  
Code, felonious sexual penetration in violation of former 335  
section 2907.12 of the Revised Code, a violation of section 336  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 337  
a violation of section 2919.23 of the Revised Code that would 338  
have been a violation of section 2905.04 of the Revised Code as 339  
it existed prior to July 1, 1996, had the violation been 340  
committed prior to that date, or a violation of section 2925.11 341  
of the Revised Code that is not a minor drug possession offense; 342

(b) A violation of an existing or former law of this 343  
state, any other state, or the United States that is 344  
substantially equivalent to any of the offenses listed in 345  
division (A) (6) (a) of this section. 346

(7) On receipt of a request for a criminal records check 347

from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. Subject to division (F) of this section, the superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(8) On receipt of a request pursuant to section 1321.37, 1321.53, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted

of or pleaded guilty to any of the following: a violation of 379  
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 380  
Revised Code; any other criminal offense involving theft, 381  
receiving stolen property, embezzlement, forgery, fraud, passing 382  
bad checks, money laundering, or drug trafficking, or any 383  
criminal offense involving money or securities, as set forth in 384  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 385  
the Revised Code; or any existing or former law of this state, 386  
any other state, or the United States that is substantially 387  
equivalent to those offenses. 388

(9) On receipt of a request for a criminal records check 389  
from the treasurer of state under section 113.041 of the Revised 390  
Code or from an individual under section 928.03, 4701.08, 391  
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 392  
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 393  
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 394  
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 395  
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 396  
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 397  
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 398  
Code, accompanied by a completed form prescribed under division 399  
(C) (1) of this section and a set of fingerprint impressions 400  
obtained in the manner described in division (C) (2) of this 401  
section, the superintendent of the bureau of criminal 402  
identification and investigation shall conduct a criminal 403  
records check in the manner described in division (B) of this 404  
section to determine whether any information exists that 405  
indicates that the person who is the subject of the request has 406  
been convicted of or pleaded guilty to any criminal offense in 407  
this state or any other state. Subject to division (F) of this 408  
section, the superintendent shall send the results of a check 409

requested under section 113.041 of the Revised Code to the 410  
treasurer of state and shall send the results of a check 411  
requested under any of the other listed sections to the 412  
licensing board specified by the individual in the request. 413

(10) On receipt of a request pursuant to section 124.74, 414  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 415  
Code, a completed form prescribed pursuant to division (C)(1) of 416  
this section, and a set of fingerprint impressions obtained in 417  
the manner described in division (C)(2) of this section, the 418  
superintendent of the bureau of criminal identification and 419  
investigation shall conduct a criminal records check in the 420  
manner described in division (B) of this section to determine 421  
whether any information exists that indicates that the person 422  
who is the subject of the request previously has been convicted 423  
of or pleaded guilty to any criminal offense under any existing 424  
or former law of this state, any other state, or the United 425  
States. 426

(11) On receipt of a request for a criminal records check 427  
from an appointing or licensing authority under section 3772.07 428  
of the Revised Code, a completed form prescribed under division 429  
(C)(1) of this section, and a set of fingerprint impressions 430  
obtained in the manner prescribed in division (C)(2) of this 431  
section, the superintendent of the bureau of criminal 432  
identification and investigation shall conduct a criminal 433  
records check in the manner described in division (B) of this 434  
section to determine whether any information exists that 435  
indicates that the person who is the subject of the request 436  
previously has been convicted of or pleaded guilty or no contest 437  
to any offense under any existing or former law of this state, 438  
any other state, or the United States that is a disqualifying 439  
offense as defined in section 3772.07 of the Revised Code or 440

substantially equivalent to such an offense. 441

(12) On receipt of a request pursuant to section 2151.33 442  
or 2151.412 of the Revised Code, a completed form prescribed 443  
pursuant to division (C)(1) of this section, and a set of 444  
fingerprint impressions obtained in the manner described in 445  
division (C)(2) of this section, the superintendent of the 446  
bureau of criminal identification and investigation shall 447  
conduct a criminal records check with respect to any person for 448  
whom a criminal records check is required under that section. 449  
The superintendent shall conduct the criminal records check in 450  
the manner described in division (B) of this section to 451  
determine whether any information exists that indicates that the 452  
person who is the subject of the request previously has been 453  
convicted of or pleaded guilty to any of the following: 454

(a) A violation of section 2903.01, 2903.02, 2903.03, 455  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 456  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 457  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 458  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 459  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 460  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 461  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 462  
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 463

(b) An existing or former law of this state, any other 464  
state, or the United States that is substantially equivalent to 465  
any of the offenses listed in division (A)(12)(a) of this 466  
section. 467

(13) On receipt of a request pursuant to section 3796.12 468  
of the Revised Code, a completed form prescribed pursuant to 469  
division (C)(1) of this section, and a set of fingerprint 470



impressions obtained in a manner described in division (C) (2) of 471  
this section, the superintendent of the bureau of criminal 472  
identification and investigation shall conduct a criminal 473  
records check in the manner described in division (B) of this 474  
section to determine whether any information exists that 475  
indicates that the person who is the subject of the request 476  
previously has been convicted of or pleaded guilty to the 477  
following: 478

(a) A disqualifying offense as specified in rules adopted 479  
under division (B) (2) (b) of section 3796.03 of the Revised Code 480  
if the person who is the subject of the request is an 481  
administrator or other person responsible for the daily 482  
operation of, or an owner or prospective owner, officer or 483  
prospective officer, or board member or prospective board member 484  
of, an entity seeking a license from the department of commerce 485  
under Chapter 3796. of the Revised Code; 486

(b) A disqualifying offense as specified in rules adopted 487  
under division (B) (2) (b) of section 3796.04 of the Revised Code 488  
if the person who is the subject of the request is an 489  
administrator or other person responsible for the daily 490  
operation of, or an owner or prospective owner, officer or 491  
prospective officer, or board member or prospective board member 492  
of, an entity seeking a license from the state board of pharmacy 493  
under Chapter 3796. of the Revised Code. 494

(14) On receipt of a request required by section 3796.13 495  
of the Revised Code, a completed form prescribed pursuant to 496  
division (C) (1) of this section, and a set of fingerprint 497  
impressions obtained in a manner described in division (C) (2) of 498  
this section, the superintendent of the bureau of criminal 499  
identification and investigation shall conduct a criminal 500

records check in the manner described in division (B) of this 501  
section to determine whether any information exists that 502  
indicates that the person who is the subject of the request 503  
previously has been convicted of or pleaded guilty to the 504  
following: 505

(a) A disqualifying offense as specified in rules adopted 506  
under division (B) (8) (a) of section 3796.03 of the Revised Code 507  
if the person who is the subject of the request is seeking 508  
employment with an entity licensed by the department of commerce 509  
under Chapter 3796. of the Revised Code; 510

(b) A disqualifying offense as specified in rules adopted 511  
under division (B) (14) (a) of section 3796.04 of the Revised Code 512  
if the person who is the subject of the request is seeking 513  
employment with an entity licensed by the state board of 514  
pharmacy under Chapter 3796. of the Revised Code. 515

(15) On receipt of a request pursuant to section 4768.06 516  
of the Revised Code, a completed form prescribed under division 517  
(C) (1) of this section, and a set of fingerprint impressions 518  
obtained in the manner described in division (C) (2) of this 519  
section, the superintendent of the bureau of criminal 520  
identification and investigation shall conduct a criminal 521  
records check in the manner described in division (B) of this 522  
section to determine whether any information exists indicating 523  
that the person who is the subject of the request has been 524  
convicted of or pleaded guilty to a felony in this state or in 525  
any other state. 526

(16) On receipt of a request pursuant to division (B) of 527  
section 4764.07 or division (A) of section 4735.143 of the 528  
Revised Code, a completed form prescribed under division (C) (1) 529  
of this section, and a set of fingerprint impressions obtained 530

in the manner described in division (C) (2) of this section, the 531  
superintendent of the bureau of criminal identification and 532  
investigation shall conduct a criminal records check in the 533  
manner described in division (B) of this section to determine 534  
whether any information exists indicating that the person who is 535  
the subject of the request has been convicted of or pleaded 536  
guilty to any crime of moral turpitude, a felony, or an 537  
equivalent offense in any other state or the United States. 538

(17) On receipt of a request for a criminal records check 539  
under section 147.022 of the Revised Code, a completed form 540  
prescribed under division (C) (1) of this section, and a set of 541  
fingerprint impressions obtained in the manner prescribed in 542  
division (C) (2) of this section, the superintendent of the 543  
bureau of criminal identification and investigation shall 544  
conduct a criminal records check in the manner described in 545  
division (B) of this section to determine whether any 546  
information exists that indicates that the person who is the 547  
subject of the request previously has been convicted of or 548  
pleaded guilty or no contest to any disqualifying offense, as 549  
defined in section 147.011 of the Revised Code, or to any 550  
offense under any existing or former law of this state, any 551  
other state, or the United States that is substantially 552  
equivalent to such a disqualifying offense. 553

(B) Subject to division (F) of this section, the 554  
superintendent shall conduct any criminal records check to be 555  
conducted under this section as follows: 556

(1) The superintendent shall review or cause to be 557  
reviewed any relevant information gathered and compiled by the 558  
bureau under division (A) of section 109.57 of the Revised Code 559  
that relates to the person who is the subject of the criminal 560

records check, including, if the criminal records check was 561  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 562  
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 563  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 564  
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 565  
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 566  
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 567  
5153.111 of the Revised Code, any relevant information contained 568  
in records that have been sealed under section 2953.32 of the 569  
Revised Code; 570

(2) If the request received by the superintendent asks for 571  
information from the federal bureau of investigation, the 572  
superintendent shall request from the federal bureau of 573  
investigation any information it has with respect to the person 574  
who is the subject of the criminal records check, including 575  
fingerprint-based checks of national crime information databases 576  
as described in 42 U.S.C. 671 if the request is made pursuant to 577  
section 2151.86 or 5104.013 of the Revised Code or if any other 578  
Revised Code section requires fingerprint-based checks of that 579  
nature, and shall review or cause to be reviewed any information 580  
the superintendent receives from that bureau. If a request under 581  
section 3319.39 of the Revised Code asks only for information 582  
from the federal bureau of investigation, the superintendent 583  
shall not conduct the review prescribed by division (B)(1) of 584  
this section. 585

(3) The superintendent or the superintendent's designee 586  
may request criminal history records from other states or the 587  
federal government pursuant to the national crime prevention and 588  
privacy compact set forth in section 109.571 of the Revised 589  
Code. 590

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

(5) The superintendent shall send the results of the criminal records check to the person to whom it is to be sent not later than the following number of days after the date the superintendent receives the request for the criminal records check, the completed form prescribed under division (C) (1) of this section, and the set of fingerprint impressions obtained in the manner described in division (C) (2) of this section:

(a) If the superintendent is required by division (A) of this section (other than division (A) (3) of this section) to conduct the criminal records check, thirty;

(b) If the superintendent is required by division (A) (3) of this section to conduct the criminal records check, sixty.

(C) (1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is to be conducted under this section. The form that the superintendent prescribes pursuant to this division may be in a tangible format, in an electronic format, or in both tangible and electronic formats.

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for

whom a criminal records check is to be conducted under this 620  
section. Any person for whom a records check is to be conducted 621  
under this section shall obtain the fingerprint impressions at a 622  
county sheriff's office, municipal police department, or any 623  
other entity with the ability to make fingerprint impressions on 624  
the standard impression sheets prescribed by the superintendent. 625  
The office, department, or entity may charge the person a 626  
reasonable fee for making the impressions. The standard 627  
impression sheets the superintendent prescribes pursuant to this 628  
division may be in a tangible format, in an electronic format, 629  
or in both tangible and electronic formats. 630

(3) Subject to division (D) of this section, the 631  
superintendent shall prescribe and charge a reasonable fee for 632  
providing a criminal records check under this section. The 633  
person requesting the criminal records check shall pay the fee 634  
prescribed pursuant to this division. In the case of a request 635  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 636  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 637  
fee shall be paid in the manner specified in that section. 638

(4) The superintendent of the bureau of criminal 639  
identification and investigation may prescribe methods of 640  
forwarding fingerprint impressions and information necessary to 641  
conduct a criminal records check, which methods shall include, 642  
but not be limited to, an electronic method. 643

(D) The results of a criminal records check conducted 644  
under this section, other than a criminal records check 645  
specified in division (A) (7) of this section, are valid for the 646  
person who is the subject of the criminal records check for a 647  
period of one year from the date upon which the superintendent 648  
completes the criminal records check. If during that period the 649

superintendent receives another request for a criminal records 650  
check to be conducted under this section for that person, the 651  
superintendent shall provide the results from the previous 652  
criminal records check of the person at a lower fee than the fee 653  
prescribed for the initial criminal records check. 654

(E) When the superintendent receives a request for 655  
information from a registered private provider, the 656  
superintendent shall proceed as if the request was received from 657  
a school district board of education under section 3319.39 of 658  
the Revised Code. The superintendent shall apply division (A) (1) 659  
(c) of this section to any such request for an applicant who is 660  
a teacher. 661

(F) (1) Subject to division (F) (2) of this section, all 662  
information regarding the results of a criminal records check 663  
conducted under this section that the superintendent reports or 664  
sends under division (A) (7) or (9) of this section to the 665  
director of public safety, the treasurer of state, or the 666  
person, board, or entity that made the request for the criminal 667  
records check shall relate to the conviction of the subject 668  
person, or the subject person's plea of guilty to, a criminal 669  
offense. 670

(2) Division (F) (1) of this section does not limit, 671  
restrict, or preclude the superintendent's release of 672  
information that relates to the arrest of a person who is 673  
eighteen years of age or older, to an adjudication of a child as 674  
a delinquent child, or to a criminal conviction of a person 675  
under eighteen years of age in circumstances in which a release 676  
of that nature is authorized under division (E) (2), (3), or (4) 677  
of section 109.57 of the Revised Code pursuant to a rule adopted 678  
under division (E) (1) of that section. 679

(G) As used in this section:	680
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	681 682 683 684
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	685 686
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	687 688 689 690 691
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	692 693 694 695 696 697
<b>Sec. 2923.01.</b> (A) No person, with purpose to commit or to promote or facilitate the commission of aggravated murder, murder, kidnapping, abduction, compelling prostitution, promoting prostitution, trafficking in persons, aggravated arson, arson, aggravated robbery, robbery, aggravated burglary, burglary, trespassing in a habitation when a person is present or likely to be present, engaging in a pattern of corrupt activity, corrupting another with drugs, a felony drug trafficking, manufacturing, processing, or possession offense, theft of drugs, or illegal processing of drug documents, the commission of a felony offense of unauthorized use of a vehicle,	698 699 700 701 702 703 704 705 706 707 708



illegally transmitting multiple commercial electronic mail 709  
messages or unauthorized access of a computer in violation of 710  
section 2923.421 of the Revised Code, or the commission of a 711  
violation of any provision of Chapter 3734. of the Revised Code, 712  
other than section 3734.18 of the Revised Code, that relates to 713  
hazardous wastes, shall do either of the following: 714

(1) With another person or persons, plan or aid in 715  
planning the commission of any of the specified offenses; 716

(2) Agree with another person or persons that one or more 717  
of them will engage in conduct that facilitates the commission 718  
of any of the specified offenses. 719

(B) No person shall be convicted of conspiracy unless a 720  
substantial overt act in furtherance of the conspiracy is 721  
alleged and proved to have been done by the accused or a person 722  
with whom the accused conspired, subsequent to the accused's 723  
entrance into the conspiracy. For purposes of this section, an 724  
overt act is substantial when it is of a character that 725  
manifests a purpose on the part of the actor that the object of 726  
the conspiracy should be completed. 727

(C) When the offender knows or has reasonable cause to 728  
believe that a person with whom the offender conspires also has 729  
conspired or is conspiring with another to commit the same 730  
offense, the offender is guilty of conspiring with that other 731  
person, even though the other person's identity may be unknown 732  
to the offender. 733

(D) It is no defense to a charge under this section that, 734  
in retrospect, commission of the offense that was the object of 735  
the conspiracy was impossible under the circumstances. 736

(E) A conspiracy terminates when the offense or offenses 737

that are its objects are committed or when it is abandoned by 738  
all conspirators. In the absence of abandonment, it is no 739  
defense to a charge under this section that no offense that was 740  
the object of the conspiracy was committed. 741

(F) A person who conspires to commit more than one offense 742  
is guilty of only one conspiracy, when the offenses are the 743  
object of the same agreement or continuous conspiratorial 744  
relationship. 745

(G) When a person is convicted of committing or attempting 746  
to commit a specific offense or of complicity in the commission 747  
of or attempt to commit the specific offense, the person shall 748  
not be convicted of conspiracy involving the same offense. 749

(H) (1) No person shall be convicted of conspiracy upon the 750  
testimony of a person with whom the defendant conspired, 751  
unsupported by other evidence. 752

(2) If a person with whom the defendant allegedly has 753  
conspired testifies against the defendant in a case in which the 754  
defendant is charged with conspiracy and if the testimony is 755  
supported by other evidence, the court, when it charges the 756  
jury, shall state substantially the following: 757

"The testimony of an accomplice that is supported by other 758  
evidence does not become inadmissible because of the 759  
accomplice's complicity, moral turpitude, or self-interest, but 760  
the admitted or claimed complicity of a witness may affect the 761  
witness' credibility and make the witness' testimony subject to 762  
grave suspicion, and require that it be weighed with great 763  
caution. 764

It is for you, as jurors, in the light of all the facts 765  
presented to you from the witness stand, to evaluate such 766

testimony and to determine its quality and worth or its lack of 767  
quality and worth." 768

(3) "Conspiracy," as used in division (H)(1) of this 769  
section, does not include any conspiracy that results in an 770  
attempt to commit an offense or in the commission of an offense. 771

(I) The following are affirmative defenses to a charge of 772  
conspiracy: 773

(1) After conspiring to commit an offense, the actor 774  
thwarted the success of the conspiracy under circumstances 775  
manifesting a complete and voluntary renunciation of the actor's 776  
criminal purpose. 777

(2) After conspiring to commit an offense, the actor 778  
abandoned the conspiracy prior to the commission of or attempt 779  
to commit any offense that was the object of the conspiracy, 780  
either by advising all other conspirators of the actor's 781  
abandonment, or by informing any law enforcement authority of 782  
the existence of the conspiracy and of the actor's participation 783  
in the conspiracy. 784

(J) Whoever violates this section is guilty of conspiracy, 785  
which is one of the following: 786

(1) A felony of the first degree, when one of the objects 787  
of the conspiracy is aggravated murder, murder, or an offense 788  
for which the maximum penalty is imprisonment for life; 789

(2) A felony of the next lesser degree than the most 790  
serious offense that is the object of the conspiracy, when the 791  
most serious offense that is the object of the conspiracy is a 792  
felony of the first, second, third, or fourth degree; 793

(3) A felony punishable by a fine of not more than twenty- 794

five thousand dollars or imprisonment for not more than eighteen 795  
months, or both, when the offense that is the object of the 796  
conspiracy is a violation of any provision of Chapter 3734. of 797  
the Revised Code, other than section 3734.18 of the Revised 798  
Code, that relates to hazardous wastes; 799

(4) A misdemeanor of the first degree, when the most 800  
serious offense that is the object of the conspiracy is a felony 801  
of the fifth degree. 802

(K) This section does not define a separate conspiracy 803  
offense or penalty where conspiracy is defined as an offense by 804  
one or more sections of the Revised Code, other than this 805  
section. In such a case, however: 806

(1) With respect to the offense specified as the object of 807  
the conspiracy in the other section or sections, division (A) of 808  
this section defines the voluntary act or acts and culpable 809  
mental state necessary to constitute the conspiracy; 810

(2) Divisions (B) to (I) of this section are incorporated 811  
by reference in the conspiracy offense defined by the other 812  
section or sections of the Revised Code. 813

(L) (1) In addition to the penalties that otherwise are 814  
imposed for conspiracy, a person who is found guilty of 815  
conspiracy to engage in a pattern of corrupt activity is subject 816  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 817  
section 2981.04, and division (D) of section 2981.06 of the 818  
Revised Code. 819

(2) If a person is convicted of or pleads guilty to 820  
conspiracy and if the most serious offense that is the object of 821  
the conspiracy is a felony drug trafficking, manufacturing, 822  
processing, or possession offense, in addition to the penalties 823

or sanctions that may be imposed for the conspiracy under 824  
division (J) (2) or (4) of this section and Chapter 2929. of the 825  
Revised Code, both of the following apply: 826

(a) The provisions of divisions (D), (F), and (G) of 827  
section 2925.03, division (D) of section 2925.04, division (D) 828  
of section 2925.05, division (D) of section 2925.06, and 829  
division ~~(E)~~ (D) of section 2925.11 of the Revised Code that 830  
pertain to mandatory and additional fines, driver's or 831  
commercial driver's license or permit suspensions, and 832  
professionally licensed persons and that would apply under the 833  
appropriate provisions of those divisions to a person who is 834  
convicted of or pleads guilty to the felony drug trafficking, 835  
manufacturing, processing, or possession offense that is the 836  
most serious offense that is the basis of the conspiracy shall 837  
apply to the person who is convicted of or pleads guilty to the 838  
conspiracy as if the person had been convicted of or pleaded 839  
guilty to the felony drug trafficking, manufacturing, 840  
processing, or possession offense that is the most serious 841  
offense that is the basis of the conspiracy. 842

(b) The court that imposes sentence upon the person who is 843  
convicted of or pleads guilty to the conspiracy shall comply 844  
with the provisions identified as being applicable under 845  
division (L) (2) of this section, in addition to any other 846  
penalty or sanction that it imposes for the conspiracy under 847  
division (J) (2) or (4) of this section and Chapter 2929. of the 848  
Revised Code. 849

(M) As used in this section: 850

(1) "Felony drug trafficking, manufacturing, processing, 851  
or possession offense" means any of the following that is a 852  
felony: 853

(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code; 854  
855

(b) A violation of section 2925.11 of the Revised Code 856  
that is not a minor drug possession offense. 857

(2) "Minor drug possession offense" has the same meaning 858  
as in section 2925.01 of the Revised Code. 859

**Sec. 2923.41.** As used in sections 2923.41 to 2923.44 of 860  
the Revised Code: 861

(A) "Criminal gang" means an ongoing formal or informal 862  
organization, association, or group of three or more persons to 863  
which all of the following apply: 864

(1) It has as one of its primary activities the commission 865  
of one or more of the offenses listed in division (B) of this 866  
section. 867

(2) It has a common name or one or more common, 868  
identifying signs, symbols, or colors. 869

(3) The persons in the organization, association, or group 870  
individually or collectively engage in or have engaged in a 871  
pattern of criminal gang activity. 872

(B) (1) "Pattern of criminal gang activity" means, subject 873  
to division (B) (2) of this section, that persons in the criminal 874  
gang have committed, attempted to commit, conspired to commit, 875  
been complicitors in the commission of, or solicited, coerced, 876  
or intimidated another to commit, attempt to commit, conspire to 877  
commit, or be in complicity in the commission of two or more of 878  
any of the following offenses: 879

(a) A felony or an act committed by a juvenile that would 880  
be a felony if committed by an adult; 881

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult;

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 of the Revised Code, section 2921.04 or 2923.16 of the Revised Code, ~~section 2925.03 of the Revised Code if the offense is trafficking in marihuana,~~ or section 2927.12 of the Revised Code.

(2) There is a "pattern of criminal gang activity" if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing:

(a) At least one of the two or more offenses is a felony.

(b) At least one of those two or more offenses occurs on or after January 1, 1999.

(c) The last of those two or more offenses occurs within five years after at least one of those offenses.

(d) The two or more offenses are committed on separate occasions or by two or more persons.

(C) "Criminal conduct" means the commission of, an attempt to commit, a conspiracy to commit, complicity in the commission of, or solicitation, coercion, or intimidation of another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of an offense listed in division (B)(1)(a), (b), or (c) of this section or an act that is

committed by a juvenile and that would be an offense, an attempt 911  
to commit an offense, a conspiracy to commit an offense, 912  
complicity in the commission of, or solicitation, coercion, or 913  
intimidation of another to commit, attempt to commit, conspire 914  
to commit, or be in complicity in the commission of an offense 915  
listed in division (B)(1)(a), (b), or (c) of this section if 916  
committed by an adult. 917

(D) "Juvenile" means a person who is under eighteen years 918  
of age. 919

(E) "Law enforcement agency" includes, but is not limited 920  
to, the state board of pharmacy and the office of a prosecutor. 921

(F) "Prosecutor" has the same meaning as in section 922  
2935.01 of the Revised Code. 923

**Sec. 2925.01.** As used in this chapter: 924

(A) "Administer," "controlled substance," "controlled 925  
substance analog," "dispense," "distribute," "hypodermic," 926  
"manufacturer," "official written order," "person," 927  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 928  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 929  
have the same meanings as in section 3719.01 of the Revised 930  
Code. 931

(B) "Drug dependent person" and "drug of abuse" have the 932  
same meanings as in section 3719.011 of the Revised Code. 933

(C) "Drug," "dangerous drug," "licensed health 934  
professional authorized to prescribe drugs," and "prescription" 935  
have the same meanings as in section 4729.01 of the Revised 936  
Code. 937

(D) "Bulk amount" of a controlled substance means any of 938



the following:	939
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, <del>marihuana,</del> cocaine, L.S.D., heroin, <u>and</u> any fentanyl-related compound, <del>and hashish</del> and except as provided in division (D) (2), (5), or (6) of this section, whichever of the following is applicable:	940 941 942 943 944 945
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	946 947 948 949
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	950 951 952
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	953 954 955 956 957
(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative;	958 959 960 961 962
(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;	963 964 965
(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose	966 967

range specified in a standard pharmaceutical reference manual of 968  
a compound, mixture, preparation, or substance that is or 969  
contains any amount of a schedule II stimulant that is in a 970  
final dosage form manufactured by a person authorized by the 971  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 972  
U.S.C.A. 301, as amended, and the federal drug abuse control 973  
laws, as defined in section 3719.01 of the Revised Code, that is 974  
or contains any amount of a schedule II depressant substance or 975  
a schedule II hallucinogenic substance; 976

(g) An amount equal to or exceeding three grams of a 977  
compound, mixture, preparation, or substance that is or contains 978  
any amount of a schedule II stimulant, or any of its salts or 979  
isomers, that is not in a final dosage form manufactured by a 980  
person authorized by the Federal Food, Drug, and Cosmetic Act 981  
and the federal drug abuse control laws. 982

(2) An amount equal to or exceeding one hundred twenty 983  
grams or thirty times the maximum daily dose in the usual dose 984  
range specified in a standard pharmaceutical reference manual of 985  
a compound, mixture, preparation, or substance that is or 986  
contains any amount of a schedule III or IV substance other than 987  
an anabolic steroid or a schedule III opiate or opium 988  
derivative; 989

(3) An amount equal to or exceeding twenty grams or five 990  
times the maximum daily dose in the usual dose range specified 991  
in a standard pharmaceutical reference manual of a compound, 992  
mixture, preparation, or substance that is or contains any 993  
amount of a schedule III opiate or opium derivative; 994

(4) An amount equal to or exceeding two hundred fifty 995  
milliliters or two hundred fifty grams of a compound, mixture, 996  
preparation, or substance that is or contains any amount of a 997

schedule V substance;	998
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;	999 1000 1001 1002
(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.	1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.	1015 1016 1017 1018 1019
(F) "Cultivate" includes planting, watering, fertilizing, or tilling.	1020 1021
(G) "Drug abuse offense" means any of the following:	1022
(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	1023 1024 1025 1026

or 2925.37 of the Revised Code; 1027

(2) A violation of an existing or former law of this or 1028  
any other state or of the United States that is substantially 1029  
equivalent to any section listed in division (G)(1) of this 1030  
section; 1031

(3) An offense under an existing or former law of this or 1032  
any other state, or of the United States, of which planting, 1033  
cultivating, harvesting, processing, making, manufacturing, 1034  
producing, shipping, transporting, delivering, acquiring, 1035  
possessing, storing, distributing, dispensing, selling, inducing 1036  
another to use, administering to another, using, or otherwise 1037  
dealing with a controlled substance is an element; 1038

(4) A conspiracy to commit, attempt to commit, or 1039  
complicity in committing or attempting to commit any offense 1040  
under division (G)(1), (2), or (3) of this section. 1041

(H) "Felony drug abuse offense" means any drug abuse 1042  
offense that would constitute a felony under the laws of this 1043  
state, any other state, or the United States. 1044

(I) "Harmful intoxicant" does not include beer or 1045  
intoxicating liquor but means any of the following: 1046

(1) Any compound, mixture, preparation, or substance the 1047  
gas, fumes, or vapor of which when inhaled can induce 1048  
intoxication, excitement, giddiness, irrational behavior, 1049  
depression, stupefaction, paralysis, unconsciousness, 1050  
asphyxiation, or other harmful physiological effects, and 1051  
includes, but is not limited to, any of the following: 1052

(a) Any volatile organic solvent, plastic cement, model 1053  
cement, fingernail polish remover, lacquer thinner, cleaning 1054  
fluid, gasoline, or other preparation containing a volatile 1055

organic solvent;	1056
(b) Any aerosol propellant;	1057
(c) Any fluorocarbon refrigerant;	1058
(d) Any anesthetic gas.	1059
(2) Gamma Butyrolactone;	1060
(3) 1,4 Butanediol.	1061
(J) "Manufacture" means to plant, cultivate, harvest,	1062
process, make, prepare, or otherwise engage in any part of the	1063
production of a drug, by propagation, extraction, chemical	1064
synthesis, or compounding, or any combination of the same, and	1065
includes packaging, repackaging, labeling, and other activities	1066
incident to production.	1067
(K) "Possess" or "possession" means having control over a	1068
thing or substance, but may not be inferred solely from mere	1069
access to the thing or substance through ownership or occupation	1070
of the premises upon which the thing or substance is found.	1071
(L) "Sample drug" means a drug or pharmaceutical	1072
preparation that would be hazardous to health or safety if used	1073
without the supervision of a licensed health professional	1074
authorized to prescribe drugs, or a drug of abuse, and that, at	1075
one time, had been placed in a container plainly marked as a	1076
sample by a manufacturer.	1077
(M) "Standard pharmaceutical reference manual" means the	1078
current edition, with cumulative changes if any, of references	1079
that are approved by the state board of pharmacy.	1080
(N) "Juvenile" means a person under eighteen years of age.	1081
(O) "Counterfeit controlled substance" means any of the	1082

following:	1083
(1) Any drug that bears, or whose container or label	1084
bears, a trademark, trade name, or other identifying mark used	1085
without authorization of the owner of rights to that trademark,	1086
trade name, or identifying mark;	1087
(2) Any unmarked or unlabeled substance that is	1088
represented to be a controlled substance manufactured,	1089
processed, packed, or distributed by a person other than the	1090
person that manufactured, processed, packed, or distributed it;	1091
(3) Any substance that is represented to be a controlled	1092
substance but is not a controlled substance or is a different	1093
controlled substance;	1094
(4) Any substance other than a controlled substance that a	1095
reasonable person would believe to be a controlled substance	1096
because of its similarity in shape, size, and color, or its	1097
markings, labeling, packaging, distribution, or the price for	1098
which it is sold or offered for sale.	1099
(P) An offense is "committed in the vicinity of a school"	1100
if the offender commits the offense on school premises, in a	1101
school building, or within one thousand feet of the boundaries	1102
of any school premises, regardless of whether the offender knows	1103
the offense is being committed on school premises, in a school	1104
building, or within one thousand feet of the boundaries of any	1105
school premises.	1106
(Q) "School" means any school operated by a board of	1107
education, any community school established under Chapter 3314.	1108
of the Revised Code, or any nonpublic school for which the state	1109
board of education prescribes minimum standards under section	1110
3301.07 of the Revised Code, whether or not any instruction,	1111

extracurricular activities, or training provided by the school 1112  
is being conducted at the time a criminal offense is committed. 1113

(R) "School premises" means either of the following: 1114

(1) The parcel of real property on which any school is 1115  
situated, whether or not any instruction, extracurricular 1116  
activities, or training provided by the school is being 1117  
conducted on the premises at the time a criminal offense is 1118  
committed; 1119

(2) Any other parcel of real property that is owned or 1120  
leased by a board of education of a school, the governing 1121  
authority of a community school established under Chapter 3314. 1122  
of the Revised Code, or the governing body of a nonpublic school 1123  
for which the state board of education prescribes minimum 1124  
standards under section 3301.07 of the Revised Code and on which 1125  
some of the instruction, extracurricular activities, or training 1126  
of the school is conducted, whether or not any instruction, 1127  
extracurricular activities, or training provided by the school 1128  
is being conducted on the parcel of real property at the time a 1129  
criminal offense is committed. 1130

(S) "School building" means any building in which any of 1131  
the instruction, extracurricular activities, or training 1132  
provided by a school is conducted, whether or not any 1133  
instruction, extracurricular activities, or training provided by 1134  
the school is being conducted in the school building at the time 1135  
a criminal offense is committed. 1136

(T) "Disciplinary counsel" means the disciplinary counsel 1137  
appointed by the board of commissioners on grievances and 1138  
discipline of the supreme court under the Rules for the 1139  
Government of the Bar of Ohio. 1140

(U) "Certified grievance committee" means a duly 1141  
constituted and organized committee of the Ohio state bar 1142  
association or of one or more local bar associations of the 1143  
state of Ohio that complies with the criteria set forth in Rule 1144  
V, section 6 of the Rules for the Government of the Bar of Ohio. 1145

(V) "Professional license" means any license, permit, 1146  
certificate, registration, qualification, admission, temporary 1147  
license, temporary permit, temporary certificate, or temporary 1148  
registration that is described in divisions (W) (1) to (37) of 1149  
this section and that qualifies a person as a professionally 1150  
licensed person. 1151

(W) "Professionally licensed person" means any of the 1152  
following: 1153

(1) A person who has received a certificate or temporary 1154  
certificate as a certified public accountant or who has 1155  
registered as a public accountant under Chapter 4701. of the 1156  
Revised Code and who holds an Ohio permit issued under that 1157  
chapter; 1158

(2) A person who holds a certificate of qualification to 1159  
practice architecture issued or renewed and registered under 1160  
Chapter 4703. of the Revised Code; 1161

(3) A person who is registered as a landscape architect 1162  
under Chapter 4703. of the Revised Code or who holds a permit as 1163  
a landscape architect issued under that chapter; 1164

(4) A person licensed under Chapter 4707. of the Revised 1165  
Code; 1166

(5) A person who has been issued a certificate of 1167  
registration as a registered barber under Chapter 4709. of the 1168  
Revised Code; 1169



(6) A person licensed and regulated to engage in the 1170  
business of a debt pooling company by a legislative authority, 1171  
under authority of Chapter 4710. of the Revised Code; 1172

(7) A person who has been issued a cosmetologist's 1173  
license, hair designer's license, manicurist's license, 1174  
esthetician's license, natural hair stylist's license, advanced 1175  
cosmetologist's license, advanced hair designer's license, 1176  
advanced manicurist's license, advanced esthetician's license, 1177  
advanced natural hair stylist's license, cosmetology 1178  
instructor's license, hair design instructor's license, 1179  
manicurist instructor's license, esthetics instructor's license, 1180  
natural hair style instructor's license, independent 1181  
contractor's license, or tanning facility permit under Chapter 1182  
4713. of the Revised Code; 1183

(8) A person who has been issued a license to practice 1184  
dentistry, a general anesthesia permit, a conscious sedation 1185  
permit, a limited resident's license, a limited teaching 1186  
license, a dental hygienist's license, or a dental hygienist's 1187  
teacher's certificate under Chapter 4715. of the Revised Code; 1188

(9) A person who has been issued an embalmer's license, a 1189  
funeral director's license, a funeral home license, or a 1190  
crematory license, or who has been registered for an embalmer's 1191  
or funeral director's apprenticeship under Chapter 4717. of the 1192  
Revised Code; 1193

(10) A person who has been licensed as a registered nurse 1194  
or practical nurse, or who has been issued a certificate for the 1195  
practice of nurse-midwifery under Chapter 4723. of the Revised 1196  
Code; 1197

(11) A person who has been licensed to practice optometry 1198

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	1199 1200
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	1201 1202
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	1203 1204
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	1205 1206 1207 1208
(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;	1209 1210 1211 1212 1213
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	1214 1215
(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;	1216 1217 1218 1219 1220
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	1221 1222
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	1223 1224 1225
(20) A person who has been issued a license to practice	1226

chiropractic under Chapter 4734. of the Revised Code;	1227
(21) A person licensed to act as a real estate broker or	1228
real estate salesperson under Chapter 4735. of the Revised Code;	1229
(22) A person registered as a registered sanitarian under	1230
Chapter 4736. of the Revised Code;	1231
(23) A person licensed to operate or maintain a junkyard	1232
under Chapter 4737. of the Revised Code;	1233
(24) A person who has been issued a motor vehicle salvage	1234
dealer's license under Chapter 4738. of the Revised Code;	1235
(25) A person who has been licensed to act as a steam	1236
engineer under Chapter 4739. of the Revised Code;	1237
(26) A person who has been issued a license or temporary	1238
permit to practice veterinary medicine or any of its branches,	1239
or who is registered as a graduate animal technician under	1240
Chapter 4741. of the Revised Code;	1241
(27) A person who has been issued a hearing aid dealer's	1242
or fitter's license or trainee permit under Chapter 4747. of the	1243
Revised Code;	1244
(28) A person who has been issued a class A, class B, or	1245
class C license or who has been registered as an investigator or	1246
security guard employee under Chapter 4749. of the Revised Code;	1247
(29) A person licensed to practice as a nursing home	1248
administrator under Chapter 4751. of the Revised Code;	1249
(30) A person licensed to practice as a speech-language	1250
pathologist or audiologist under Chapter 4753. of the Revised	1251
Code;	1252
(31) A person issued a license as an occupational	1253

therapist or physical therapist under Chapter 4755. of the Revised Code;	1254 1255
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	1256 1257 1258 1259 1260 1261
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	1262 1263
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	1264 1265 1266
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	1267 1268
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	1269 1270
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	1271 1272 1273
(X) "Cocaine" means any of the following:	1274
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	1275 1276
(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;	1277 1278 1279 1280

(3) A salt, compound, derivative, or preparation of a 1281  
substance identified in division (X) (1) or (2) of this section 1282  
that is chemically equivalent to or identical with any of those 1283  
substances, except that the substances shall not include 1284  
decocainized coca leaves or extraction of coca leaves if the 1285  
extractions do not contain cocaine or ecgonine. 1286

(Y) "L.S.D." means lysergic acid diethylamide. 1287

~~(Z) "Hashish" means the resin or a preparation of the 1288  
resin contained in marihuana, whether in solid form or in a 1289  
liquid concentrate, liquid extract, or liquid distillate form. 1290~~

~~(AA) "Marihuana" has the same meaning as in section 1291  
3719.01 of the Revised Code, except that it does not include 1292  
hashish. 1293~~

~~(BB) An offense is "committed in the vicinity of a 1294  
juvenile" if the offender commits the offense within one hundred 1295  
feet of a juvenile or within the view of a juvenile, regardless 1296  
of whether the offender knows the age of the juvenile, whether 1297  
the offender knows the offense is being committed within one 1298  
hundred feet of or within view of the juvenile, or whether the 1299  
juvenile actually views the commission of the offense. 1300~~

~~(CC) (AA) "Presumption for a prison term" or "presumption 1301  
that a prison term shall be imposed" means a presumption, as 1302  
described in division (D) of section 2929.13 of the Revised 1303  
Code, that a prison term is a necessary sanction for a felony in 1304  
order to comply with the purposes and principles of sentencing 1305  
under section 2929.11 of the Revised Code. 1306~~

~~(DD) (BB) "Major drug offender" has the same meaning as in 1307  
section 2929.01 of the Revised Code. 1308~~

~~(EE) (CC) "Minor drug possession offense" means either of 1309~~

the following: 1310

(1) A violation of section 2925.11 of the Revised Code as 1311  
it existed prior to July 1, 1996; 1312

(2) A violation of section 2925.11 of the Revised Code as 1313  
it exists on and after July 1, 1996, that is a misdemeanor or a 1314  
felony of the fifth degree. 1315

~~(FF)~~(DD) "Mandatory prison term" has the same meaning as 1316  
in section 2929.01 of the Revised Code. 1317

~~(GG)~~(EE) "Adulterate" means to cause a drug to be 1318  
adulterated as described in section 3715.63 of the Revised Code. 1319

~~(HH)~~(FF) "Public premises" means any hotel, restaurant, 1320  
tavern, store, arena, hall, or other place of public 1321  
accommodation, business, amusement, or resort. 1322

~~(II)~~(GG) "Methamphetamine" means methamphetamine, any 1323  
salt, isomer, or salt of an isomer of methamphetamine, or any 1324  
compound, mixture, preparation, or substance containing 1325  
methamphetamine or any salt, isomer, or salt of an isomer of 1326  
methamphetamine. 1327

~~(JJ)~~(HH) "Deception" has the same meaning as in section 1328  
2913.01 of the Revised Code. 1329

~~(KK)~~(II) "Fentanyl-related compound" means any of the 1330  
following: 1331

(1) Fentanyl; 1332

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 1333  
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2- 1334  
phenylethyl)-4-(N-propanilido) piperidine); 1335

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 1336

thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1337
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- piperidinyl] -N-phenylpropanamide);	1338 1339
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N- phenylpropanamide);	1340 1341 1342
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- piperidyl]-N- phenylpropanamide);	1343 1344
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- (thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1345 1346
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- phenethyl)-4- piperidinyl]propanamide;	1347 1348
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4- piperidinyl]- propanamide;	1349 1350
(10) Alfentanil;	1351
(11) Carfentanil;	1352
(12) Remifentanil;	1353
(13) Sufentanil;	1354
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- phenethyl)-4- piperidinyl]-N-phenylacetamide); and	1355 1356
(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:	1357 1358 1359 1360 1361 1362 1363

- (a) A chemical scaffold consisting of both of the following: 1364  
1365
- (i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted; 1366  
1367
- (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. 1368  
1369  
1370
- (b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester; 1371  
1372  
1373
- (c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and 1374  
1375
- (d) The compound has not been approved for medical use by the United States food and drug administration. 1376  
1377
- ~~(LL)~~ (JJ) "First degree felony mandatory prison term" 1378  
means one of the definite prison terms prescribed in division 1379  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1380  
the first degree, except that if the violation for which 1381  
sentence is being imposed is committed on or after ~~the effective~~ 1382  
~~date of this amendment~~ March 22, 2019, it means one of the 1383  
minimum prison terms prescribed in division (A) (1) (a) of that 1384  
section for a felony of the first degree. 1385
- ~~(MM)~~ (KK) "Second degree felony mandatory prison term" 1386  
means one of the definite prison terms prescribed in division 1387  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1388  
the second degree, except that if the violation for which 1389  
sentence is being imposed is committed on or after ~~the effective~~ 1390  
~~date of this amendment~~ March 22, 2019, it means one of the 1391  
minimum prison terms prescribed in division (A) (2) (a) of that 1392



section for a felony of the second degree. 1393

~~(NN)~~ (LL) "Maximum first degree felony mandatory prison 1394  
term" means the maximum definite prison term prescribed in 1395  
division (A) (1) (b) of section 2929.14 of the Revised Code for a 1396  
felony of the first degree, except that if the violation for 1397  
which sentence is being imposed is committed on or after ~~the~~ 1398  
~~effective date of this amendment~~ March 22, 2019, it means the 1399  
longest minimum prison term prescribed in division (A) (1) (a) of 1400  
that section for a felony of the first degree. 1401

~~(OO)~~ (MM) "Maximum second degree felony mandatory prison 1402  
term" means the maximum definite prison term prescribed in 1403  
division (A) (2) (b) of section 2929.14 of the Revised Code for a 1404  
felony of the second degree, except that if the violation for 1405  
which sentence is being imposed is committed on or after ~~the~~ 1406  
~~effective date of this amendment~~ March 22, 2019, it means the 1407  
longest minimum prison term prescribed in division (A) (2) (a) of 1408  
that section for a felony of the second degree. 1409

**Sec. 2925.02.** (A) No person shall knowingly do any of the 1410  
following: 1411

(1) By force, threat, or deception, administer to another 1412  
or induce or cause another to use a controlled substance other 1413  
than cannabis; 1414

(2) By any means, administer or furnish to another or 1415  
induce or cause another to use a controlled substance other than 1416  
cannabis with purpose to cause serious physical harm to the 1417  
other person, or with purpose to cause the other person to 1418  
become drug dependent; 1419

(3) By any means, administer or furnish to another or 1420  
induce or cause another to use a controlled substance other than 1421

cannabis, and thereby cause serious physical harm to the other 1422  
person, or cause the other person to become drug dependent; 1423

(4) By any means, do any of the following: 1424

(a) Furnish or administer a controlled substance other 1425  
than cannabis to a juvenile who is at least two years the 1426  
offender's junior, when the offender knows the age of the 1427  
juvenile or is reckless in that regard; 1428

(b) Induce or cause a juvenile who is at least two years 1429  
the offender's junior to use a controlled substance other than 1430  
cannabis, when the offender knows the age of the juvenile or is 1431  
reckless in that regard; 1432

(c) Induce or cause a juvenile who is at least two years 1433  
the offender's junior to commit a felony drug abuse offense, 1434  
when the offender knows the age of the juvenile or is reckless 1435  
in that regard; 1436

(d) Use a juvenile, whether or not the offender knows the 1437  
age of the juvenile, to perform any surveillance activity that 1438  
is intended to prevent the detection of the offender or any 1439  
other person in the commission of a felony drug abuse offense or 1440  
to prevent the arrest of the offender or any other person for 1441  
the commission of a felony drug abuse offense. 1442

(5) By any means, furnish or administer a controlled 1443  
substance other than cannabis to a pregnant woman or induce or 1444  
cause a pregnant woman to use a controlled substance other than 1445  
cannabis, when the offender knows that the woman is pregnant or 1446  
is reckless in that regard. 1447

(B) Division (A) (1), (3), (4), or (5) of this section does 1448  
not apply to manufacturers, wholesalers, licensed health 1449  
professionals authorized to prescribe drugs, pharmacists, owners 1450

of pharmacies, and other persons whose conduct is in accordance 1451  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1452  
4741. of the Revised Code. 1453

(C) Whoever violates this section is guilty of corrupting 1454  
another with drugs. The penalty for the offense shall be 1455  
determined as follows: 1456

(1) If the offense is a violation of division (A)(1), (2), 1457  
(3), or (4) of this section and the drug involved is any 1458  
compound, mixture, preparation, or substance included in 1459  
schedule I or II, with the exception of ~~marihuana, cannabis,~~ 1- 1460  
Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1- 1461  
[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1462  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1463  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1464  
offender shall be punished as follows: 1465

(a) Except as otherwise provided in division (C)(1)(b) of 1466  
this section, corrupting another with drugs committed in those 1467  
circumstances is a felony of the second degree and, subject to 1468  
division (E) of this section, the court shall impose as a 1469  
mandatory prison term a second degree felony mandatory prison 1470  
term. 1471

(b) If the offense was committed in the vicinity of a 1472  
school, corrupting another with drugs committed in those 1473  
circumstances is a felony of the first degree, and, subject to 1474  
division (E) of this section, the court shall impose as a 1475  
mandatory prison term a first degree felony mandatory prison 1476  
term. 1477

(2) If the offense is a violation of division (A)(1), (2), 1478  
(3), or (4) of this section and the drug involved is any 1479

compound, mixture, preparation, or substance included in 1480  
schedule III, IV, or V, the offender shall be punished as 1481  
follows: 1482

(a) Except as otherwise provided in division (C) (2) (b) of 1483  
this section, corrupting another with drugs committed in those 1484  
circumstances is a felony of the second degree and there is a 1485  
presumption for a prison term for the offense. 1486

(b) If the offense was committed in the vicinity of a 1487  
school, corrupting another with drugs committed in those 1488  
circumstances is a felony of the second degree and the court 1489  
shall impose as a mandatory prison term a second degree felony 1490  
mandatory prison term. 1491

(3) If the offense is a violation of division (A) (1), (2), 1492  
(3), or (4) of this section and the drug involved is ~~marihuana,~~ 1493  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1494  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1495  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1496  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1497  
offender shall be punished as follows: 1498

(a) Except as otherwise provided in division (C) (3) (b) of 1499  
this section, corrupting another with drugs committed in those 1500  
circumstances is a felony of the fourth degree and division (C) 1501  
of section 2929.13 of the Revised Code applies in determining 1502  
whether to impose a prison term on the offender. 1503

(b) If the offense was committed in the vicinity of a 1504  
school, corrupting another with drugs committed in those 1505  
circumstances is a felony of the third degree and division (C) 1506  
of section 2929.13 of the Revised Code applies in determining 1507  
whether to impose a prison term on the offender. 1508

(4) If the offense is a violation of division (A) (5) of 1509  
this section and the drug involved is any compound, mixture, 1510  
preparation, or substance included in schedule I or II, with the 1511  
exception of ~~marihuana, cannabis,~~ 1-Pentyl-3-(1- 1512  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1513  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1514  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1515  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1516  
corrupting another with drugs is a felony of the first degree 1517  
and, subject to division (E) of this section, the court shall 1518  
impose as a mandatory prison term a first degree felony 1519  
mandatory prison term. 1520

(5) If the offense is a violation of division (A) (5) of 1521  
this section and the drug involved is any compound, mixture, 1522  
preparation, or substance included in schedule III, IV, or V, 1523  
corrupting another with drugs is a felony of the second degree 1524  
and the court shall impose as a mandatory prison term a second 1525  
degree felony mandatory prison term. 1526

(6) If the offense is a violation of division (A) (5) of 1527  
this section and the drug involved is ~~marihuana,~~ 1-Pentyl-3-(1- 1528  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1529  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1530  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1531  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1532  
corrupting another with drugs is a felony of the third degree 1533  
and division (C) of section 2929.13 of the Revised Code applies 1534  
in determining whether to impose a prison term on the offender. 1535

(D) In addition to any prison term authorized or required 1536  
by division (C) or (E) of this section and sections 2929.13 and 1537  
2929.14 of the Revised Code and in addition to any other 1538

sanction imposed for the offense under this section or sections 1539  
2929.11 to 2929.18 of the Revised Code, the court that sentences 1540  
an offender who is convicted of or pleads guilty to a violation 1541  
of division (A) of this section may suspend for not more than 1542  
five years the offender's driver's or commercial driver's 1543  
license or permit. However, if the offender pleaded guilty to or 1544  
was convicted of a violation of section 4511.19 of the Revised 1545  
Code or a substantially similar municipal ordinance or the law 1546  
of another state or the United States arising out of the same 1547  
set of circumstances as the violation, the court shall suspend 1548  
the offender's driver's or commercial driver's license or permit 1549  
for not more than five years. The court also shall do all of the 1550  
following that are applicable regarding the offender: 1551

(1) (a) If the violation is a felony of the first, second, 1552  
or third degree, the court shall impose upon the offender the 1553  
mandatory fine specified for the offense under division (B) (1) 1554  
of section 2929.18 of the Revised Code unless, as specified in 1555  
that division, the court determines that the offender is 1556  
indigent. 1557

(b) Notwithstanding any contrary provision of section 1558  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1559  
to division (D) (1) (a) of this section and any fine imposed for a 1560  
violation of this section pursuant to division (A) of section 1561  
2929.18 of the Revised Code shall be paid by the clerk of the 1562  
court in accordance with and subject to the requirements of, and 1563  
shall be used as specified in, division (F) of section 2925.03 1564  
of the Revised Code. 1565

(c) If a person is charged with any violation of this 1566  
section that is a felony of the first, second, or third degree, 1567  
posts bail, and forfeits the bail, the forfeited bail shall be 1568

paid by the clerk of the court pursuant to division (D) (1) (b) of 1569  
this section as if it were a fine imposed for a violation of 1570  
this section. 1571

(2) If the offender is a professionally licensed person, 1572  
in addition to any other sanction imposed for a violation of 1573  
this section, the court immediately shall comply with section 1574  
2925.38 of the Revised Code. 1575

(E) Notwithstanding the prison term otherwise authorized 1576  
or required for the offense under division (C) of this section 1577  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1578  
violation of division (A) of this section involves the sale, 1579  
offer to sell, or possession of a schedule I or II controlled 1580  
substance, with the exception of ~~marihuana~~ cannabis, 1-Pentyl-3- 1581  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1582  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1583  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1584  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1585  
if the court imposing sentence upon the offender finds that the 1586  
offender as a result of the violation is a major drug offender 1587  
and is guilty of a specification of the type described in 1588  
division (A) of section 2941.1410 of the Revised Code, the 1589  
court, in lieu of the prison term that otherwise is authorized 1590  
or required, shall impose upon the offender the mandatory prison 1591  
term specified in division (B) (3) (a) of section 2929.14 of the 1592  
Revised Code. 1593

(F) (1) If the sentencing court suspends the offender's 1594  
driver's or commercial driver's license or permit under division 1595  
(D) of this section, the offender, at any time after the 1596  
expiration of two years from the day on which the offender's 1597  
sentence was imposed or from the day on which the offender 1598

finally was released from a prison term under the sentence, 1599  
whichever is later, may file a motion with the sentencing court 1600  
requesting termination of the suspension. Upon the filing of the 1601  
motion and the court's finding of good cause for the 1602  
determination, the court may terminate the suspension. 1603

(2) Any offender who received a mandatory suspension of 1604  
the offender's driver's or commercial driver's license or permit 1605  
under this section prior to September 13, 2016, may file a 1606  
motion with the sentencing court requesting the termination of 1607  
the suspension. However, an offender who pleaded guilty to or 1608  
was convicted of a violation of section 4511.19 of the Revised 1609  
Code or a substantially similar municipal ordinance or law of 1610  
another state or the United States that arose out of the same 1611  
set of circumstances as the violation for which the offender's 1612  
license or permit was suspended under this section shall not 1613  
file such a motion. 1614

Upon the filing of a motion under division (F)(2) of this 1615  
section, the sentencing court, in its discretion, may terminate 1616  
the suspension. 1617

**Sec. 2925.03.** (A) No person shall knowingly do any of the 1618  
following: 1619

(1) Sell or offer to sell a controlled substance other 1620  
than cannabis or a controlled substance analog; 1621

(2) Prepare for shipment, ship, transport, deliver, 1622  
prepare for distribution, or distribute a controlled substance 1623  
other than cannabis or a controlled substance analog, when the 1624  
offender knows or has reasonable cause to believe that the 1625  
controlled substance or a controlled substance analog is 1626  
intended for sale or resale by the offender or another person. 1627



- (B) This section does not apply to any of the following: 1628
- (1) Manufacturers, licensed health professionals 1629  
authorized to prescribe drugs, pharmacists, owners of 1630  
pharmacies, and other persons whose conduct is in accordance 1631  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1632  
4741. of the Revised Code; 1633
- (2) If the offense involves an anabolic steroid, any 1634  
person who is conducting or participating in a research project 1635  
involving the use of an anabolic steroid if the project has been 1636  
approved by the United States food and drug administration; 1637
- (3) Any person who sells, offers for sale, prescribes, 1638  
dispenses, or administers for livestock or other nonhuman 1639  
species an anabolic steroid that is expressly intended for 1640  
administration through implants to livestock or other nonhuman 1641  
species and approved for that purpose under the "Federal Food, 1642  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1643  
as amended, and is sold, offered for sale, prescribed, 1644  
dispensed, or administered for that purpose in accordance with 1645  
that act. 1646
- (C) Whoever violates division (A) of this section is 1647  
guilty of one of the following: 1648
- (1) If the drug involved in the violation is any compound, 1649  
mixture, preparation, or substance included in schedule I or 1650  
schedule II, with the exception of ~~marihuana~~cannabis, cocaine, 1651  
L.S.D., heroin, any fentanyl-related compound, ~~hashish~~, and any 1652  
controlled substance analog, whoever violates division (A) of 1653  
this section is guilty of aggravated trafficking in drugs. The 1654  
penalty for the offense shall be determined as follows: 1655
- (a) Except as otherwise provided in division (C) (1) (b), 1656

(c), (d), (e), or (f) of this section, aggravated trafficking in 1657  
drugs is a felony of the fourth degree, and division (C) of 1658  
section 2929.13 of the Revised Code applies in determining 1659  
whether to impose a prison term on the offender. 1660

(b) Except as otherwise provided in division (C)(1)(c), 1661  
(d), (e), or (f) of this section, if the offense was committed 1662  
in the vicinity of a school or in the vicinity of a juvenile, 1663  
aggravated trafficking in drugs is a felony of the third degree, 1664  
and division (C) of section 2929.13 of the Revised Code applies 1665  
in determining whether to impose a prison term on the offender. 1666

(c) Except as otherwise provided in this division, if the 1667  
amount of the drug involved equals or exceeds the bulk amount 1668  
but is less than five times the bulk amount, aggravated 1669  
trafficking in drugs is a felony of the third degree, and, 1670  
except as otherwise provided in this division, there is a 1671  
presumption for a prison term for the offense. If aggravated 1672  
trafficking in drugs is a felony of the third degree under this 1673  
division and if the offender two or more times previously has 1674  
been convicted of or pleaded guilty to a felony drug abuse 1675  
offense, the court shall impose as a mandatory prison term one 1676  
of the prison terms prescribed for a felony of the third degree. 1677  
If the amount of the drug involved is within that range and if 1678  
the offense was committed in the vicinity of a school or in the 1679  
vicinity of a juvenile, aggravated trafficking in drugs is a 1680  
felony of the second degree, and the court shall impose as a 1681  
mandatory prison term a second degree felony mandatory prison 1682  
term. 1683

(d) Except as otherwise provided in this division, if the 1684  
amount of the drug involved equals or exceeds five times the 1685  
bulk amount but is less than fifty times the bulk amount, 1686

aggravated trafficking in drugs is a felony of the second 1687  
degree, and the court shall impose as a mandatory prison term a 1688  
second degree felony mandatory prison term. If the amount of the 1689  
drug involved is within that range and if the offense was 1690  
committed in the vicinity of a school or in the vicinity of a 1691  
juvenile, aggravated trafficking in drugs is a felony of the 1692  
first degree, and the court shall impose as a mandatory prison 1693  
term a first degree felony mandatory prison term. 1694

(e) If the amount of the drug involved equals or exceeds 1695  
fifty times the bulk amount but is less than one hundred times 1696  
the bulk amount and regardless of whether the offense was 1697  
committed in the vicinity of a school or in the vicinity of a 1698  
juvenile, aggravated trafficking in drugs is a felony of the 1699  
first degree, and the court shall impose as a mandatory prison 1700  
term a first degree felony mandatory prison term. 1701

(f) If the amount of the drug involved equals or exceeds 1702  
one hundred times the bulk amount and regardless of whether the 1703  
offense was committed in the vicinity of a school or in the 1704  
vicinity of a juvenile, aggravated trafficking in drugs is a 1705  
felony of the first degree, the offender is a major drug 1706  
offender, and the court shall impose as a mandatory prison term 1707  
a maximum first degree felony mandatory prison term. 1708

(2) If the drug involved in the violation is any compound, 1709  
mixture, preparation, or substance included in schedule III, IV, 1710  
or V, whoever violates division (A) of this section is guilty of 1711  
trafficking in drugs. The penalty for the offense shall be 1712  
determined as follows: 1713

(a) Except as otherwise provided in division (C) (2) (b), 1714  
(c), (d), or (e) of this section, trafficking in drugs is a 1715  
felony of the fifth degree, and division (B) of section 2929.13 1716

of the Revised Code applies in determining whether to impose a 1717  
prison term on the offender. 1718

(b) Except as otherwise provided in division (C) (2) (c), 1719  
(d), or (e) of this section, if the offense was committed in the 1720  
vicinity of a school or in the vicinity of a juvenile, 1721  
trafficking in drugs is a felony of the fourth degree, and 1722  
division (C) of section 2929.13 of the Revised Code applies in 1723  
determining whether to impose a prison term on the offender. 1724

(c) Except as otherwise provided in this division, if the 1725  
amount of the drug involved equals or exceeds the bulk amount 1726  
but is less than five times the bulk amount, trafficking in 1727  
drugs is a felony of the fourth degree, and division (B) of 1728  
section 2929.13 of the Revised Code applies in determining 1729  
whether to impose a prison term for the offense. If the amount 1730  
of the drug involved is within that range and if the offense was 1731  
committed in the vicinity of a school or in the vicinity of a 1732  
juvenile, trafficking in drugs is a felony of the third degree, 1733  
and there is a presumption for a prison term for the offense. 1734

(d) Except as otherwise provided in this division, if the 1735  
amount of the drug involved equals or exceeds five times the 1736  
bulk amount but is less than fifty times the bulk amount, 1737  
trafficking in drugs is a felony of the third degree, and there 1738  
is a presumption for a prison term for the offense. If the 1739  
amount of the drug involved is within that range and if the 1740  
offense was committed in the vicinity of a school or in the 1741  
vicinity of a juvenile, trafficking in drugs is a felony of the 1742  
second degree, and there is a presumption for a prison term for 1743  
the offense. 1744

(e) Except as otherwise provided in this division, if the 1745  
amount of the drug involved equals or exceeds fifty times the 1746

bulk amount, trafficking in drugs is a felony of the second 1747  
degree, and the court shall impose as a mandatory prison term a 1748  
second degree felony mandatory prison term. If the amount of the 1749  
drug involved equals or exceeds fifty times the bulk amount and 1750  
if the offense was committed in the vicinity of a school or in 1751  
the vicinity of a juvenile, trafficking in drugs is a felony of 1752  
the first degree, and the court shall impose as a mandatory 1753  
prison term a first degree felony mandatory prison term. 1754

~~(3) If the drug involved in the violation is marihuana or 1755  
a compound, mixture, preparation, or substance containing 1756  
marihuana other than hashish, whoever violates division (A) of 1757  
this section is guilty of trafficking in marihuana. The penalty 1758  
for the offense shall be determined as follows: 1759~~

~~(a) Except as otherwise provided in division (C) (3) (b), 1760  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1761  
marihuana is a felony of the fifth degree, and division (B) of 1762  
section 2929.13 of the Revised Code applies in determining 1763  
whether to impose a prison term on the offender. 1764~~

~~(b) Except as otherwise provided in division (C) (3) (c), 1765  
(d), (e), (f), (g), or (h) of this section, if the offense was 1766  
committed in the vicinity of a school or in the vicinity of a 1767  
juvenile, trafficking in marihuana is a felony of the fourth 1768  
degree, and division (B) of section 2929.13 of the Revised Code 1769  
applies in determining whether to impose a prison term on the 1770  
offender. 1771~~

~~(c) Except as otherwise provided in this division, if the 1772  
amount of the drug involved equals or exceeds two hundred grams 1773  
but is less than one thousand grams, trafficking in marihuana is 1774  
a felony of the fourth degree, and division (B) of section 1775  
2929.13 of the Revised Code applies in determining whether to 1776~~

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

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

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

~~(f) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds twenty thousand  
grams but is less than forty thousand grams, trafficking in~~

~~marihuana is a felony of the second degree, and the court shall  
impose as a mandatory prison term a second degree felony  
mandatory prison term of five, six, seven, or eight years. If  
the amount of the drug involved is within that range and if the  
offense was committed in the vicinity of a school or in the  
vicinity of a juvenile, trafficking in marihuana is a felony of  
the first degree, and the court shall impose as a mandatory  
prison term a maximum first degree felony mandatory prison term.~~

~~(g) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds forty thousand  
grams, trafficking in marihuana is a felony of the second  
degree, and the court shall impose as a mandatory prison term a  
maximum second degree felony mandatory prison term. If the  
amount of the drug involved equals or exceeds forty thousand  
grams and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in  
marihuana is a felony of the first degree, and the court shall  
impose as a mandatory prison term a maximum first degree felony  
mandatory prison term.~~

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

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

trafficking in cocaine. The penalty for the offense shall be 1837  
determined as follows: 1838

(a) Except as otherwise provided in division ~~(C) (4) (b)~~ (C) 1839  
(3) (b), (c), (d), (e), (f), or (g) of this section, trafficking 1840  
in cocaine is a felony of the fifth degree, and division (B) of 1841  
section 2929.13 of the Revised Code applies in determining 1842  
whether to impose a prison term on the offender. 1843

(b) Except as otherwise provided in division ~~(C) (4) (e)~~ (C) 1844  
(3) (c), (d), (e), (f), or (g) of this section, if the offense 1845  
was committed in the vicinity of a school or in the vicinity of 1846  
a juvenile, trafficking in cocaine is a felony of the fourth 1847  
degree, and division (C) of section 2929.13 of the Revised Code 1848  
applies in determining whether to impose a prison term on the 1849  
offender. 1850

(c) Except as otherwise provided in this division, if the 1851  
amount of the drug involved equals or exceeds five grams but is 1852  
less than ten grams of cocaine, trafficking in cocaine is a 1853  
felony of the fourth degree, and division (B) of section 2929.13 1854  
of the Revised Code applies in determining whether to impose a 1855  
prison term for the offense. If the amount of the drug involved 1856  
is within that range and if the offense was committed in the 1857  
vicinity of a school or in the vicinity of a juvenile, 1858  
trafficking in cocaine is a felony of the third degree, and 1859  
there is a presumption for a prison term for the offense. 1860

(d) Except as otherwise provided in this division, if the 1861  
amount of the drug involved equals or exceeds ten grams but is 1862  
less than twenty grams of cocaine, trafficking in cocaine is a 1863  
felony of the third degree, and, except as otherwise provided in 1864  
this division, there is a presumption for a prison term for the 1865  
offense. If trafficking in cocaine is a felony of the third 1866



degree under this division and if the offender two or more times 1867  
previously has been convicted of or pleaded guilty to a felony 1868  
drug abuse offense, the court shall impose as a mandatory prison 1869  
term one of the prison terms prescribed for a felony of the 1870  
third degree. If the amount of the drug involved is within that 1871  
range and if the offense was committed in the vicinity of a 1872  
school or in the vicinity of a juvenile, trafficking in cocaine 1873  
is a felony of the second degree, and the court shall impose as 1874  
a mandatory prison term a second degree felony mandatory prison 1875  
term. 1876

(e) Except as otherwise provided in this division, if the 1877  
amount of the drug involved equals or exceeds twenty grams but 1878  
is less than twenty-seven grams of cocaine, trafficking in 1879  
cocaine is a felony of the second degree, and the court shall 1880  
impose as a mandatory prison term a second degree felony 1881  
mandatory prison term. If the amount of the drug involved is 1882  
within that range and if the offense was committed in the 1883  
vicinity of a school or in the vicinity of a juvenile, 1884  
trafficking in cocaine is a felony of the first degree, and the 1885  
court shall impose as a mandatory prison term a first degree 1886  
felony mandatory prison term. 1887

(f) If the amount of the drug involved equals or exceeds 1888  
twenty-seven grams but is less than one hundred grams of cocaine 1889  
and regardless of whether the offense was committed in the 1890  
vicinity of a school or in the vicinity of a juvenile, 1891  
trafficking in cocaine is a felony of the first degree, and the 1892  
court shall impose as a mandatory prison term a first degree 1893  
felony mandatory prison term. 1894

(g) If the amount of the drug involved equals or exceeds 1895  
one hundred grams of cocaine and regardless of whether the 1896

offense was committed in the vicinity of a school or in the 1897  
vicinity of a juvenile, trafficking in cocaine is a felony of 1898  
the first degree, the offender is a major drug offender, and the 1899  
court shall impose as a mandatory prison term a maximum first 1900  
degree felony mandatory prison term. 1901

~~(5)~~(4) If the drug involved in the violation is L.S.D. or 1902  
a compound, mixture, preparation, or substance containing 1903  
L.S.D., whoever violates division (A) of this section is guilty 1904  
of trafficking in L.S.D. The penalty for the offense shall be 1905  
determined as follows: 1906

(a) Except as otherwise provided in division ~~(C) (5) (b)~~(C) 1907  
(4) (b), (c), (d), (e), (f), or (g) of this section, trafficking 1908  
in L.S.D. is a felony of the fifth degree, and division (B) of 1909  
section 2929.13 of the Revised Code applies in determining 1910  
whether to impose a prison term on the offender. 1911

(b) Except as otherwise provided in division ~~(C) (5) (e)~~(C) 1912  
(4) (c), (d), (e), (f), or (g) of this section, if the offense 1913  
was committed in the vicinity of a school or in the vicinity of 1914  
a juvenile, trafficking in L.S.D. is a felony of the fourth 1915  
degree, and division (C) of section 2929.13 of the Revised Code 1916  
applies in determining whether to impose a prison term on the 1917  
offender. 1918

(c) Except as otherwise provided in this division, if the 1919  
amount of the drug involved equals or exceeds ten unit doses but 1920  
is less than fifty unit doses of L.S.D. in a solid form or 1921  
equals or exceeds one gram but is less than five grams of L.S.D. 1922  
in a liquid concentrate, liquid extract, or liquid distillate 1923  
form, trafficking in L.S.D. is a felony of the fourth degree, 1924  
and division (B) of section 2929.13 of the Revised Code applies 1925  
in determining whether to impose a prison term for the offense. 1926

If the amount of the drug involved is within that range and if 1927  
the offense was committed in the vicinity of a school or in the 1928  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1929  
third degree, and there is a presumption for a prison term for 1930  
the offense. 1931

(d) Except as otherwise provided in this division, if the 1932  
amount of the drug involved equals or exceeds fifty unit doses 1933  
but is less than two hundred fifty unit doses of L.S.D. in a 1934  
solid form or equals or exceeds five grams but is less than 1935  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1936  
extract, or liquid distillate form, trafficking in L.S.D. is a 1937  
felony of the third degree, and, except as otherwise provided in 1938  
this division, there is a presumption for a prison term for the 1939  
offense. If trafficking in L.S.D. is a felony of the third 1940  
degree under this division and if the offender two or more times 1941  
previously has been convicted of or pleaded guilty to a felony 1942  
drug abuse offense, the court shall impose as a mandatory prison 1943  
term one of the prison terms prescribed for a felony of the 1944  
third degree. If the amount of the drug involved is within that 1945  
range and if the offense was committed in the vicinity of a 1946  
school or in the vicinity of a juvenile, trafficking in L.S.D. 1947  
is a felony of the second degree, and the court shall impose as 1948  
a mandatory prison term a second degree felony mandatory prison 1949  
term. 1950

(e) Except as otherwise provided in this division, if the 1951  
amount of the drug involved equals or exceeds two hundred fifty 1952  
unit doses but is less than one thousand unit doses of L.S.D. in 1953  
a solid form or equals or exceeds twenty-five grams but is less 1954  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1955  
extract, or liquid distillate form, trafficking in L.S.D. is a 1956  
felony of the second degree, and the court shall impose as a 1957

mandatory prison term a second degree felony mandatory prison 1958  
term. If the amount of the drug involved is within that range 1959  
and if the offense was committed in the vicinity of a school or 1960  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1961  
of the first degree, and the court shall impose as a mandatory 1962  
prison term a first degree felony mandatory prison term. 1963

(f) If the amount of the drug involved equals or exceeds 1964  
one thousand unit doses but is less than five thousand unit 1965  
doses of L.S.D. in a solid form or equals or exceeds one hundred 1966  
grams but is less than five hundred grams of L.S.D. in a liquid 1967  
concentrate, liquid extract, or liquid distillate form and 1968  
regardless of whether the offense was committed in the vicinity 1969  
of a school or in the vicinity of a juvenile, trafficking in 1970  
L.S.D. is a felony of the first degree, and the court shall 1971  
impose as a mandatory prison term a first degree felony 1972  
mandatory prison term. 1973

(g) If the amount of the drug involved equals or exceeds 1974  
five thousand unit doses of L.S.D. in a solid form or equals or 1975  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1976  
liquid extract, or liquid distillate form and regardless of 1977  
whether the offense was committed in the vicinity of a school or 1978  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1979  
of the first degree, the offender is a major drug offender, and 1980  
the court shall impose as a mandatory prison term a maximum 1981  
first degree felony mandatory prison term. 1982

~~(6)~~(5) If the drug involved in the violation is heroin or 1983  
a compound, mixture, preparation, or substance containing 1984  
heroin, whoever violates division (A) of this section is guilty 1985  
of trafficking in heroin. The penalty for the offense shall be 1986  
determined as follows: 1987

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

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

(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty unit doses  
but is less than one hundred unit doses or equals or exceeds  
five grams but is less than ten grams, trafficking in heroin is  
a felony of the third degree, and there is a presumption for a  
prison term for the offense. If the amount of the drug involved  
is within that range and if the offense was committed in the

vicinity of a school or in the vicinity of a juvenile, 2018  
trafficking in heroin is a felony of the second degree, and 2019  
there is a presumption for a prison term for the offense. 2020

(e) Except as otherwise provided in this division, if the 2021  
amount of the drug involved equals or exceeds one hundred unit 2022  
doses but is less than five hundred unit doses or equals or 2023  
exceeds ten grams but is less than fifty grams, trafficking in 2024  
heroin is a felony of the second degree, and the court shall 2025  
impose as a mandatory prison term a second degree felony 2026  
mandatory prison term. If the amount of the drug involved is 2027  
within that range and if the offense was committed in the 2028  
vicinity of a school or in the vicinity of a juvenile, 2029  
trafficking in heroin is a felony of the first degree, and the 2030  
court shall impose as a mandatory prison term a first degree 2031  
felony mandatory prison term. 2032

(f) If the amount of the drug involved equals or exceeds 2033  
five hundred unit doses but is less than one thousand unit doses 2034  
or equals or exceeds fifty grams but is less than one hundred 2035  
grams and regardless of whether the offense was committed in the 2036  
vicinity of a school or in the vicinity of a juvenile, 2037  
trafficking in heroin is a felony of the first degree, and the 2038  
court shall impose as a mandatory prison term a first degree 2039  
felony mandatory prison term. 2040

(g) If the amount of the drug involved equals or exceeds 2041  
one thousand unit doses or equals or exceeds one hundred grams 2042  
and regardless of whether the offense was committed in the 2043  
vicinity of a school or in the vicinity of a juvenile, 2044  
trafficking in heroin is a felony of the first degree, the 2045  
offender is a major drug offender, and the court shall impose as 2046  
a mandatory prison term a maximum first degree felony mandatory 2047

prison term. 2048

~~(7) If the drug involved in the violation is hashish or a 2049  
compound, mixture, preparation, or substance containing hashish, 2050  
whoever violates division (A) of this section is guilty of 2051  
trafficking in hashish. The penalty for the offense shall be 2052  
determined as follows: 2053~~

~~(a) Except as otherwise provided in division (C) (7) (b), 2054  
(c), (d), (e), (f), or (g) of this section, trafficking in 2055  
hashish is a felony of the fifth degree, and division (B) of 2056  
section 2929.13 of the Revised Code applies in determining 2057  
whether to impose a prison term on the offender. 2058~~

~~(b) Except as otherwise provided in division (C) (7) (e), 2059  
(d), (e), (f), or (g) of this section, if the offense was 2060  
committed in the vicinity of a school or in the vicinity of a 2061  
juvenile, trafficking in hashish is a felony of the fourth 2062  
degree, and division (B) of section 2929.13 of the Revised Code 2063  
applies in determining whether to impose a prison term on the 2064  
offender. 2065~~

~~(c) Except as otherwise provided in this division, if the 2066  
amount of the drug involved equals or exceeds ten grams but is 2067  
less than fifty grams of hashish in a solid form or equals or 2068  
exceeds two grams but is less than ten grams of hashish in a 2069  
liquid concentrate, liquid extract, or liquid distillate form, 2070  
trafficking in hashish is a felony of the fourth degree, and 2071  
division (B) of section 2929.13 of the Revised Code applies in 2072  
determining whether to impose a prison term on the offender. If 2073  
the amount of the drug involved is within that range and if the 2074  
offense was committed in the vicinity of a school or in the 2075  
vicinity of a juvenile, trafficking in hashish is a felony of 2076  
the third degree, and division (C) of section 2929.13 of the 2077~~

~~Revised Code applies in determining whether to impose a prison term on the offender.~~ 2078  
2079

~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 2080  
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 2093  
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~~(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams~~ 2106  
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~~but is less than two thousand grams of hashish in a solid form- 2108  
or equals or exceeds two hundred grams but is less than four- 2109  
hundred grams of hashish in a liquid concentrate, liquid- 2110  
extract, or liquid distillate form, trafficking in hashish is a- 2111  
felony of the second degree, and the court shall impose as a- 2112  
mandatory prison term a second degree felony mandatory prison- 2113  
term of five, six, seven, or eight years. If the amount of the- 2114  
drug involved is within that range and if the offense was- 2115  
committed in the vicinity of a school or in the vicinity of a- 2116  
juvenile, trafficking in hashish is a felony of the first- 2117  
degree, and the court shall impose as a mandatory prison term a- 2118  
maximum first degree felony mandatory prison term. 2119~~

~~(g) Except as otherwise provided in this division, if the 2120  
amount of the drug involved equals or exceeds two thousand grams- 2121  
of hashish in a solid form or equals or exceeds four hundred- 2122  
grams of hashish in a liquid concentrate, liquid extract, or- 2123  
liquid distillate form, trafficking in hashish is a felony of- 2124  
the second degree, and the court shall impose as a mandatory- 2125  
prison term a maximum second degree felony mandatory prison- 2126  
term. If the amount of the drug involved equals or exceeds two- 2127  
thousand grams of hashish in a solid form or equals or exceeds- 2128  
four hundred grams of hashish in a liquid concentrate, liquid- 2129  
extract, or liquid distillate form and if the offense was- 2130  
committed in the vicinity of a school or in the vicinity of a- 2131  
juvenile, trafficking in hashish is a felony of the first- 2132  
degree, and the court shall impose as a mandatory prison term a- 2133  
maximum first degree felony mandatory prison term. 2134~~

~~(8)-(6) If the drug involved in the violation is a 2135  
controlled substance analog or compound, mixture, preparation, 2136  
or substance that contains a controlled substance analog, 2137  
whoever violates division (A) of this section is guilty of 2138~~

trafficking in a controlled substance analog. The penalty for 2139  
the offense shall be determined as follows: 2140

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C) 2141  
(6) (b), (c), (d), (e), (f), or (g) of this section, trafficking 2142  
in a controlled substance analog is a felony of the fifth 2143  
degree, and division (C) of section 2929.13 of the Revised Code 2144  
applies in determining whether to impose a prison term on the 2145  
offender. 2146

(b) Except as otherwise provided in division ~~(C) (8) (e)~~ (C) 2147  
(6) (c), (d), (e), (f), or (g) of this section, if the offense 2148  
was committed in the vicinity of a school or in the vicinity of 2149  
a juvenile, trafficking in a controlled substance analog is a 2150  
felony of the fourth degree, and division (C) of section 2929.13 2151  
of the Revised Code applies in determining whether to impose a 2152  
prison term on the offender. 2153

(c) Except as otherwise provided in this division, if the 2154  
amount of the drug involved equals or exceeds ten grams but is 2155  
less than twenty grams, trafficking in a controlled substance 2156  
analog is a felony of the fourth degree, and division (B) of 2157  
section 2929.13 of the Revised Code applies in determining 2158  
whether to impose a prison term for the offense. If the amount 2159  
of the drug involved is within that range and if the offense was 2160  
committed in the vicinity of a school or in the vicinity of a 2161  
juvenile, trafficking in a controlled substance analog is a 2162  
felony of the third degree, and there is a presumption for a 2163  
prison term for the offense. 2164

(d) Except as otherwise provided in this division, if the 2165  
amount of the drug involved equals or exceeds twenty grams but 2166  
is less than thirty grams, trafficking in a controlled substance 2167  
analog is a felony of the third degree, and there is a 2168

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 a controlled substance analog 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 thirty grams but  
is less than forty grams, trafficking in a controlled substance  
analog 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 is  
within that range and if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in a controlled substance analog is a felony of the  
first degree, and the court shall impose as a mandatory prison  
term a first degree felony mandatory prison term.

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

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

degree felony mandatory prison term. 2199

~~(9)~~(7) If the drug involved in the violation is a 2200  
fentanyl-related compound or a compound, mixture, preparation, 2201  
or substance containing a fentanyl-related compound and division 2202  
~~(C)~~~~(10)~~~~(a)~~(C) (8) (a) of this section does not apply to the drug 2203  
involved, whoever violates division (A) of this section is 2204  
guilty of trafficking in a fentanyl-related compound. The 2205  
penalty for the offense shall be determined as follows: 2206

(a) Except as otherwise provided in division ~~(C)~~~~(9)~~~~(b)~~(C) 2207  
(7)(b), (c), (d), (e), (f), (g), or (h) of this section, 2208  
trafficking in a fentanyl-related compound is a felony of the 2209  
fifth degree, and division (B) of section 2929.13 of the Revised 2210  
Code applies in determining whether to impose a prison term on 2211  
the offender. 2212

(b) Except as otherwise provided in division ~~(C)~~~~(9)~~~~(e)~~(C) 2213  
(9)(c), (d), (e), (f), (g), or (h) of this section, if the 2214  
offense was committed in the vicinity of a school or in the 2215  
vicinity of a juvenile, trafficking in a fentanyl-related 2216  
compound is a felony of the fourth degree, and division (C) of 2217  
section 2929.13 of the Revised Code applies in determining 2218  
whether to impose a prison term on the offender. 2219

(c) Except as otherwise provided in this division, if the 2220  
amount of the drug involved equals or exceeds ten unit doses but 2221  
is less than fifty unit doses or equals or exceeds one gram but 2222  
is less than five grams, trafficking in a fentanyl-related 2223  
compound is a felony of the fourth degree, and division (B) of 2224  
section 2929.13 of the Revised Code applies in determining 2225  
whether to impose a prison term for the offense. If the amount 2226  
of the drug involved is within that range and if the offense was 2227  
committed in the vicinity of a school or in the vicinity of a 2228

juvenile, trafficking in a fentanyl-related compound is a felony 2229  
of the third degree, and there is a presumption for a prison 2230  
term for the offense. 2231

(d) Except as otherwise provided in this division, if the 2232  
amount of the drug involved equals or exceeds fifty unit doses 2233  
but is less than one hundred unit doses or equals or exceeds 2234  
five grams but is less than ten grams, trafficking in a 2235  
fentanyl-related compound is a felony of the third degree, and 2236  
there is a presumption for a prison term for the offense. If the 2237  
amount of the drug involved is within that range and if the 2238  
offense was committed in the vicinity of a school or in the 2239  
vicinity of a juvenile, trafficking in a fentanyl-related 2240  
compound is a felony of the second degree, and there is a 2241  
presumption for a prison term for the offense. 2242

(e) Except as otherwise provided in this division, if the 2243  
amount of the drug involved equals or exceeds one hundred unit 2244  
doses but is less than two hundred unit doses or equals or 2245  
exceeds ten grams but is less than twenty grams, trafficking in 2246  
a fentanyl-related compound is a felony of the second degree, 2247  
and the court shall impose as a mandatory prison term one of the 2248  
prison terms prescribed for a felony of the second degree. If 2249  
the amount of the drug involved is within that range and if the 2250  
offense was committed in the vicinity of a school or in the 2251  
vicinity of a juvenile, trafficking in a fentanyl-related 2252  
compound is a felony of the first degree, and the court shall 2253  
impose as a mandatory prison term one of the prison terms 2254  
prescribed for a felony of the first degree. 2255

(f) If the amount of the drug involved equals or exceeds 2256  
two hundred unit doses but is less than five hundred unit doses 2257  
or equals or exceeds twenty grams but is less than fifty grams 2258

and regardless of whether the offense was committed in the 2259  
vicinity of a school or in the vicinity of a juvenile, 2260  
trafficking in a fentanyl-related compound is a felony of the 2261  
first degree, and the court shall impose as a mandatory prison 2262  
term one of the prison terms prescribed for a felony of the 2263  
first degree. 2264

(g) If the amount of the drug involved equals or exceeds 2265  
five hundred unit doses but is less than one thousand unit doses 2266  
or equals or exceeds fifty grams but is less than one hundred 2267  
grams and regardless of whether the offense was committed in the 2268  
vicinity of a school or in the vicinity of a juvenile, 2269  
trafficking in a fentanyl-related compound is a felony of the 2270  
first degree, and the court shall impose as a mandatory prison 2271  
term the maximum prison term prescribed for a felony of the 2272  
first degree. 2273

(h) If the amount of the drug involved equals or exceeds 2274  
one thousand unit doses or equals or exceeds one hundred grams 2275  
and regardless of whether the offense was committed in the 2276  
vicinity of a school or in the vicinity of a juvenile, 2277  
trafficking in a fentanyl-related compound is a felony of the 2278  
first degree, the offender is a major drug offender, and the 2279  
court shall impose as a mandatory prison term the maximum prison 2280  
term prescribed for a felony of the first degree. 2281

~~(10)~~ (8) If the drug involved in the violation is a 2282  
compound, mixture, preparation, or substance that is a 2283  
combination of a fentanyl-related compound and 2284  
~~marihuana~~ cannabis, one of the following applies: 2285

(a) Except as otherwise provided in division ~~(C) (10) (b)~~ 2286  
(C) (8) (b) of this section, the offender is ~~guilty of trafficking~~ 2287  
~~in marihuana and shall be punished under division (C) (3) of this~~ 2288

~~section. The offender is not~~ guilty of trafficking in a 2289  
fentanyl-related compound and shall not be charged with, 2290  
convicted of, or punished under division ~~(C) (9)~~ (C) (7) of this 2291  
section for trafficking in a fentanyl-related compound. 2292

(b) If the offender knows or has reason to know that the 2293  
compound, mixture, preparation, or substance that is the drug 2294  
involved contains a fentanyl-related compound, the offender is 2295  
guilty of trafficking in a fentanyl-related compound and shall 2296  
be punished under division ~~(C) (9)~~ (C) (7) of this section. 2297

(D) In addition to any prison term authorized or required 2298  
by division (C) of this section and sections 2929.13 and 2929.14 2299  
of the Revised Code, and in addition to any other sanction 2300  
imposed for the offense under this section or sections 2929.11 2301  
to 2929.18 of the Revised Code, the court that sentences an 2302  
offender who is convicted of or pleads guilty to a violation of 2303  
division (A) of this section may suspend the driver's or 2304  
commercial driver's license or permit of the offender in 2305  
accordance with division (G) of this section. However, if the 2306  
offender pleaded guilty to or was convicted of a violation of 2307  
section 4511.19 of the Revised Code or a substantially similar 2308  
municipal ordinance or the law of another state or the United 2309  
States arising out of the same set of circumstances as the 2310  
violation, the court shall suspend the offender's driver's or 2311  
commercial driver's license or permit in accordance with 2312  
division (G) of this section. If applicable, the court also 2313  
shall do the following: 2314

(1) If the violation of division (A) of this section is a 2315  
felony of the first, second, or third degree, the court shall 2316  
impose upon the offender the mandatory fine specified for the 2317  
offense under division (B) (1) of section 2929.18 of the Revised 2318

Code unless, as specified in that division, the court determines 2319  
that the offender is indigent. Except as otherwise provided in 2320  
division (H) (1) of this section, a mandatory fine or any other 2321  
fine imposed for a violation of this section is subject to 2322  
division (F) of this section. If a person is charged with a 2323  
violation of this section that is a felony of the first, second, 2324  
or third degree, posts bail, and forfeits the bail, the clerk of 2325  
the court shall pay the forfeited bail pursuant to divisions (D) 2326  
(1) and (F) of this section, as if the forfeited bail was a fine 2327  
imposed for a violation of this section. If any amount of the 2328  
forfeited bail remains after that payment and if a fine is 2329  
imposed under division (H) (1) of this section, the clerk of the 2330  
court shall pay the remaining amount of the forfeited bail 2331  
pursuant to divisions (H) (2) and (3) of this section, as if that 2332  
remaining amount was a fine imposed under division (H) (1) of 2333  
this section. 2334

(2) If the offender is a professionally licensed person, 2335  
the court immediately shall comply with section 2925.38 of the 2336  
Revised Code. 2337

(E) When a person is charged with the sale of or offer to 2338  
sell a bulk amount or a multiple of a bulk amount of a 2339  
controlled substance, the jury, or the court trying the accused, 2340  
shall determine the amount of the controlled substance involved 2341  
at the time of the offense and, if a guilty verdict is returned, 2342  
shall return the findings as part of the verdict. In any such 2343  
case, it is unnecessary to find and return the exact amount of 2344  
the controlled substance involved, and it is sufficient if the 2345  
finding and return is to the effect that the amount of the 2346  
controlled substance involved is the requisite amount, or that 2347  
the amount of the controlled substance involved is less than the 2348  
requisite amount. 2349



(F) (1) Notwithstanding any contrary provision of section 2350  
3719.21 of the Revised Code and except as provided in division 2351  
(H) of this section, the clerk of the court shall pay any 2352  
mandatory fine imposed pursuant to division (D) (1) of this 2353  
section and any fine other than a mandatory fine that is imposed 2354  
for a violation of this section pursuant to division (A) or (B) 2355  
(5) of section 2929.18 of the Revised Code to the county, 2356  
township, municipal corporation, park district, as created 2357  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 2358  
state law enforcement agencies in this state that primarily were 2359  
responsible for or involved in making the arrest of, and in 2360  
prosecuting, the offender. However, the clerk shall not pay a 2361  
mandatory fine so imposed to a law enforcement agency unless the 2362  
agency has adopted a written internal control policy under 2363  
division (F) (2) of this section that addresses the use of the 2364  
fine moneys that it receives. Each agency shall use the 2365  
mandatory fines so paid to subsidize the agency's law 2366  
enforcement efforts that pertain to drug offenses, in accordance 2367  
with the written internal control policy adopted by the 2368  
recipient agency under division (F) (2) of this section. 2369

(2) Prior to receiving any fine moneys under division (F) 2370  
(1) of this section or division (B) of section 2925.42 of the 2371  
Revised Code, a law enforcement agency shall adopt a written 2372  
internal control policy that addresses the agency's use and 2373  
disposition of all fine moneys so received and that provides for 2374  
the keeping of detailed financial records of the receipts of 2375  
those fine moneys, the general types of expenditures made out of 2376  
those fine moneys, and the specific amount of each general type 2377  
of expenditure. The policy shall not provide for or permit the 2378  
identification of any specific expenditure that is made in an 2379  
ongoing investigation. All financial records of the receipts of 2380

those fine moneys, the general types of expenditures made out of 2381  
those fine moneys, and the specific amount of each general type 2382  
of expenditure by an agency are public records open for 2383  
inspection under section 149.43 of the Revised Code. 2384  
Additionally, a written internal control policy adopted under 2385  
this division is such a public record, and the agency that 2386  
adopted it shall comply with it. 2387

(3) As used in division (F) of this section: 2388

(a) "Law enforcement agencies" includes, but is not 2389  
limited to, the state board of pharmacy and the office of a 2390  
prosecutor. 2391

(b) "Prosecutor" has the same meaning as in section 2392  
2935.01 of the Revised Code. 2393

(G) (1) If the sentencing court suspends the offender's 2394  
driver's or commercial driver's license or permit under division 2395  
(D) of this section or any other provision of this chapter, the 2396  
court shall suspend the license, by order, for not more than 2397  
five years. If an offender's driver's or commercial driver's 2398  
license or permit is suspended pursuant to this division, the 2399  
offender, at any time after the expiration of two years from the 2400  
day on which the offender's sentence was imposed or from the day 2401  
on which the offender finally was released from a prison term 2402  
under the sentence, whichever is later, may file a motion with 2403  
the sentencing court requesting termination of the suspension; 2404  
upon the filing of such a motion and the court's finding of good 2405  
cause for the termination, the court may terminate the 2406  
suspension. 2407

(2) Any offender who received a mandatory suspension of 2408  
the offender's driver's or commercial driver's license or permit 2409

under this section prior to September 13, 2016, may file a 2410  
motion with the sentencing court requesting the termination of 2411  
the suspension. However, an offender who pleaded guilty to or 2412  
was convicted of a violation of section 4511.19 of the Revised 2413  
Code or a substantially similar municipal ordinance or law of 2414  
another state or the United States that arose out of the same 2415  
set of circumstances as the violation for which the offender's 2416  
license or permit was suspended under this section shall not 2417  
file such a motion. 2418

Upon the filing of a motion under division (G) (2) of this 2419  
section, the sentencing court, in its discretion, may terminate 2420  
the suspension. 2421

(H) (1) In addition to any prison term authorized or 2422  
required by division (C) of this section and sections 2929.13 2423  
and 2929.14 of the Revised Code, in addition to any other 2424  
penalty or sanction imposed for the offense under this section 2425  
or sections 2929.11 to 2929.18 of the Revised Code, and in 2426  
addition to the forfeiture of property in connection with the 2427  
offense as prescribed in Chapter 2981. of the Revised Code, the 2428  
court that sentences an offender who is convicted of or pleads 2429  
guilty to a violation of division (A) of this section may impose 2430  
upon the offender an additional fine specified for the offense 2431  
in division (B) (4) of section 2929.18 of the Revised Code. A 2432  
fine imposed under division (H) (1) of this section is not 2433  
subject to division (F) of this section and shall be used solely 2434  
for the support of one or more eligible community addiction 2435  
services providers in accordance with divisions (H) (2) and (3) 2436  
of this section. 2437

(2) The court that imposes a fine under division (H) (1) of 2438  
this section shall specify in the judgment that imposes the fine 2439

one or more eligible community addiction services providers for 2440  
the support of which the fine money is to be used. No community 2441  
addiction services provider shall receive or use money paid or 2442  
collected in satisfaction of a fine imposed under division (H) 2443  
(1) of this section unless the services provider is specified in 2444  
the judgment that imposes the fine. No community addiction 2445  
services provider shall be specified in the judgment unless the 2446  
services provider is an eligible community addiction services 2447  
provider and, except as otherwise provided in division (H) (2) of 2448  
this section, unless the services provider is located in the 2449  
county in which the court that imposes the fine is located or in 2450  
a county that is immediately contiguous to the county in which 2451  
that court is located. If no eligible community addiction 2452  
services provider is located in any of those counties, the 2453  
judgment may specify an eligible community addiction services 2454  
provider that is located anywhere within this state. 2455

(3) Notwithstanding any contrary provision of section 2456  
3719.21 of the Revised Code, the clerk of the court shall pay 2457  
any fine imposed under division (H) (1) of this section to the 2458  
eligible community addiction services provider specified 2459  
pursuant to division (H) (2) of this section in the judgment. The 2460  
eligible community addiction services provider that receives the 2461  
fine moneys shall use the moneys only for the alcohol and drug 2462  
addiction services identified in the application for 2463  
certification of services under section 5119.36 of the Revised 2464  
Code or in the application for a license under section 5119.37 2465  
of the Revised Code filed with the department of mental health 2466  
and addiction services by the community addiction services 2467  
provider specified in the judgment. 2468

(4) Each community addiction services provider that 2469  
receives in a calendar year any fine moneys under division (H) 2470

(3) of this section shall file an annual report covering that 2471  
calendar year with the court of common pleas and the board of 2472  
county commissioners of the county in which the services 2473  
provider is located, with the court of common pleas and the 2474  
board of county commissioners of each county from which the 2475  
services provider received the moneys if that county is 2476  
different from the county in which the services provider is 2477  
located, and with the attorney general. The community addiction 2478  
services provider shall file the report no later than the first 2479  
day of March in the calendar year following the calendar year in 2480  
which the services provider received the fine moneys. The report 2481  
shall include statistics on the number of persons served by the 2482  
community addiction services provider, identify the types of 2483  
alcohol and drug addiction services provided to those persons, 2484  
and include a specific accounting of the purposes for which the 2485  
fine moneys received were used. No information contained in the 2486  
report shall identify, or enable a person to determine the 2487  
identity of, any person served by the community addiction 2488  
services provider. Each report received by a court of common 2489  
pleas, a board of county commissioners, or the attorney general 2490  
is a public record open for inspection under section 149.43 of 2491  
the Revised Code. 2492

(5) As used in divisions (H) (1) to (5) of this section: 2493

(a) "Community addiction services provider" and "alcohol 2494  
and drug addiction services" have the same meanings as in 2495  
section 5119.01 of the Revised Code. 2496

(b) "Eligible community addiction services provider" means 2497  
a community addiction services provider, including a community 2498  
addiction services provider that operates an opioid treatment 2499  
program licensed under section 5119.37 of the Revised Code. 2500

(I) As used in this section, "drug" includes any substance 2501  
that is represented to be a drug. 2502

(J) It is an affirmative defense to a charge of 2503  
trafficking in a controlled substance analog under division ~~(C)~~ 2504  
~~(8)~~ (C) (6) of this section that the person charged with 2505  
violating that offense sold or offered to sell, or prepared for 2506  
shipment, shipped, transported, delivered, prepared for 2507  
distribution, or distributed one of the following items that are 2508  
excluded from the meaning of "controlled substance analog" under 2509  
section 3719.01 of the Revised Code: 2510

(1) A controlled substance; 2511

(2) Any substance for which there is an approved new drug 2512  
application; 2513

(3) With respect to a particular person, any substance if 2514  
an exemption is in effect for investigational use for that 2515  
person pursuant to federal law to the extent that conduct with 2516  
respect to that substance is pursuant to that exemption. 2517

**Sec. 2925.04.** (A) No person shall ~~knowingly cultivate~~ 2518  
~~marihuana or~~ knowingly manufacture or otherwise engage in any 2519  
part of the production of a controlled substance other than 2520  
cannabis. 2521

(B) This section does not apply to any person listed in 2522  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 2523  
Code to the extent and under the circumstances described in 2524  
those divisions. 2525

(C) (1) Whoever commits a violation of division (A) of this 2526  
section ~~that involves any drug other than marihuana~~ is guilty of 2527  
illegal manufacture of drugs, ~~and whoever commits a violation of~~ 2528  
~~division (A) of this section that involves marihuana~~ is guilty 2529

~~of illegal cultivation of marihuana.~~ 2530

(2) Except as otherwise provided in this division, if the 2531  
drug involved in the violation of division (A) of this section 2532  
is any compound, mixture, preparation, or substance included in 2533  
schedule I or II, with the exception of methamphetamine or 2534  
~~marihuana~~ cannabis, illegal manufacture of drugs is a felony of 2535  
the second degree, and, subject to division (E) of this section, 2536  
the court shall impose as a mandatory prison term a second 2537  
degree felony mandatory prison term. 2538

If the drug involved in the violation is any compound, 2539  
mixture, preparation, or substance included in schedule I or II, 2540  
with the exception of methamphetamine or ~~marihuana~~ cannabis, and 2541  
if the offense was committed in the vicinity of a juvenile or in 2542  
the vicinity of a school, illegal manufacture of drugs is a 2543  
felony of the first degree, and, subject to division (E) of this 2544  
section, the court shall impose as a mandatory prison term a 2545  
first degree felony mandatory prison term. 2546

(3) If the drug involved in the violation of division (A) 2547  
of this section is methamphetamine, the penalty for the 2548  
violation shall be determined as follows: 2549

(a) Except as otherwise provided in division (C) (3) (b) of 2550  
this section, if the drug involved in the violation is 2551  
methamphetamine, illegal manufacture of drugs is a felony of the 2552  
second degree, and, subject to division (E) of this section, the 2553  
court shall impose a mandatory prison term on the offender 2554  
determined in accordance with this division. Except as otherwise 2555  
provided in this division, the court shall impose as a mandatory 2556  
prison term a second degree felony mandatory prison term that is 2557  
not less than three years. If the offender previously has been 2558  
convicted of or pleaded guilty to a violation of division (A) of 2559

this section, a violation of division (B) (6) of section 2919.22 2560  
of the Revised Code, or a violation of division (A) of section 2561  
2925.041 of the Revised Code, the court shall impose as a 2562  
mandatory prison term a second degree felony mandatory prison 2563  
term that is not less than five years. 2564

(b) If the drug involved in the violation is 2565  
methamphetamine and if the offense was committed in the vicinity 2566  
of a juvenile, in the vicinity of a school, or on public 2567  
premises, illegal manufacture of drugs is a felony of the first 2568  
degree, and, subject to division (E) of this section, the court 2569  
shall impose a mandatory prison term on the offender determined 2570  
in accordance with this division. Except as otherwise provided 2571  
in this division, the court shall impose as a mandatory prison 2572  
term a first degree felony mandatory prison term that is not 2573  
less than four years. If the offender previously has been 2574  
convicted of or pleaded guilty to a violation of division (A) of 2575  
this section, a violation of division (B) (6) of section 2919.22 2576  
of the Revised Code, or a violation of division (A) of section 2577  
2925.041 of the Revised Code, the court shall impose as a 2578  
mandatory prison term a first degree felony mandatory prison 2579  
term that is not less than five years. 2580

(4) If the drug involved in the violation of division (A) 2581  
of this section is any compound, mixture, preparation, or 2582  
substance included in schedule III, IV, or V, illegal 2583  
manufacture of drugs is a felony of the third degree or, if the 2584  
offense was committed in the vicinity of a school or in the 2585  
vicinity of a juvenile, a felony of the second degree, and there 2586  
is a presumption for a prison term for the offense. 2587

~~(5) If the drug involved in the violation is marihuana,~~ 2588  
~~the penalty for the offense shall be determined as follows:~~ 2589



~~(a) Except as otherwise provided in division (C) (5) (b), (c), (d), (e), or (f) of this section, illegal cultivation of marihuana is a minor misdemeanor or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the fourth degree.~~ 2590  
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~~(b) If the amount of marihuana involved equals or exceeds one hundred grams but is less than two hundred grams, illegal cultivation of marihuana is a misdemeanor of the fourth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a misdemeanor of the third degree.~~ 2595  
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~~(c) If the amount of marihuana involved equals or exceeds two hundred grams but is less than one thousand grams, illegal cultivation of marihuana is a felony of the fifth degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2601  
2602  
2603  
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2607

~~(d) If the amount of marihuana involved equals or exceeds one thousand grams but is less than five thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2608  
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~~(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree,~~ 2615  
2616  
2617  
2618  
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~~and there is a presumption for a prison term for the offense.~~ 2620

~~(f) Except as otherwise provided in this division, if the 2621  
amount of marihuana involved equals or exceeds twenty thousand 2622  
grams, illegal cultivation of marihuana is a felony of the 2623  
second degree, and the court shall impose as a mandatory prison- 2624  
term a maximum second degree felony mandatory prison term. If 2625  
the amount of the drug involved equals or exceeds twenty 2626  
thousand grams and if the offense was committed in the vicinity 2627  
of a school or in the vicinity of a juvenile, illegal 2628  
cultivation of marihuana is a felony of the first degree, and 2629  
the court shall impose as a mandatory prison term a maximum 2630  
first degree felony mandatory prison term.~~ 2631

(D) In addition to any prison term authorized or required 2632  
by division (C) or (E) of this section and sections 2929.13 and 2633  
2929.14 of the Revised Code and in addition to any other 2634  
sanction imposed for the offense under this section or sections 2635  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2636  
an offender who is convicted of or pleads guilty to a violation 2637  
of division (A) of this section may suspend the offender's 2638  
driver's or commercial driver's license or permit in accordance 2639  
with division (G) of section 2925.03 of the Revised Code. 2640  
However, if the offender pleaded guilty to or was convicted of a 2641  
violation of section 4511.19 of the Revised Code or a 2642  
substantially similar municipal ordinance or the law of another 2643  
state or the United States arising out of the same set of 2644  
circumstances as the violation, the court shall suspend the 2645  
offender's driver's or commercial driver's license or permit in 2646  
accordance with division (G) of section 2925.03 of the Revised 2647  
Code. If applicable, the court also shall do the following: 2648

(1) If the violation of division (A) of this section is a 2649

felony of the first, second, or third degree, the court shall 2650  
impose upon the offender the mandatory fine specified for the 2651  
offense under division (B) (1) of section 2929.18 of the Revised 2652  
Code unless, as specified in that division, the court determines 2653  
that the offender is indigent. The clerk of the court shall pay 2654  
a mandatory fine or other fine imposed for a violation of this 2655  
section pursuant to division (A) of section 2929.18 of the 2656  
Revised Code in accordance with and subject to the requirements 2657  
of division (F) of section 2925.03 of the Revised Code. The 2658  
agency that receives the fine shall use the fine as specified in 2659  
division (F) of section 2925.03 of the Revised Code. If a person 2660  
is charged with a violation of this section that is a felony of 2661  
the first, second, or third degree, posts bail, and forfeits the 2662  
bail, the clerk shall pay the forfeited bail as if the forfeited 2663  
bail were a fine imposed for a violation of this section. 2664

(2) If the offender is a professionally licensed person, 2665  
the court immediately shall comply with section 2925.38 of the 2666  
Revised Code. 2667

(E) Notwithstanding the prison term otherwise authorized 2668  
or required for the offense under division (C) of this section 2669  
and sections 2929.13 and 2929.14 of the Revised Code, if the 2670  
violation of division (A) of this section involves the sale, 2671  
offer to sell, or possession of a schedule I or II controlled 2672  
substance, with the exception of ~~marijuana~~cannabis, and if the 2673  
court imposing sentence upon the offender finds that the 2674  
offender as a result of the violation is a major drug offender 2675  
and is guilty of a specification of the type described in 2676  
division (A) of section 2941.1410 of the Revised Code, the 2677  
court, in lieu of the prison term otherwise authorized or 2678  
required, shall impose upon the offender the mandatory prison 2679  
term specified in division (B) (3) of section 2929.14 of the 2680

Revised Code. 2681

~~(F) It is an affirmative defense, as provided in section 2682  
2901.05 of the Revised Code, to a charge under this section for 2683  
a fifth degree felony violation of illegal cultivation of 2684  
marihuana that the marihuana that gave rise to the charge is in 2685  
an amount, is in a form, is prepared, compounded, or mixed with 2686  
substances that are not controlled substances in a manner, or is 2687  
possessed or cultivated under any other circumstances that 2688  
indicate that the marihuana was solely for personal use. 2689~~

~~Notwithstanding any contrary provision of division (F) of 2690  
this section, if, in accordance with section 2901.05 of the 2691  
Revised Code, a person who is charged with a violation of 2692  
illegal cultivation of marihuana that is a felony of the fifth- 2693  
degree sustains the burden of going forward with evidence of and 2694  
establishes by a preponderance of the evidence the affirmative 2695  
defense described in this division, the person may be prosecuted 2696  
for and may be convicted of or plead guilty to a misdemeanor 2697  
violation of illegal cultivation of marihuana. 2698~~

~~(G) Arrest or conviction for a minor misdemeanor violation 2699  
of this section does not constitute a criminal record and need 2700  
not be reported by the person so arrested or convicted in 2701  
response to any inquiries about the person's criminal record, 2702  
including any inquiries contained in an application for 2703  
employment, a license, or any other right or privilege or made 2704  
in connection with the person's appearance as a witness. 2705~~

~~(H)(1) If the sentencing court suspends the offender's 2706  
driver's or commercial driver's license or permit under this 2707  
section in accordance with division (G) of section 2925.03 of 2708  
the Revised Code, the offender may request termination of, and 2709  
the court may terminate, the suspension of the offender in 2710~~

accordance with that division. 2711

(2) Any offender who received a mandatory suspension of 2712  
the offender's driver's or commercial driver's license or permit 2713  
under this section prior to September 13, 2016, may file a 2714  
motion with the sentencing court requesting the termination of 2715  
the suspension. However, an offender who pleaded guilty to or 2716  
was convicted of a violation of section 4511.19 of the Revised 2717  
Code or a substantially similar municipal ordinance or law of 2718  
another state or the United States that arose out of the same 2719  
set of circumstances as the violation for which the offender's 2720  
license or permit was suspended under this section shall not 2721  
file such a motion. 2722

Upon the filing of a motion under division ~~(H)~~ (F) (2) of 2723  
this section, the sentencing court, in its discretion, may 2724  
terminate the suspension. 2725

**Sec. 2925.05.** (A) No person shall knowingly provide money 2726  
or other items of value to another person with the purpose that 2727  
the recipient of the money or items of value use them to obtain 2728  
any controlled substance other than cannabis for the purpose of 2729  
violating section 2925.04 of the Revised Code or for the purpose 2730  
of selling or offering to sell the controlled substance in the 2731  
following amount: 2732

(1) If the drug to be sold or offered for sale is any 2733  
compound, mixture, preparation, or substance included in 2734  
schedule I or II, with the exception of ~~marihuana~~ cannabis, 2735  
cocaine, L.S.D., heroin, and any fentanyl-related compound, ~~and~~ 2736  
~~hashish~~, or schedule III, IV, or V, an amount of the drug that 2737  
equals or exceeds the bulk amount of the drug; 2738

(2) ~~If the drug to be sold or offered for sale is~~ 2739

~~marihuana or a compound, mixture, preparation, or substance~~ 2740  
~~other than hashish containing marihuana, an amount of the~~ 2741  
~~marihuana that equals or exceeds two hundred grams;~~ 2742

~~(3)~~ If the drug to be sold or offered for sale is cocaine 2743  
or a compound, mixture, preparation, or substance containing 2744  
cocaine, an amount of the cocaine that equals or exceeds five 2745  
grams; 2746

~~(4)~~ (3) If the drug to be sold or offered for sale is 2747  
L.S.D. or a compound, mixture, preparation, or substance 2748  
containing L.S.D., an amount of the L.S.D. that equals or 2749  
exceeds ten unit doses if the L.S.D. is in a solid form or 2750  
equals or exceeds one gram if the L.S.D. is in a liquid 2751  
concentrate, liquid extract, or liquid distillate form; 2752

~~(5)~~ (4) If the drug to be sold or offered for sale is 2753  
heroin or a fentanyl-related compound, or a compound, mixture, 2754  
preparation, or substance containing heroin or a fentanyl- 2755  
related compound, an amount that equals or exceeds ten unit 2756  
doses or equals or exceeds one gram; 2757

~~(6) If the drug to be sold or offered for sale is hashish~~ 2758  
~~or a compound, mixture, preparation, or substance containing~~ 2759  
~~hashish, an amount of the hashish that equals or exceeds ten~~ 2760  
~~grams if the hashish is in a solid form or equals or exceeds two~~ 2761  
~~grams if the hashish is in a liquid concentrate, liquid extract,~~ 2762  
~~or liquid distillate form.~~ 2763

(B) This section does not apply to any person listed in 2764  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 2765  
Code to the extent and under the circumstances described in 2766  
those divisions. 2767

(C) (1) If the drug involved in the violation is any 2768

compound, mixture, preparation, or substance included in 2769  
schedule I or II, with the exception of ~~marihuana~~cannabis, 2770  
whoever violates division (A) of this section is guilty of 2771  
aggravated funding of drug trafficking, a felony of the first 2772  
degree, and, subject to division (E) of this section, the court 2773  
shall impose as a mandatory prison term a first degree felony 2774  
mandatory prison term. 2775

(2) If the drug involved in the violation is any compound, 2776  
mixture, preparation, or substance included in schedule III, IV, 2777  
or V, whoever violates division (A) of this section is guilty of 2778  
funding of drug trafficking, a felony of the second degree, and 2779  
the court shall impose as a mandatory prison term a second 2780  
degree felony mandatory prison term. 2781

~~(3) If the drug involved in the violation is marihuana,~~ 2782  
~~whoever violates division (A) of this section is guilty of~~ 2783  
~~funding of marihuana trafficking, a felony of the third degree,~~ 2784  
~~and, except as otherwise provided in this division, there is a~~ 2785  
~~presumption for a prison term for the offense. If funding of~~ 2786  
~~marihuana trafficking is a felony of the third degree under this~~ 2787  
~~division and if the offender two or more times previously has~~ 2788  
~~been convicted of or pleaded guilty to a felony drug abuse~~ 2789  
~~offense, the court shall impose as a mandatory prison term one~~ 2790  
~~of the prison terms prescribed for a felony of the third degree.~~ 2791

(D) In addition to any prison term authorized or required 2792  
by division (C) or (E) of this section and sections 2929.13 and 2793  
2929.14 of the Revised Code and in addition to any other 2794  
sanction imposed for the offense under this section or sections 2795  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2796  
an offender who is convicted of or pleads guilty to a violation 2797  
of division (A) of this section may suspend the offender's 2798

driver's or commercial driver's license or permit in accordance 2799  
with division (G) of section 2925.03 of the Revised Code. 2800  
However, if the offender pleaded guilty to or was convicted of a 2801  
violation of section 4511.19 of the Revised Code or a 2802  
substantially similar municipal ordinance or the law of another 2803  
state or the United States arising out of the same set of 2804  
circumstances as the violation, the court shall suspend the 2805  
offender's driver's or commercial driver's license or permit in 2806  
accordance with division (G) of section 2925.03 of the Revised 2807  
Code. If applicable, the court also shall do the following: 2808

(1) The court shall impose the mandatory fine specified 2809  
for the offense under division (B)(1) of section 2929.18 of the 2810  
Revised Code unless, as specified in that division, the court 2811  
determines that the offender is indigent. The clerk of the court 2812  
shall pay a mandatory fine or other fine imposed for a violation 2813  
of this section pursuant to division (A) of section 2929.18 of 2814  
the Revised Code in accordance with and subject to the 2815  
requirements of division (F) of section 2925.03 of the Revised 2816  
Code. The agency that receives the fine shall use the fine in 2817  
accordance with division (F) of section 2925.03 of the Revised 2818  
Code. If a person is charged with a violation of this section, 2819  
posts bail, and forfeits the bail, the forfeited bail shall be 2820  
paid as if the forfeited bail were a fine imposed for a 2821  
violation of this section. 2822

(2) If the offender is a professionally licensed person, 2823  
the court immediately shall comply with section 2925.38 of the 2824  
Revised Code. 2825

(E) Notwithstanding the prison term otherwise authorized 2826  
or required for the offense under division (C) of this section 2827  
and sections 2929.13 and 2929.14 of the Revised Code, if the 2828



violation of division (A) of this section involves the sale, 2829  
offer to sell, or possession of a schedule I or II controlled 2830  
substance, with the exception of ~~marihuana~~cannabis, one of the 2831  
following applies: 2832

(1) If the drug involved in the violation is a fentanyl- 2833  
related compound, the offense is a felony of the first degree, 2834  
the offender is a major drug offender, and the court shall 2835  
impose as a mandatory prison term the maximum prison term 2836  
prescribed for a felony of the first degree. 2837

(2) If division (E) (1) of this section does not apply and 2838  
the court imposing sentence upon the offender finds that the 2839  
offender as a result of the violation is a major drug offender 2840  
and is guilty of a specification of the type described in 2841  
division (A) of section 2941.1410 of the Revised Code, the 2842  
court, in lieu of the prison term otherwise authorized or 2843  
required, shall impose upon the offender the mandatory prison 2844  
term specified in division (B) (3) of section 2929.14 of the 2845  
Revised Code. 2846

(F) (1) If the sentencing court suspends the offender's 2847  
driver's or commercial driver's license or permit under this 2848  
section in accordance with division (G) of section 2925.03 of 2849  
the Revised Code, the offender may request termination of, and 2850  
the court may terminate, the suspension in accordance with that 2851  
division. 2852

(2) Any offender who received a mandatory suspension of 2853  
the offender's driver's or commercial driver's license or permit 2854  
under this section prior to September 13, 2016, may file a 2855  
motion with the sentencing court requesting the termination of 2856  
the suspension. However, an offender who pleaded guilty to or 2857  
was convicted of a violation of section 4511.19 of the Revised 2858

Code or a substantially similar municipal ordinance or law of 2859  
another state or the United States that arose out of the same 2860  
set of circumstances as the violation for which the offender's 2861  
license or permit was suspended under this section shall not 2862  
file such a motion. 2863

Upon the filing of a motion under division (F)(2) of this 2864  
section, the sentencing court, in its discretion, may terminate 2865  
the suspension. 2866

**Sec. 2925.11.** (A) No person shall knowingly obtain, 2867  
possess, or use a controlled substance or a controlled substance 2868  
analog. 2869

(B) (1) This section does not apply to any of the 2870  
following: 2871

(a) The obtaining, possession, or use of cannabis; 2872

(b) Manufacturers, licensed health professionals 2873  
authorized to prescribe drugs, pharmacists, owners of 2874  
pharmacies, and other persons whose conduct was in accordance 2875  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2876  
4741. of the Revised Code; 2877

~~(b)~~ (c) If the offense involves an anabolic steroid, any 2878  
person who is conducting or participating in a research project 2879  
involving the use of an anabolic steroid if the project has been 2880  
approved by the United States food and drug administration; 2881

~~(e)~~ (d) Any person who sells, offers for sale, prescribes, 2882  
dispenses, or administers for livestock or other nonhuman 2883  
species an anabolic steroid that is expressly intended for 2884  
administration through implants to livestock or other nonhuman 2885  
species and approved for that purpose under the "Federal Food, 2886  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2887

as amended, and is sold, offered for sale, prescribed, 2888  
dispensed, or administered for that purpose in accordance with 2889  
that act; 2890

~~(d)~~ (e) Any person who obtained the controlled substance 2891  
pursuant to a prescription issued by a licensed health 2892  
professional authorized to prescribe drugs if the prescription 2893  
was issued for a legitimate medical purpose and not altered, 2894  
forged, or obtained through deception or commission of a theft 2895  
offense. 2896

As used in division (B) (1) ~~(d)~~ (e) of this section, 2897  
"deception" and "theft offense" have the same meanings as in 2898  
section 2913.01 of the Revised Code. 2899

(2) (a) As used in division (B) (2) of this section: 2900

(i) "Community addiction services provider" has the same 2901  
meaning as in section 5119.01 of the Revised Code. 2902

(ii) "Community control sanction" and "drug treatment 2903  
program" have the same meanings as in section 2929.01 of the 2904  
Revised Code. 2905

(iii) "Health care facility" has the same meaning as in 2906  
section 2919.16 of the Revised Code. 2907

(iv) "Minor drug possession offense" means a violation of 2908  
this section that is a misdemeanor or a felony of the fifth 2909  
degree. 2910

(v) "Post-release control sanction" has the same meaning 2911  
as in section 2967.28 of the Revised Code. 2912

(vi) "Peace officer" has the same meaning as in section 2913  
2935.01 of the Revised Code. 2914

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	2915 2916
(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section.	2917 2918 2919 2920 2921 2922 2923 2924
(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.	2925 2926 2927 2928
(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:	2929 2930 2931 2932
(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.	2933 2934 2935 2936 2937
(ii) Subject to division (B) (2) (g) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.	2938 2939 2940 2941 2942 2943

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

(c) If a person is found to be in violation of any  
community control sanction and if the violation is a result of  
either of the following, the court shall first consider ordering  
the person's participation or continued participation in a drug  
treatment program or mitigating the penalty specified in section  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is  
applicable, after which the court has the discretion either to  
order the person's participation or continued participation in a  
drug treatment program or to impose the penalty with the  
mitigating factor specified in any of those applicable sections:

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

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

(d) If a person is found to be in violation of any post-  
release control sanction and if the violation is a result of  
either of the following, the court or the parole board shall  
first consider ordering the person's participation or continued  
participation in a drug treatment program or mitigating the  
penalty specified in section 2929.141 or 2967.28 of the Revised

Code, whichever is applicable, after which the court or the 2974  
parole board has the discretion either to order the person's 2975  
participation or continued participation in a drug treatment 2976  
program or to impose the penalty with the mitigating factor 2977  
specified in either of those applicable sections: 2978

(i) Seeking or obtaining medical assistance in good faith 2979  
for another person who is experiencing a drug overdose; 2980

(ii) Experiencing a drug overdose and seeking medical 2981  
assistance for that emergency or being the subject of another 2982  
person seeking or obtaining medical assistance for that overdose 2983  
as described in division (B) (2) (b) of this section. 2984

(e) Nothing in division (B) (2) (b) of this section shall be 2985  
construed to do any of the following: 2986

(i) Limit the admissibility of any evidence in connection 2987  
with the investigation or prosecution of a crime with regards to 2988  
a defendant who does not qualify for the protections of division 2989  
(B) (2) (b) of this section or with regards to any crime other 2990  
than a minor drug possession offense committed by a person who 2991  
qualifies for protection pursuant to division (B) (2) (b) of this 2992  
section for a minor drug possession offense; 2993

(ii) Limit any seizure of evidence or contraband otherwise 2994  
permitted by law; 2995

(iii) Limit or abridge the authority of a peace officer to 2996  
detain or take into custody a person in the course of an 2997  
investigation or to effectuate an arrest for any offense except 2998  
as provided in that division; 2999

(iv) Limit, modify, or remove any immunity from liability 3000  
available pursuant to law in effect prior to September 13, 2016, 3001  
to any public agency or to an employee of any public agency. 3002

(f) Division (B) (2) (b) of this section does not apply to 3003  
any person who twice previously has been granted an immunity 3004  
under division (B) (2) (b) of this section. No person shall be 3005  
granted an immunity under division (B) (2) (b) of this section 3006  
more than two times. 3007

(g) Nothing in this section shall compel any qualified 3008  
individual to disclose protected health information in a way 3009  
that conflicts with the requirements of the "Health Insurance 3010  
Portability and Accountability Act of 1996," 104 Pub. L. No. 3011  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3012  
regulations promulgated by the United States department of 3013  
health and human services to implement the act or the 3014  
requirements of 42 C.F.R. Part 2. 3015

(C) Whoever violates division (A) of this section is 3016  
guilty of one of the following: 3017

(1) If the drug involved in the violation is a compound, 3018  
mixture, preparation, or substance included in schedule I or II, 3019  
with the exception of ~~marihuana~~cannabis, cocaine, L.S.D., 3020  
heroin, any fentanyl-related compound, ~~hashish~~, and any 3021  
controlled substance analog, whoever violates division (A) of 3022  
this section is guilty of aggravated possession of drugs. The 3023  
penalty for the offense shall be determined as follows: 3024

(a) Except as otherwise provided in division (C) (1) (b), 3025  
(c), (d), or (e) of this section, aggravated possession of drugs 3026  
is a felony of the fifth degree, and division (B) of section 3027  
2929.13 of the Revised Code applies in determining whether to 3028  
impose a prison term on the offender. 3029

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

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

(c) If the amount of the drug involved equals or exceeds 3034  
five times the bulk amount but is less than fifty times the bulk 3035  
amount, aggravated possession of drugs is a felony of the second 3036  
degree, and the court shall impose as a mandatory prison term a 3037  
second degree felony mandatory prison term. 3038

(d) If the amount of the drug involved equals or exceeds 3039  
fifty times the bulk amount but is less than one hundred times 3040  
the bulk amount, aggravated possession of drugs is a felony of 3041  
the first degree, and the court shall impose as a mandatory 3042  
prison term a first degree felony mandatory prison term. 3043

(e) If the amount of the drug involved equals or exceeds 3044  
one hundred times the bulk amount, aggravated possession of 3045  
drugs is a felony of the first degree, the offender is a major 3046  
drug offender, and the court shall impose as a mandatory prison 3047  
term a maximum first degree felony mandatory prison term. 3048

(2) If the drug involved in the violation is a compound, 3049  
mixture, preparation, or substance included in schedule III, IV, 3050  
or V, whoever violates division (A) of this section is guilty of 3051  
possession of drugs. The penalty for the offense shall be 3052  
determined as follows: 3053

(a) Except as otherwise provided in division (C) (2) (b), 3054  
(c), or (d) of this section, possession of drugs is a 3055  
misdemeanor of the first degree or, if the offender previously 3056  
has been convicted of a drug abuse offense, a felony of the 3057  
fifth degree. 3058

(b) If the amount of the drug involved equals or exceeds 3059  
the bulk amount but is less than five times the bulk amount, 3060



possession of drugs is a felony of the fourth degree, and 3061  
division (C) of section 2929.13 of the Revised Code applies in 3062  
determining whether to impose a prison term on the offender. 3063

(c) If the amount of the drug involved equals or exceeds 3064  
five times the bulk amount but is less than fifty times the bulk 3065  
amount, possession of drugs is a felony of the third degree, and 3066  
there is a presumption for a prison term for the offense. 3067

(d) If the amount of the drug involved equals or exceeds 3068  
fifty times the bulk amount, possession of drugs is a felony of 3069  
the second degree, and the court shall impose upon the offender 3070  
as a mandatory prison term a second degree felony mandatory 3071  
prison term. 3072

~~(3) If the drug involved in the violation is marihuana or 3073  
a compound, mixture, preparation, or substance containing 3074  
marihuana other than hashish, whoever violates division (A) of 3075  
this section is guilty of possession of marihuana. The penalty 3076  
for the offense shall be determined as follows: 3077~~

~~(a) Except as otherwise provided in division (C) (3) (b), 3078  
(c), (d), (e), (f), or (g) of this section, possession of 3079  
marihuana is a minor misdemeanor. 3080~~

~~(b) If the amount of the drug involved equals or exceeds 3081  
one hundred grams but is less than two hundred grams, possession 3082  
of marihuana is a misdemeanor of the fourth degree. 3083~~

~~(c) If the amount of the drug involved equals or exceeds 3084  
two hundred grams but is less than one thousand grams, 3085  
possession of marihuana is a felony of the fifth degree, and 3086  
division (B) of section 2929.13 of the Revised Code applies in 3087  
determining whether to impose a prison term on the offender. 3088~~

~~(d) If the amount of the drug involved equals or exceeds 3089~~

~~one thousand grams but is less than five thousand grams,~~ 3090  
~~possession of marihuana is a felony of the third degree, and~~ 3091  
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3092  
~~determining whether to impose a prison term on the offender.~~ 3093

~~(e) If the amount of the drug involved equals or exceeds~~ 3094  
~~five thousand grams but is less than twenty thousand grams,~~ 3095  
~~possession of marihuana is a felony of the third degree, and~~ 3096  
~~there is a presumption that a prison term shall be imposed for~~ 3097  
~~the offense.~~ 3098

~~(f) If the amount of the drug involved equals or exceeds~~ 3099  
~~twenty thousand grams but is less than forty thousand grams,~~ 3100  
~~possession of marihuana is a felony of the second degree, and~~ 3101  
~~the court shall impose as a mandatory prison term a second~~ 3102  
~~degree felony mandatory prison term of five, six, seven, or~~ 3103  
~~eight years.~~ 3104

~~(g) If the amount of the drug involved equals or exceeds~~ 3105  
~~forty thousand grams, possession of marihuana is a felony of the~~ 3106  
~~second degree, and the court shall impose as a mandatory prison~~ 3107  
~~term a maximum second degree felony mandatory prison term.~~ 3108

~~(4) If the drug involved in the violation is cocaine or a~~ 3109  
~~compound, mixture, preparation, or substance containing cocaine,~~ 3110  
~~whoever violates division (A) of this section is guilty of~~ 3111  
~~possession of cocaine. The penalty for the offense shall be~~ 3112  
~~determined as follows:~~ 3113

(a) Except as otherwise provided in division (C) ~~(4)~~ (3) (b), 3114  
(c), (d), (e), or (f) of this section, possession of cocaine is 3115  
a felony of the fifth degree, and division (B) of section 3116  
2929.13 of the Revised Code applies in determining whether to 3117  
impose a prison term on the offender. 3118

(b) If the amount of the drug involved equals or exceeds 3119  
five grams but is less than ten grams of cocaine, possession of 3120  
cocaine is a felony of the fourth degree, and division (B) of 3121  
section 2929.13 of the Revised Code applies in determining 3122  
whether to impose a prison term on the offender. 3123

(c) If the amount of the drug involved equals or exceeds 3124  
ten grams but is less than twenty grams of cocaine, possession 3125  
of cocaine is a felony of the third degree, and, except as 3126  
otherwise provided in this division, there is a presumption for 3127  
a prison term for the offense. If possession of cocaine is a 3128  
felony of the third degree under this division and if the 3129  
offender two or more times previously has been convicted of or 3130  
pleaded guilty to a felony drug abuse offense, the court shall 3131  
impose as a mandatory prison term one of the prison terms 3132  
prescribed for a felony of the third degree. 3133

(d) If the amount of the drug involved equals or exceeds 3134  
twenty grams but is less than twenty-seven grams of cocaine, 3135  
possession of cocaine is a felony of the second degree, and the 3136  
court shall impose as a mandatory prison term a second degree 3137  
felony mandatory prison term. 3138

(e) If the amount of the drug involved equals or exceeds 3139  
twenty-seven grams but is less than one hundred grams of 3140  
cocaine, possession of cocaine is a felony of the first degree, 3141  
and the court shall impose as a mandatory prison term a first 3142  
degree felony mandatory prison term. 3143

(f) If the amount of the drug involved equals or exceeds 3144  
one hundred grams of cocaine, possession of cocaine is a felony 3145  
of the first degree, the offender is a major drug offender, and 3146  
the court shall impose as a mandatory prison term a maximum 3147  
first degree felony mandatory prison term. 3148

~~(5)~~(4) If the drug involved in the violation is L.S.D., 3149  
whoever violates division (A) of this section is guilty of 3150  
possession of L.S.D. The penalty for the offense shall be 3151  
determined as follows: 3152

(a) Except as otherwise provided in division (C) ~~(5)~~(4) (b), 3153  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 3154  
felony of the fifth degree, and division (B) of section 2929.13 3155  
of the Revised Code applies in determining whether to impose a 3156  
prison term on the offender. 3157

(b) If the amount of L.S.D. involved equals or exceeds ten 3158  
unit doses but is less than fifty unit doses of L.S.D. in a 3159  
solid form or equals or exceeds one gram but is less than five 3160  
grams of L.S.D. in a liquid concentrate, liquid extract, or 3161  
liquid distillate form, possession of L.S.D. is a felony of the 3162  
fourth degree, and division (C) of section 2929.13 of the 3163  
Revised Code applies in determining whether to impose a prison 3164  
term on the offender. 3165

(c) If the amount of L.S.D. involved equals or exceeds 3166  
fifty unit doses, but is less than two hundred fifty unit doses 3167  
of L.S.D. in a solid form or equals or exceeds five grams but is 3168  
less than twenty-five grams of L.S.D. in a liquid concentrate, 3169  
liquid extract, or liquid distillate form, possession of L.S.D. 3170  
is a felony of the third degree, and there is a presumption for 3171  
a prison term for the offense. 3172

(d) If the amount of L.S.D. involved equals or exceeds two 3173  
hundred fifty unit doses but is less than one thousand unit 3174  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 3175  
grams but is less than one hundred grams of L.S.D. in a liquid 3176  
concentrate, liquid extract, or liquid distillate form, 3177  
possession of L.S.D. is a felony of the second degree, and the 3178

court shall impose as a mandatory prison term a second degree 3179  
felony mandatory prison term. 3180

(e) If the amount of L.S.D. involved equals or exceeds one 3181  
thousand unit doses but is less than five thousand unit doses of 3182  
L.S.D. in a solid form or equals or exceeds one hundred grams 3183  
but is less than five hundred grams of L.S.D. in a liquid 3184  
concentrate, liquid extract, or liquid distillate form, 3185  
possession of L.S.D. is a felony of the first degree, and the 3186  
court shall impose as a mandatory prison term a first degree 3187  
felony mandatory prison term. 3188

(f) If the amount of L.S.D. involved equals or exceeds 3189  
five thousand unit doses of L.S.D. in a solid form or equals or 3190  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 3191  
liquid extract, or liquid distillate form, possession of L.S.D. 3192  
is a felony of the first degree, the offender is a major drug 3193  
offender, and the court shall impose as a mandatory prison term 3194  
a maximum first degree felony mandatory prison term. 3195

~~(6)~~(5) If the drug involved in the violation is heroin or 3196  
a compound, mixture, preparation, or substance containing 3197  
heroin, whoever violates division (A) of this section is guilty 3198  
of possession of heroin. The penalty for the offense shall be 3199  
determined as follows: 3200

(a) Except as otherwise provided in division (C) ~~(6)~~(5) (b), 3201  
(c), (d), (e), or (f) of this section, possession of heroin is a 3202  
felony of the fifth degree, and division (B) of section 2929.13 3203  
of the Revised Code applies in determining whether to impose a 3204  
prison term on the offender. 3205

(b) If the amount of the drug involved equals or exceeds 3206  
ten unit doses but is less than fifty unit doses or equals or 3207

exceeds one gram but is less than five grams, possession of 3208  
heroin is a felony of the fourth degree, and division (C) of 3209  
section 2929.13 of the Revised Code applies in determining 3210  
whether to impose a prison term on the offender. 3211

(c) If the amount of the drug involved equals or exceeds 3212  
fifty unit doses but is less than one hundred unit doses or 3213  
equals or exceeds five grams but is less than ten grams, 3214  
possession of heroin is a felony of the third degree, and there 3215  
is a presumption for a prison term for the offense. 3216

(d) If the amount of the drug involved equals or exceeds 3217  
one hundred unit doses but is less than five hundred unit doses 3218  
or equals or exceeds ten grams but is less than fifty grams, 3219  
possession of heroin is a felony of the second degree, and the 3220  
court shall impose as a mandatory prison term a second degree 3221  
felony mandatory prison term. 3222

(e) If the amount of the drug involved equals or exceeds 3223  
five hundred unit doses but is less than one thousand unit doses 3224  
or equals or exceeds fifty grams but is less than one hundred 3225  
grams, possession of heroin is a felony of the first degree, and 3226  
the court shall impose as a mandatory prison term a first degree 3227  
felony mandatory prison term. 3228

(f) If the amount of the drug involved equals or exceeds 3229  
one thousand unit doses or equals or exceeds one hundred grams, 3230  
possession of heroin is a felony of the first degree, the 3231  
offender is a major drug offender, and the court shall impose as 3232  
a mandatory prison term a maximum first degree felony mandatory 3233  
prison term. 3234

~~(7) If the drug involved in the violation is hashish or a 3235  
compound, mixture, preparation, or substance containing hashish, 3236~~

~~whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:~~ 3237  
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~~(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.~~ 3240  
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~~(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.~~ 3243  
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~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3249  
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~~(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3257  
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~~(e) If the amount of the drug involved equals or exceeds~~ 3265

~~two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 3266-3271

~~(f) If the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 3272-3280

~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 3281-3287

~~(8)~~ (6) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows: 3288-3293

(a) Except as otherwise provided in division (C) ~~(8)~~ (6) (b), (c), (d), (e), or (f) of this section, possession of a 3294-3295



controlled substance analog is a felony of the fifth degree, and 3296  
division (B) of section 2929.13 of the Revised Code applies in 3297  
determining whether to impose a prison term on the offender. 3298

(b) If the amount of the drug involved equals or exceeds 3299  
ten grams but is less than twenty grams, possession of a 3300  
controlled substance analog is a felony of the fourth degree, 3301  
and there is a presumption for a prison term for the offense. 3302

(c) If the amount of the drug involved equals or exceeds 3303  
twenty grams but is less than thirty grams, possession of a 3304  
controlled substance analog is a felony of the third degree, and 3305  
there is a presumption for a prison term for the offense. 3306

(d) If the amount of the drug involved equals or exceeds 3307  
thirty grams but is less than forty grams, possession of a 3308  
controlled substance analog is a felony of the second degree, 3309  
and the court shall impose as a mandatory prison term a second 3310  
degree felony mandatory prison term. 3311

(e) If the amount of the drug involved equals or exceeds 3312  
forty grams but is less than fifty grams, possession of a 3313  
controlled substance analog is a felony of the first degree, and 3314  
the court shall impose as a mandatory prison term a first degree 3315  
felony mandatory prison term. 3316

(f) If the amount of the drug involved equals or exceeds 3317  
fifty grams, possession of a controlled substance analog is a 3318  
felony of the first degree, the offender is a major drug 3319  
offender, and the court shall impose as a mandatory prison term 3320  
a maximum first degree felony mandatory prison term. 3321

~~(9)~~ (7) If the drug involved in the violation is a 3322  
compound, mixture, preparation, or substance that is a 3323  
combination of a fentanyl-related compound and ~~marijuana~~ 3324

cannabis, one of the following applies: 3325

(a) Except as otherwise provided in division (C) ~~(9)~~ (7) (b) 3326  
of this section, the offender is guilty of possession of 3327  
~~marihuana and shall be punished as provided in division (C) (3)~~ 3328  
~~of this section. Except as otherwise provided in division (C) (9)~~ 3329  
~~(b) of this section, the offender is not guilty of possession of~~ 3330  
a fentanyl-related compound under division (C) ~~(11)~~ (9) of this 3331  
section and shall not be charged with, convicted of, or punished 3332  
under division (C) ~~(11)~~ (9) of this section for possession of a 3333  
fentanyl-related compound. 3334

(b) If the offender knows or has reason to know that the 3335  
compound, mixture, preparation, or substance that is the drug 3336  
involved contains a fentanyl-related compound, the offender is 3337  
guilty of possession of a fentanyl-related compound and shall be 3338  
punished under division (C) ~~(11)~~ (9) of this section. 3339

~~(10)~~ (8) If the drug involved in the violation is a 3340  
compound, mixture, preparation, or substance that is a 3341  
combination of a fentanyl-related compound and any schedule III, 3342  
schedule IV, or schedule V controlled substance that is not a 3343  
fentanyl-related compound, one of the following applies: 3344

(a) Except as otherwise provided in division (C) ~~(10)~~ (8) (b) 3345  
of this section, the offender is guilty of possession of drugs 3346  
and shall be punished as provided in division (C) (2) of this 3347  
section. Except as otherwise provided in division (C) ~~(10)~~ (8) (b) 3348  
of this section, the offender is not guilty of possession of a 3349  
fentanyl-related compound under division (C) (11) of this section 3350  
and shall not be charged with, convicted of, or punished under 3351  
division (C) ~~(11)~~ (9) of this section for possession of a 3352  
fentanyl-related compound. 3353

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) ~~(11)~~ (9) of this section.

~~(11)~~ (9) If the drug involved in the violation is a fentanyl-related compound and neither division (C) ~~(9)~~ (7) (a) nor division (C) ~~(10)~~ (8) (a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither division (C) ~~(9)~~ (7) (a) nor division (C) ~~(10)~~ (8) (a) of this section applies to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) ~~(11)~~ (9) (b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound 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) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 3384  
third degree, and there is a presumption for a prison term for 3385  
the offense. 3386

(d) If the amount of the drug involved equals or exceeds 3387  
one hundred unit doses but is less than two hundred unit doses 3388  
or equals or exceeds ten grams but is less than twenty grams, 3389  
possession of a fentanyl-related compound is a felony of the 3390  
second degree, and the court shall impose as a mandatory prison 3391  
term one of the prison terms prescribed for a felony of the 3392  
second degree. 3393

(e) If the amount of the drug involved equals or exceeds 3394  
two hundred unit doses but is less than five hundred unit doses 3395  
or equals or exceeds twenty grams but is less than fifty grams, 3396  
possession of a fentanyl-related compound is a felony of the 3397  
first degree, and the court shall impose as a mandatory prison 3398  
term one of the prison terms prescribed for a felony of the 3399  
first degree. 3400

(f) If the amount of the drug involved equals or exceeds 3401  
five hundred unit doses but is less than one thousand unit doses 3402  
or equals or exceeds fifty grams but is less than one hundred 3403  
grams, possession of a fentanyl-related compound is a felony of 3404  
the first degree, and the court shall impose as a mandatory 3405  
prison term the maximum prison term prescribed for a felony of 3406  
the first degree. 3407

(g) If the amount of the drug involved equals or exceeds 3408  
one thousand unit doses or equals or exceeds one hundred grams, 3409  
possession of a fentanyl-related compound is a felony of the 3410  
first degree, the offender is a major drug offender, and the 3411  
court shall impose as a mandatory prison term the maximum prison 3412  
term prescribed for a felony of the first degree. 3413

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

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

(1) (a) If the violation 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.

(b) Notwithstanding any contrary provision of section 3444  
3719.21 of the Revised Code, the clerk of the court shall pay a 3445  
mandatory fine or other fine imposed for a violation of this 3446  
section pursuant to division (A) of section 2929.18 of the 3447  
Revised Code in accordance with and subject to the requirements 3448  
of division (F) of section 2925.03 of the Revised Code. The 3449  
agency that receives the fine shall use the fine as specified in 3450  
division (F) of section 2925.03 of the Revised Code. 3451

(c) If a person is charged with a violation of this 3452  
section that is a felony of the first, second, or third degree, 3453  
posts bail, and forfeits the bail, the clerk shall pay the 3454  
forfeited bail pursuant to division ~~(E)~~(D)(1)(b) of this section 3455  
as if it were a mandatory fine imposed under division ~~(E)~~(D)(1) 3456  
(a) of this section. 3457

(2) If the offender is a professionally licensed person, 3458  
in addition to any other sanction imposed for a violation of 3459  
this section, the court immediately shall comply with section 3460  
2925.38 of the Revised Code. 3461

~~(F)~~(E) It is an affirmative defense, as provided in 3462  
section 2901.05 of the Revised Code, to a charge of a fourth 3463  
degree felony violation under this section that the controlled 3464  
substance that gave rise to the charge is in an amount, is in a 3465  
form, is prepared, compounded, or mixed with substances that are 3466  
not controlled substances in a manner, or is possessed under any 3467  
other circumstances, that indicate that the substance was 3468  
possessed solely for personal use. Notwithstanding any contrary 3469  
provision of this section, if, in accordance with section 3470  
2901.05 of the Revised Code, an accused who is charged with a 3471  
fourth degree felony violation of division (C) (2), (3), (4), or 3472  
(5), ~~or (6)~~ of this section sustains the burden of going forward 3473

with evidence of and establishes by a preponderance of the 3474  
evidence the affirmative defense described in this division, the 3475  
accused may be prosecuted for and may plead guilty to or be 3476  
convicted of a misdemeanor violation of division (C)(2) of this 3477  
section or a fifth degree felony violation of division (C) (3), 3478  
(4), or (5), ~~or (6)~~ of this section respectively. 3479

~~(G)~~ (F) When a person is charged with possessing a bulk 3480  
amount or multiple of a bulk amount, division (E) of section 3481  
2925.03 of the Revised Code applies regarding the determination 3482  
of the amount of the controlled substance involved at the time 3483  
of the offense. 3484

~~(H)~~ (G) It is an affirmative defense to a charge of 3485  
possession of a controlled substance analog under division (C) 3486  
~~(8)~~ (6) of this section that the person charged with violating 3487  
that offense obtained, possessed, or used one of the following 3488  
items that are excluded from the meaning of "controlled 3489  
substance analog" under section 3719.01 of the Revised Code: 3490

(1) A controlled substance; 3491

(2) Any substance for which there is an approved new drug 3492  
application; 3493

(3) With respect to a particular person, any substance if 3494  
an exemption is in effect for investigational use for that 3495  
person pursuant to federal law to the extent that conduct with 3496  
respect to that substance is pursuant to that exemption. 3497

~~(I)~~ (H) Any offender who received a mandatory suspension 3498  
of the offender's driver's or commercial driver's license or 3499  
permit under this section prior to September 13, 2016, may file 3500  
a motion with the sentencing court requesting the termination of 3501  
the suspension. However, an offender who pleaded guilty to or 3502

was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

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

**Sec. 2925.111.** (A) No person under twenty-one years of age shall knowingly purchase, possess, or cultivate cannabis.

(B) Whoever violates this section is guilty of underage possession of cannabis, a minor misdemeanor, and notwithstanding division (A)(2) of section 2929.28 of the Revised Code, shall be subject to the following monetary penalties:

(1) For a first offense, a fine of up to one hundred dollars;

(2) For a second or subsequent offense, a fine of up to five hundred dollars.

**Sec. 2925.14.** (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance other than cannabis in violation of this chapter. "Drug paraphernalia" includes, but is not limited



to, any of the following equipment, products, or materials that 3532  
are used by the offender, intended by the offender for use, or 3533  
designed by the offender for use, in any of the following 3534  
manners: 3535

(1) A kit for propagating, cultivating, growing, or 3536  
harvesting any species of a plant that is a controlled substance 3537  
other than cannabis or from which a controlled substance other 3538  
than cannabis can be derived; 3539

(2) A kit for manufacturing, compounding, converting, 3540  
producing, processing, or preparing a controlled substance other 3541  
than cannabis; 3542

(3) Any object, instrument, or device for manufacturing, 3543  
compounding, converting, producing, processing, or preparing 3544  
methamphetamine; 3545

(4) An isomerization device for increasing the potency of 3546  
any species of a plant that is a controlled substance other than 3547  
cannabis; 3548

(5) Testing equipment for identifying, or analyzing the 3549  
strength, effectiveness, or purity of, a controlled substance 3550  
other than cannabis; 3551

(6) A scale or balance for weighing or measuring a 3552  
controlled substance other than cannabis; 3553

(7) A diluent or adulterant, such as quinine 3554  
hydrochloride, mannitol, mannite, dextrose, or lactose, for 3555  
cutting a controlled substance other than cannabis; 3556

~~(8) A separation gin or sifter for removing twigs and 3557  
seeds from, or otherwise cleaning or refining, marihuana;~~ 3558

~~(9) A blender, bowl, container, spoon, or mixing device 3559~~

for compounding a controlled substance other than cannabis; 3560

~~(10)~~ (9) A capsule, balloon, envelope, or container for 3561  
packaging small quantities of a controlled substance other than 3562  
cannabis; 3563

~~(11)~~ (10) A container or device for storing or concealing 3564  
a controlled substance other than cannabis; 3565

~~(12)~~ (11) A hypodermic syringe, needle, or instrument for 3566  
parenterally injecting a controlled substance into the human 3567  
body; 3568

~~(13)~~ (12) An object, instrument, or device for ingesting, 3569  
inhaling, or otherwise introducing cocaine into the human body, 3570  
~~marihuana, cocaine, hashish, or hashish oil,~~ such as a metal, 3571  
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 3572  
without a screen, permanent screen, ~~hashish head,~~ or punctured 3573  
metal bowl; water pipe; carburation tube or device; smoking or 3574  
carburation mask; ~~roach clip or similar object used to hold~~ 3575  
~~burning material, such as a marihuana cigarette, that has become~~ 3576  
~~too small or too short to be held in the hand;~~ miniature cocaine 3577  
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 3578  
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 3579

(B) In determining if any equipment, product, or material 3580  
is drug paraphernalia, a court or law enforcement officer shall 3581  
consider, in addition to other relevant factors, the following: 3582

(1) Any statement by the owner, or by anyone in control, 3583  
of the equipment, product, or material, concerning its use; 3584

(2) The proximity in time or space of the equipment, 3585  
product, or material, or of the act relating to the equipment, 3586  
product, or material, to a violation of any provision of this 3587  
chapter; 3588

- (3) The proximity of the equipment, product, or material 3589  
to any controlled substance other than cannabis; 3590
- (4) The existence of any residue of a controlled substance 3591  
other than cannabis on the equipment, product, or material; 3592
- (5) Direct or circumstantial evidence of the intent of the 3593  
owner, or of anyone in control, of the equipment, product, or 3594  
material, to deliver it to any person whom the owner or person 3595  
in control of the equipment, product, or material knows intends 3596  
to use the object to facilitate a violation of any provision of 3597  
this chapter. A finding that the owner, or anyone in control, of 3598  
the equipment, product, or material, is not guilty of a 3599  
violation of any other provision of this chapter does not 3600  
prevent a finding that the equipment, product, or material was 3601  
intended or designed by the offender for use as drug 3602  
paraphernalia. 3603
- (6) Any oral or written instruction provided with the 3604  
equipment, product, or material concerning its use; 3605
- (7) Any descriptive material accompanying the equipment, 3606  
product, or material and explaining or depicting its use; 3607
- (8) National or local advertising concerning the use of 3608  
the equipment, product, or material; 3609
- (9) The manner and circumstances in which the equipment, 3610  
product, or material is displayed for sale; 3611
- (10) Direct or circumstantial evidence of the ratio of the 3612  
sales of the equipment, product, or material to the total sales 3613  
of the business enterprise; 3614
- (11) The existence and scope of legitimate uses of the 3615  
equipment, product, or material in the community; 3616

(12) Expert testimony concerning the use of the equipment, 3617  
product, or material. 3618

~~(C) (1) Subject to division (D) (2) of this section, no~~ 3619  
person shall knowingly use, or possess with purpose to use, drug 3620  
paraphernalia. 3621

(2) No person shall knowingly sell, or possess or 3622  
manufacture with purpose to sell, drug paraphernalia, if the 3623  
person knows or reasonably should know that the equipment, 3624  
product, or material will be used as drug paraphernalia. 3625

(3) No person shall place an advertisement in any 3626  
newspaper, magazine, handbill, or other publication that is 3627  
published and printed and circulates primarily within this 3628  
state, if the person knows that the purpose of the advertisement 3629  
is to promote the illegal sale in this state of the equipment, 3630  
product, or material that the offender intended or designed for 3631  
use as drug paraphernalia. 3632

~~(D) (1)~~ This section does not apply to manufacturers, 3633  
licensed health professionals authorized to prescribe drugs, 3634  
pharmacists, owners of pharmacies, and other persons whose 3635  
conduct is in accordance with Chapters 3719., 4715., 4723., 3636  
4729., 4730., 4731., and 4741. of the Revised Code. This section 3637  
shall not be construed to prohibit the possession or use of a 3638  
hypodermic as authorized by section 3719.172 of the Revised 3639  
Code. 3640

~~(2) Division (C) (1) of this section does not apply to a~~ 3641  
~~person's use, or possession with purpose to use, any drug~~ 3642  
~~paraphernalia that is equipment, a product, or material of any~~ 3643  
~~kind that is used by the person, intended by the person for use,~~ 3644  
~~or designed for use in storing, containing, concealing,~~ 3645

~~injecting, ingesting, inhaling, or otherwise introducing into  
the human body marihuana.~~ 3646  
3647

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3648  
drug paraphernalia that was used, possessed, sold, or 3649  
manufactured in a violation of this section shall be seized, 3650  
after a conviction for that violation shall be forfeited, and 3651  
upon forfeiture shall be disposed of pursuant to division (B) of 3652  
section 2981.12 of the Revised Code. 3653

(F) (1) Whoever violates division (C) (1) of this section is 3654  
guilty of illegal use or possession of drug paraphernalia, a 3655  
misdemeanor of the fourth degree. 3656

(2) Except as provided in division (F) (3) of this section, 3657  
whoever violates division (C) (2) of this section is guilty of 3658  
dealing in drug paraphernalia, a misdemeanor of the second 3659  
degree. 3660

(3) Whoever violates division (C) (2) of this section by 3661  
selling drug paraphernalia to a juvenile is guilty of selling 3662  
drug paraphernalia to juveniles, a misdemeanor of the first 3663  
degree. 3664

(4) Whoever violates division (C) (3) of this section is 3665  
guilty of illegal advertising of drug paraphernalia, a 3666  
misdemeanor of the second degree. 3667

(G) (1) In addition to any other sanction imposed upon an 3668  
offender for a violation of this section, the court may suspend 3669  
for not more than five years the offender's driver's or 3670  
commercial driver's license or permit. However, if the offender 3671  
pleaded guilty to or was convicted of a violation of section 3672  
4511.19 of the Revised Code or a substantially similar municipal 3673  
ordinance or the law of another state or the United States 3674

arising out of the same set of circumstances as the violation, 3675  
the court shall suspend the offender's driver's or commercial 3676  
driver's license or permit for not more than five years. If the 3677  
offender is a professionally licensed person, in addition to any 3678  
other sanction imposed for a violation of this section, the 3679  
court immediately shall comply with section 2925.38 of the 3680  
Revised Code. 3681

(2) Any offender who received a mandatory suspension of 3682  
the offender's driver's or commercial driver's license or permit 3683  
under this section prior to ~~the effective date of this amendment~~ 3684  
September 13, 2016, may file a motion with the sentencing court 3685  
requesting the termination of the suspension. However, an 3686  
offender who pleaded guilty to or was convicted of a violation 3687  
of section 4511.19 of the Revised Code or a substantially 3688  
similar municipal ordinance or law of another state or the 3689  
United States that arose out of the same set of circumstances as 3690  
the violation for which the offender's license or permit was 3691  
suspended under this section shall not file such a motion. 3692

Upon the filing of a motion under division (G)(2) of this 3693  
section, the sentencing court, in its discretion, may terminate 3694  
the suspension. 3695

**Sec. 2925.22.** (A) No person, by deception, shall procure 3696  
the administration of, a prescription for, or the dispensing of, 3697  
a dangerous drug or shall possess an uncompleted preprinted 3698  
prescription blank used for writing a prescription for a 3699  
dangerous drug. 3700

(B) Whoever violates this section is guilty of deception 3701  
to obtain a dangerous drug. The penalty for the offense shall be 3702  
determined as follows: 3703

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

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

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

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, or if the amount of the drug involved that could be obtained pursuant to the prescription would equal or exceed five

times the bulk amount but would be less than fifty times the 3734  
bulk amount, it is a felony of the second degree, and there is a 3735  
presumption for a prison term for the offense. 3736

(d) If the amount of the drug involved equals or exceeds 3737  
fifty times the bulk amount, or if the amount of the drug 3738  
involved that could be obtained pursuant to the prescription 3739  
would equal or exceed fifty times the bulk amount, it is a 3740  
felony of the first degree, and there is a presumption for a 3741  
prison term for the offense. 3742

(3) If the drug involved is a compound, mixture, 3743  
preparation, or substance included in schedule III, IV, or V ~~or~~ 3744  
~~is marijuana~~, the penalty for deception to obtain a dangerous 3745  
drug is one of the following: 3746

(a) Except as otherwise provided in division (B) (3) (b), 3747  
(c), or (d) of this section, it is a felony of the fifth degree, 3748  
and division (C) of section 2929.13 of the Revised Code applies 3749  
in determining whether to impose a prison term on the offender. 3750

(b) If the amount of the drug involved equals or exceeds 3751  
the bulk amount but is less than five times the bulk amount, or 3752  
if the amount of the drug involved that could be obtained 3753  
pursuant to the prescription would equal or exceed the bulk 3754  
amount but would be less than five times the bulk amount, it is 3755  
a felony of the fourth degree, and division (C) of section 3756  
2929.13 of the Revised Code applies in determining whether to 3757  
impose a prison term on the offender. 3758

(c) If the amount of the drug involved equals or exceeds 3759  
five times the bulk amount but is less than fifty times the bulk 3760  
amount, or if the amount of the drug involved that could be 3761  
obtained pursuant to the prescription would equal or exceed five 3762



times the bulk amount but would be less than fifty times the 3763  
bulk amount, it is a felony of the third degree, and there is a 3764  
presumption for a prison term for the offense. 3765

(d) If the amount of the drug involved equals or exceeds 3766  
fifty times the bulk amount, or if the amount of the drug 3767  
involved that could be obtained pursuant to the prescription 3768  
would equal or exceed fifty times the bulk amount, it is a 3769  
felony of the second degree, and there is a presumption for a 3770  
prison term for the offense. 3771

(C) (1) In addition to any prison term authorized or 3772  
required by division (B) of this section and sections 2929.13 3773  
and 2929.14 of the Revised Code and in addition to any other 3774  
sanction imposed for the offense under this section or sections 3775  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3776  
an offender who is convicted of or pleads guilty to a violation 3777  
of division (A) of this section may suspend for not more than 3778  
five years the offender's driver's or commercial driver's 3779  
license or permit. However, if the offender pleaded guilty to or 3780  
was convicted of a violation of section 4511.19 of the Revised 3781  
Code or a substantially similar municipal ordinance or the law 3782  
of another state or the United States arising out of the same 3783  
set of circumstances as the violation, the court shall suspend 3784  
the offender's driver's or commercial driver's license or permit 3785  
for not more than five years. 3786

If the offender is a professionally licensed person, in 3787  
addition to any other sanction imposed for a violation of this 3788  
section, the court immediately shall comply with section 2925.38 3789  
of the Revised Code. 3790

(2) Any offender who received a mandatory suspension of 3791  
the offender's driver's or commercial driver's license or permit 3792

under this section prior to ~~the effective date of this amendment~~ 3793  
September 13, 2016, may file a motion with the sentencing court 3794  
requesting the termination of the suspension. However, an 3795  
offender who pleaded guilty to or was convicted of a violation 3796  
of section 4511.19 of the Revised Code or a substantially 3797  
similar municipal ordinance or law of another state or the 3798  
United States that arose out of the same set of circumstances as 3799  
the violation for which the offender's license or permit was 3800  
suspended under this section shall not file such a motion. 3801

Upon the filing of a motion under division (C) (2) of this 3802  
section, the sentencing court, in its discretion, may terminate 3803  
the suspension. 3804

(D) Notwithstanding any contrary provision of section 3805  
3719.21 of the Revised Code, the clerk of the court shall pay a 3806  
fine imposed for a violation of this section pursuant to 3807  
division (A) of section 2929.18 of the Revised Code in 3808  
accordance with and subject to the requirements of division (F) 3809  
of section 2925.03 of the Revised Code. The agency that receives 3810  
the fine shall use the fine as specified in division (F) of 3811  
section 2925.03 of the Revised Code. 3812

**Sec. 2925.23.** (A) No person shall knowingly make a false 3813  
statement in any prescription, order, report, or record required 3814  
by Chapter 3719. or 4729. of the Revised Code. 3815

(B) No person shall intentionally make, utter, or sell, or 3816  
knowingly possess any of the following that is a false or 3817  
forged: 3818

(1) Prescription; 3819

(2) Uncompleted preprinted prescription blank used for 3820  
writing a prescription; 3821

(3) Official written order;	3822
(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3823 3824
(5) License for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3825 3826 3827 3828
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	3829 3830
(1) A prescription;	3831
(2) An uncompleted preprinted prescription blank used for writing a prescription;	3832 3833
(3) An official written order;	3834
(4) A blank official written order;	3835
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	3836 3837 3838
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	3839 3840 3841 3842 3843
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	3844 3845 3846
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs,	3847 3848

pharmacists, owners of pharmacies, and other persons whose 3849  
conduct is in accordance with Chapters 3719., 4715., 4723., 3850  
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3851

(F) Whoever violates this section is guilty of illegal 3852  
processing of drug documents. If the offender violates division 3853  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3854  
section, illegal processing of drug documents is a felony of the 3855  
fifth degree. If the offender violates division (A), division 3856  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3857  
section, the penalty for illegal processing of drug documents 3858  
shall be determined as follows: 3859

(1) If the drug involved is a compound, mixture, 3860  
preparation, or substance included in schedule I or II, with the 3861  
exception of ~~marihuana~~cannabis, illegal processing of drug 3862  
documents is a felony of the fourth degree, and division (C) of 3863  
section 2929.13 of the Revised Code applies in determining 3864  
whether to impose a prison term on the offender. 3865

(2) If the drug involved is a dangerous drug or a 3866  
compound, mixture, preparation, or substance included in 3867  
schedule III, IV, or V ~~or is marihuana~~, illegal processing of 3868  
drug documents is a felony of the fifth degree, and division (C) 3869  
of section 2929.13 of the Revised Code applies in determining 3870  
whether to impose a prison term on the offender. 3871

(G) (1) In addition to any prison term authorized or 3872  
required by division (F) of this section and sections 2929.13 3873  
and 2929.14 of the Revised Code and in addition to any other 3874  
sanction imposed for the offense under this section or sections 3875  
2929.11 to 2929.18 of the Revised Code, the court that sentences 3876  
an offender who is convicted of or pleads guilty to any 3877  
violation of divisions (A) to (D) of this section may suspend 3878

for not more than five years the offender's driver's or 3879  
commercial driver's license or permit. However, if the offender 3880  
pleaded guilty to or was convicted of a violation of section 3881  
4511.19 of the Revised Code or a substantially similar municipal 3882  
ordinance or the law of another state or the United States 3883  
arising out of the same set of circumstances as the violation, 3884  
the court shall suspend the offender's driver's or commercial 3885  
driver's license or permit for not more than five years. 3886

If the offender is a professionally licensed person, in 3887  
addition to any other sanction imposed for a violation of this 3888  
section, the court immediately shall comply with section 2925.38 3889  
of the Revised Code. 3890

(2) Any offender who received a mandatory suspension of 3891  
the offender's driver's or commercial driver's license or permit 3892  
under this section prior to September 13, 2016, may file a 3893  
motion with the sentencing court requesting the termination of 3894  
the suspension. However, an offender who pleaded guilty to or 3895  
was convicted of a violation of section 4511.19 of the Revised 3896  
Code or a substantially similar municipal ordinance or law of 3897  
another state or the United States that arose out of the same 3898  
set of circumstances as the violation for which the offender's 3899  
license or permit was suspended under this section shall not 3900  
file such a motion. 3901

Upon the filing of a motion under division (G)(2) of this 3902  
section, the sentencing court, in its discretion, may terminate 3903  
the suspension. 3904

(H) Notwithstanding any contrary provision of section 3905  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3906  
imposed for a violation of this section pursuant to division (A) 3907  
of section 2929.18 of the Revised Code in accordance with and 3908

subject to the requirements of division (F) of section 2925.03 3909  
of the Revised Code. The agency that receives the fine shall use 3910  
the fine as specified in division (F) of section 2925.03 of the 3911  
Revised Code. 3912

**Sec. 2925.36.** (A) No person shall knowingly furnish 3913  
another a sample drug. 3914

(B) Division (A) of this section does not apply to 3915  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3916  
licensed health professionals authorized to prescribe drugs, and 3917  
other persons whose conduct is in accordance with Chapters 3918  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3919  
the Revised Code. 3920

(C) (1) Whoever violates this section is guilty of illegal 3921  
dispensing of drug samples. 3922

(2) If the drug involved in the offense is a compound, 3923  
mixture, preparation, or substance included in schedule I or II, 3924  
with the exception of ~~marihuana~~cannabis, the penalty for the 3925  
offense shall be determined as follows: 3926

(a) Except as otherwise provided in division (C) (2) (b) of 3927  
this section, illegal dispensing of drug samples is a felony of 3928  
the fifth degree, and, subject to division (E) of this section, 3929  
division (C) of section 2929.13 of the Revised Code applies in 3930  
determining whether to impose a prison term on the offender. 3931

(b) If the offense was committed in the vicinity of a 3932  
school or in the vicinity of a juvenile, illegal dispensing of 3933  
drug samples is a felony of the fourth degree, and, subject to 3934  
division (E) of this section, division (C) of section 2929.13 of 3935  
the Revised Code applies in determining whether to impose a 3936  
prison term on the offender. 3937

(3) If the drug involved in the offense is a dangerous 3938  
drug or a compound, mixture, preparation, or substance included 3939  
in schedule III, IV, or V, ~~or is marijuana,~~ the penalty for the 3940  
offense shall be determined as follows: 3941

(a) Except as otherwise provided in division (C) (3) (b) of 3942  
this section, illegal dispensing of drug samples is a 3943  
misdemeanor of the second degree. 3944

(b) If the offense was committed in the vicinity of a 3945  
school or in the vicinity of a juvenile, illegal dispensing of 3946  
drug samples is a misdemeanor of the first degree. 3947

(D) (1) In addition to any prison term authorized or 3948  
required by division (C) or (E) of this section and sections 3949  
2929.13 and 2929.14 of the Revised Code and in addition to any 3950  
other sanction imposed for the offense under this section or 3951  
sections 2929.11 to 2929.18 of the Revised Code, the court that 3952  
sentences an offender who is convicted of or pleads guilty to a 3953  
violation of division (A) of this section may suspend for not 3954  
more than five years the offender's driver's or commercial 3955  
driver's license or permit. However, if the offender pleaded 3956  
guilty to or was convicted of a violation of section 4511.19 of 3957  
the Revised Code or a substantially similar municipal ordinance 3958  
or the law of another state or the United States arising out of 3959  
the same set of circumstances as the violation, the court shall 3960  
suspend the offender's driver's or commercial driver's license 3961  
or permit for not more than five years. 3962

If the offender is a professionally licensed person, in 3963  
addition to any other sanction imposed for a violation of this 3964  
section, the court immediately shall comply with section 2925.38 3965  
of the Revised Code. 3966

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

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

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

(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to



division (A) of section 2929.18 of the Revised Code in 3997  
accordance with and subject to the requirements of division (F) 3998  
of section 2925.03 of the Revised Code. The agency that receives 3999  
the fine shall use the fine as specified in division (F) of 4000  
section 2925.03 of the Revised Code. 4001

**Sec. 2925.38.** If a person who is convicted of or pleads 4002  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 4003  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 4004  
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4005  
2925.37 of the Revised Code is a professionally licensed person, 4006  
in addition to any other sanctions imposed for the violation, 4007  
the court, except as otherwise provided in this section, 4008  
immediately shall transmit a certified copy of the judgment 4009  
entry of conviction to the regulatory or licensing board or 4010  
agency that has the administrative authority to suspend or 4011  
revoke the offender's professional license. If the 4012  
professionally licensed person who is convicted of or pleads 4013  
guilty to a violation of any section listed in this section is a 4014  
person who has been admitted to the bar by order of the supreme 4015  
court in compliance with its prescribed and published rules, in 4016  
addition to any other sanctions imposed for the violation, the 4017  
court immediately shall transmit a certified copy of the 4018  
judgment entry of conviction to the secretary of the board of 4019  
commissioners on grievances and discipline of the supreme court 4020  
and to either the disciplinary counsel or the president, 4021  
secretary, and chairperson of each certified grievance 4022  
committee. 4023

**Sec. 2925.51.** (A) In any criminal prosecution for a 4024  
violation of this chapter or Chapter 3719. of the Revised Code, 4025  
a laboratory report from the bureau of criminal identification 4026  
and investigation, a laboratory operated by another law 4027

enforcement agency, or a laboratory established by or under the 4028  
authority of an institution of higher education that has its 4029  
main campus in this state and that is accredited by the 4030  
association of American universities or the north central 4031  
association of colleges and secondary schools, primarily for the 4032  
purpose of providing scientific services to law enforcement 4033  
agencies and signed by the person performing the analysis, 4034  
stating that the substance that is the basis of the alleged 4035  
offense has been weighed and analyzed and stating the findings 4036  
as to the content, weight, and identity of the substance and 4037  
that it contains any amount of a controlled substance and the 4038  
number and description of unit dosages, is prima-facie evidence 4039  
of the content, identity, and weight or the existence and number 4040  
of unit dosages of the substance. In any criminal prosecution 4041  
for a violation of section 2925.041 of the Revised Code or a 4042  
violation of this chapter or Chapter 3719. of the Revised Code 4043  
that is based on the possession of chemicals sufficient to 4044  
produce a compound, mixture, preparation, or substance included 4045  
in schedule I, II, III, IV, or V, a laboratory report from the 4046  
bureau or from any laboratory that is operated or established as 4047  
described in this division that is signed by the person 4048  
performing the analysis, stating that the substances that are 4049  
the basis of the alleged offense have been weighed and analyzed 4050  
and stating the findings as to the content, weight, and identity 4051  
of each of the substances, is prima-facie evidence of the 4052  
content, identity, and weight of the substances. 4053

Attached to that report shall be a copy of a notarized 4054  
statement by the signer of the report giving the name of the 4055  
signer and stating that the signer is an employee of the 4056  
laboratory issuing the report and that performing the analysis 4057  
is a part of the signer's regular duties, and giving an outline 4058

of the signer's education, training, and experience for 4059  
performing an analysis of materials included under this section. 4060  
The signer shall attest that scientifically accepted tests were 4061  
performed with due caution, and that the evidence was handled in 4062  
accordance with established and accepted procedures while in the 4063  
custody of the laboratory. 4064

(B) The prosecuting attorney shall serve a copy of the 4065  
report on the attorney of record for the accused, or on the 4066  
accused if the accused has no attorney, prior to any proceeding 4067  
in which the report is to be used against the accused other than 4068  
at a preliminary hearing or grand jury proceeding where the 4069  
report may be used without having been previously served upon 4070  
the accused. 4071

(C) The report shall not be prima-facie evidence of the 4072  
contents, identity, and weight or the existence and number of 4073  
unit dosages of the substance if the accused or the accused's 4074  
attorney demands the testimony of the person signing the report, 4075  
by serving the demand upon the prosecuting attorney within seven 4076  
days from the accused or the accused's attorney's receipt of the 4077  
report. The time may be extended by a trial judge in the 4078  
interests of justice. 4079

(D) Any report issued for use under this section shall 4080  
contain notice of the right of the accused to demand, and the 4081  
manner in which the accused shall demand, the testimony of the 4082  
person signing the report. 4083

(E) Any person who is accused of a violation of this 4084  
chapter or of Chapter 3719. of the Revised Code is entitled, 4085  
upon written request made to the prosecuting attorney, to have a 4086  
portion of the substance that is, or of each of the substances 4087  
that are, the basis of the alleged violation preserved for the 4088

benefit of independent analysis performed by a laboratory 4089  
analyst employed by the accused person, or, if the accused is 4090  
indigent, by a qualified laboratory analyst appointed by the 4091  
court. Such portion shall be a representative sample of the 4092  
entire substance that is, or of each of the substances that are, 4093  
the basis of the alleged violation and shall be of sufficient 4094  
size, in the opinion of the court, to permit the accused's 4095  
analyst to make a thorough scientific analysis concerning the 4096  
identity of the substance or substances. The prosecuting 4097  
attorney shall provide the accused's analyst with the sample 4098  
portion at least fourteen days prior to trial, unless the trial 4099  
is to be held in a court not of record or unless the accused 4100  
person is charged with a minor misdemeanor, in which case the 4101  
prosecuting attorney shall provide the accused's analyst with 4102  
the sample portion at least three days prior to trial. If the 4103  
prosecuting attorney determines that such a sample portion 4104  
cannot be preserved and given to the accused's analyst, the 4105  
prosecuting attorney shall so inform the accused person or his 4106  
attorney. In such a circumstance, the accused person is 4107  
entitled, upon written request made to the prosecuting attorney, 4108  
to have the accused's privately employed or court appointed 4109  
analyst present at an analysis of the substance that is, or the 4110  
substances that are, the basis of the alleged violation, and, 4111  
upon further written request, to receive copies of all recorded 4112  
scientific data that result from the analysis and that can be 4113  
used by an analyst in arriving at conclusions, findings, or 4114  
opinions concerning the identity of the substance or substances 4115  
subject to the analysis. 4116

(F) In addition to the rights provided under division (E) 4117  
of this section, any person who is accused of a violation of 4118  
this chapter or of Chapter 3719. of the Revised Code that 4119

involves a bulk amount of a controlled substance, or any 4120  
multiple thereof, ~~or who is accused of a violation of section~~ 4121  
~~2925.11 of the Revised Code, other than a minor misdemeanor~~ 4122  
~~violation, that involves marihuana,~~ is entitled, upon written 4123  
request made to the prosecuting attorney, to have a laboratory 4124  
analyst of the accused's choice, or, if the accused is indigent, 4125  
a qualified laboratory analyst appointed by the court present at 4126  
a measurement or weighing of the substance that is the basis of 4127  
the alleged violation. Also, the accused person is entitled, 4128  
upon further written request, to receive copies of all recorded 4129  
scientific data that result from the measurement or weighing and 4130  
that can be used by an analyst in arriving at conclusions, 4131  
findings, or opinions concerning the weight, volume, or number 4132  
of unit doses of the substance subject to the measurement or 4133  
weighing. 4134

Sec. 2927.30. (A) As used in this section and sections 4135  
2927.31 and 2927.32 of the Revised Code: 4136

(1) "Age verification" means a service provided by an 4137  
independent third party (other than a manufacturer, producer, 4138  
distributor, wholesaler, or retailer of cannabis or cannabis 4139  
products) that compares information available from a 4140  
commercially available database, or aggregate of databases, that 4141  
regularly are used by government and businesses for the purpose 4142  
of age and identity verification to personal information 4143  
provided during an internet sale or other remote method of sale 4144  
to establish that the purchaser is twenty-one years of age or 4145  
older. 4146

(2) "Child" means a person under the age of twenty-one. 4147

(3) "Distribute" means to furnish, give, or provide 4148  
cannabis or cannabis products to the ultimate consumer of the 4149

cannabis or cannabis products. 4150

(4) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is twenty-one years of age or older. 4151  
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(B) No person shall do any of the following: 4156

(1) Recklessly give, sell, or otherwise distribute cannabis or cannabis products to any child; 4157  
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(2) Recklessly give away, sell, or distribute cannabis or cannabis products in any place that does not have posted in a conspicuous place a sign stating that giving, selling, or otherwise distributing cannabis or cannabis products to a person under twenty-one years of age is prohibited by law; 4159  
4160  
4161  
4162  
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(3) Knowingly furnish any false information regarding the name, age, or other identification of any child with purpose to obtain cannabis or cannabis products for that child; 4164  
4165  
4166

(4) Recklessly give, sell, or otherwise distribute cannabis or cannabis products over the internet or through another remote method without age verification. 4167  
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(C) The following are affirmative defenses to a charge under division (B)(1) of this section: 4170  
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(1) The child was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the child. 4172  
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4174

(2) The person who gave, sold, or distributed cannabis or cannabis products to a child under division (B)(1) of this section is a parent, spouse who is twenty-one years of age or 4175  
4176  
4177

older, or legal guardian of the child. 4178

(D) It is not a violation of division (B)(1) or (2) of 4179  
this section for a person to give or otherwise distribute to a 4180  
child cannabis or cannabis products while the child is 4181  
participating in a research protocol if all of the following 4182  
apply: 4183

(1) The parent, guardian, or legal custodian of the child 4184  
has consented in writing to the child participating in the 4185  
research protocol. 4186

(2) An institutional human subjects protection review 4187  
board, or an equivalent entity, has approved the research 4188  
protocol. 4189

(3) The child is participating in the research protocol at 4190  
the facility or location specified in the research protocol. 4191

(E)(1) Whoever violates division (B)(1), (2), or (4) of 4192  
this section is guilty of illegal distribution of cannabis or 4193  
cannabis products. Except as otherwise provided in this 4194  
division, illegal distribution of cannabis or cannabis products 4195  
is a misdemeanor of the fourth degree. If the offender 4196  
previously has been convicted of a violation of division (B)(1), 4197  
(2), or (4) of this section, illegal distribution of cannabis or 4198  
cannabis products is a misdemeanor of the third degree. 4199

(2) Whoever violates division (B)(3) of this section is 4200  
guilty of permitting children to use cannabis or cannabis 4201  
products. Except as otherwise provided in this division, 4202  
permitting children to use cannabis or cannabis products is a 4203  
misdemeanor of the fourth degree. If the offender previously has 4204  
been convicted of a violation of division (B)(3) of this 4205  
section, permitting children to use cannabis or cannabis 4206

products is a misdemeanor of the third degree. 4207

(F) Any cannabis or cannabis products that are given, 4208  
sold, or otherwise distributed to a child in violation of this 4209  
section and that are used, possessed, purchased, or received by 4210  
a child in violation of section 2925.111 of the Revised Code are 4211  
subject to seizure and forfeiture as contraband under Chapter 4212  
2981. of the Revised Code. 4213

**Sec. 2927.31.** (A) As used in this section and section 4214  
2927.32 of the Revised Code: 4215

(1) "Card holder" means any person who presents a driver's 4216  
or commercial driver's license or an identification card to a 4217  
seller, or an agent or employee of a seller, to purchase or 4218  
receive cannabis or cannabis products from the seller, agent, or 4219  
employee. 4220

(2) "Identification card" means an identification card 4221  
issued under sections 4507.50 to 4507.52 of the Revised Code. 4222

(3) "Seller" means a seller of cannabis or cannabis 4223  
products and includes any person whose gift of or other 4224  
distribution of cannabis or cannabis products is subject to the 4225  
prohibitions of section 2927.30 of the Revised Code. 4226

(4) "Transaction scan" means the process by which a seller 4227  
or an agent or employee of a seller checks, by means of a 4228  
transaction scan device, the validity of a driver's or 4229  
commercial driver's license or an identification card that is 4230  
presented as a condition for purchasing or receiving cannabis or 4231  
cannabis products. 4232

(5) "Transaction scan device" means any commercial device 4233  
or combination of devices used at a point of sale that is 4234  
capable of deciphering in an electronically readable format the 4235



information encoded on the magnetic strip or bar code of a 4236  
driver's or commercial driver's license or an identification 4237  
card. 4238

(B)(1) A seller or an agent or employee of a seller may 4239  
perform a transaction scan by means of a transaction scan device 4240  
to check the validity of a driver's or commercial driver's 4241  
license or identification card presented by a card holder as a 4242  
condition for selling, giving away, or otherwise distributing to 4243  
the card holder cannabis or cannabis products. 4244

(2) If the information deciphered by the transaction scan 4245  
performed under division (B)(1) of this section fails to match 4246  
the information printed on the driver's or commercial driver's 4247  
license or identification card presented by the card holder, or 4248  
if the transaction scan indicates that the information so 4249  
printed is false or fraudulent, neither the seller nor any agent 4250  
or employee of the seller shall sell, give away, or otherwise 4251  
distribute any cannabis or cannabis products to the card holder. 4252

(3) Division (B)(1) of this section does not preclude a 4253  
seller or an agent or employee of a seller from using a 4254  
transaction scan device to check the validity of a document 4255  
other than a driver's or commercial driver's license or an 4256  
identification card, if the document includes a bar code or 4257  
magnetic strip that may be scanned by the device, as a condition 4258  
for selling, giving away, or otherwise distributing cannabis or 4259  
cannabis products to the person presenting the document. 4260

(C) Rules adopted by the registrar of motor vehicles under 4261  
division (C) of section 4301.61 of the Revised Code apply to the 4262  
use of transaction scan devices for purposes of this section and 4263  
section 2927.32 of the Revised Code. 4264

(D) (1) No seller or agent or employee of a seller shall 4265  
electronically or mechanically record or maintain any 4266  
information derived from a transaction scan, except the 4267  
following: 4268

(a) The name and date of birth of the person listed on the 4269  
driver's or commercial driver's license or identification card 4270  
presented by a card holder; 4271

(b) The expiration date and identification number of the 4272  
driver's or commercial driver's license or identification card 4273  
presented by a card holder. 4274

(2) No seller or agent or employee of a seller shall use 4275  
the information that is derived from a transaction scan or that 4276  
is permitted to be recorded and maintained under division (D) (1) 4277  
of this section, except for purposes of section 2927.32 of the 4278  
Revised Code. 4279

(3) No seller or agent or employee of a seller shall use a 4280  
transaction scan device for a purpose other than the purpose 4281  
specified in division (B) (1) of this section. 4282

(4) No seller or agent or employee of a seller shall sell 4283  
or otherwise disseminate the information derived from a 4284  
transaction scan to any third party, including, but not limited 4285  
to, selling or otherwise disseminating that information for any 4286  
marketing, advertising, or promotional activities, but a seller 4287  
or agent or employee of a seller may release that information 4288  
pursuant to a court order or as specifically authorized by 4289  
section 2927.32 or another section of the Revised Code. 4290

(E) Nothing in this section or section 2927.32 of the 4291  
Revised Code relieves a seller or an agent or employee of a 4292  
seller of any responsibility to comply with any other applicable 4293

state or federal laws or rules governing the sale, giving away, 4294  
or other distribution of cannabis or cannabis products. 4295

(F) Whoever violates division (B) (2) or (D) of this 4296  
section is guilty of engaging in an illegal cannabis or cannabis 4297  
product transaction scan, and the court may impose upon the 4298  
offender a civil penalty of up to one thousand dollars for each 4299  
violation. The clerk of the court shall pay each collected civil 4300  
penalty to the county treasurer for deposit into the county 4301  
treasury. 4302

**Sec. 2927.32.** (A) A seller or an agent or employee of a 4303  
seller may not be found guilty of a charge of a violation of 4304  
section 2927.30 of the Revised Code in which the age of the 4305  
purchaser or other recipient of cannabis or cannabis products is 4306  
an element of the alleged violation, if the seller, agent, or 4307  
employee raises and proves as an affirmative defense that all of 4308  
the following occurred: 4309

(1) A card holder attempting to purchase or receive 4310  
cannabis or cannabis products presented a driver's or commercial 4311  
driver's license or an identification card. 4312

(2) A transaction scan of the driver's or commercial 4313  
driver's license or identification card that the card holder 4314  
presented indicated that the license or card was valid. 4315

(3) The cannabis or cannabis products were sold, given 4316  
away, or otherwise distributed to the card holder in reasonable 4317  
reliance upon the identification presented and the completed 4318  
transaction scan. 4319

(B) In determining whether a seller or an agent or 4320  
employee of a seller has proven the affirmative defense provided 4321  
by division (A) of this section, the trier of fact in the action 4322

for the alleged violation of section 2927.30 of the Revised Code 4323  
shall consider any written policy that the seller has adopted 4324  
and implemented and that is intended to prevent violations of 4325  
section 2927.30 of the Revised Code. For purposes of division 4326  
(A) (3) of this section, the trier of fact shall consider that 4327  
reasonable reliance upon the identification presented and the 4328  
completed transaction scan may require a seller or an agent or 4329  
employee of a seller to exercise reasonable diligence to 4330  
determine, and that the use of a transaction scan device does 4331  
not excuse a seller or an agent or employee of a seller from 4332  
exercising reasonable diligence to determine, the following: 4333

(1) Whether a person to whom the seller or agent or 4334  
employee of a seller sells, gives away, or otherwise distributes 4335  
cannabis or cannabis products is twenty-one years of age or 4336  
older; 4337

(2) Whether the description and picture appearing on the 4338  
driver's or commercial driver's license or identification card 4339  
presented by a card holder is that of the card holder. 4340

(C) In any criminal action in which the affirmative 4341  
defense provided by division (A) of this section is raised, the 4342  
registrar of motor vehicles or a deputy registrar who issued an 4343  
identification card under sections 4507.50 to 4507.52 of the 4344  
Revised Code shall be permitted to submit certified copies of 4345  
the records of that issuance in lieu of the testimony of the 4346  
personnel of or contractors with the bureau of motor vehicles in 4347  
the action. 4348

**Sec. 2929.01.** As used in this chapter: 4349

(A) (1) "Alternative residential facility" means, subject 4350  
to division (A) (2) of this section, any facility other than an 4351

offender's home or residence in which an offender is assigned to live and that satisfies all of the following criteria:

(a) It provides programs through which the offender may seek or maintain employment or may receive education, training, treatment, or habilitation.

(b) It has received the appropriate license or certificate for any specialized education, training, treatment, habilitation, or other service that it provides from the government agency that is responsible for licensing or certifying that type of education, training, treatment, habilitation, or service.

(2) "Alternative residential facility" does not include a community-based correctional facility, jail, halfway house, or prison.

(B) "Basic probation supervision" means a requirement that the offender maintain contact with a person appointed to supervise the offender in accordance with sanctions imposed by the court or imposed by the parole board pursuant to section 2967.28 of the Revised Code. "Basic probation supervision" includes basic parole supervision and basic post-release control supervision.

(C) "Cocaine," "fentanyl-related compound," ~~"hashish,"~~ "L.S.D.," and "unit dose" have the same meanings as in section 2925.01 of the Revised Code.

(D) "Community-based correctional facility" means a community-based correctional facility and program or district community-based correctional facility and program developed pursuant to sections 2301.51 to 2301.58 of the Revised Code.

(E) "Community control sanction" means a sanction that is

not a prison term and that is described in section 2929.15, 4381  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 4382  
that is not a jail term and that is described in section 4383  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 4384  
control sanction" includes probation if the sentence involved 4385  
was imposed for a felony that was committed prior to July 1, 4386  
1996, or if the sentence involved was imposed for a misdemeanor 4387  
that was committed prior to January 1, 2004. 4388

(F) "Controlled substance," ~~"marihuana,"~~ "schedule I," and 4389  
"schedule II" have the same meanings as in section 3719.01 of 4390  
the Revised Code. 4391

(G) "Curfew" means a requirement that an offender during a 4392  
specified period of time be at a designated place. 4393

(H) "Day reporting" means a sanction pursuant to which an 4394  
offender is required each day to report to and leave a center or 4395  
other approved reporting location at specified times in order to 4396  
participate in work, education or training, treatment, and other 4397  
approved programs at the center or outside the center. 4398

(I) "Deadly weapon" has the same meaning as in section 4399  
2923.11 of the Revised Code. 4400

(J) "Drug and alcohol use monitoring" means a program 4401  
under which an offender agrees to submit to random chemical 4402  
analysis of the offender's blood, breath, or urine to determine 4403  
whether the offender has ingested any alcohol or other drugs. 4404

(K) "Drug treatment program" means any program under which 4405  
a person undergoes assessment and treatment designed to reduce 4406  
or completely eliminate the person's physical or emotional 4407  
reliance upon alcohol, another drug, or alcohol and another drug 4408  
and under which the person may be required to receive assessment 4409

and treatment on an outpatient basis or may be required to 4410  
reside at a facility other than the person's home or residence 4411  
while undergoing assessment and treatment. 4412

(L) "Economic loss" means any economic detriment suffered 4413  
by a victim as a direct and proximate result of the commission 4414  
of an offense and includes any loss of income due to lost time 4415  
at work because of any injury caused to the victim, and any 4416  
property loss, medical cost, or funeral expense incurred as a 4417  
result of the commission of the offense. "Economic loss" does 4418  
not include non-economic loss or any punitive or exemplary 4419  
damages. 4420

(M) "Education or training" includes study at, or in 4421  
conjunction with a program offered by, a university, college, or 4422  
technical college or vocational study and also includes the 4423  
completion of primary school, secondary school, and literacy 4424  
curricula or their equivalent. 4425

(N) "Firearm" has the same meaning as in section 2923.11 4426  
of the Revised Code. 4427

(O) "Halfway house" means a facility licensed by the 4428  
division of parole and community services of the department of 4429  
rehabilitation and correction pursuant to section 2967.14 of the 4430  
Revised Code as a suitable facility for the care and treatment 4431  
of adult offenders. 4432

(P) "House arrest" means a period of confinement of an 4433  
offender that is in the offender's home or in other premises 4434  
specified by the sentencing court or by the parole board 4435  
pursuant to section 2967.28 of the Revised Code and during which 4436  
all of the following apply: 4437

(1) The offender is required to remain in the offender's 4438

home or other specified premises for the specified period of 4439  
confinement, except for periods of time during which the 4440  
offender is at the offender's place of employment or at other 4441  
premises as authorized by the sentencing court or by the parole 4442  
board. 4443

(2) The offender is required to report periodically to a 4444  
person designated by the court or parole board. 4445

(3) The offender is subject to any other restrictions and 4446  
requirements that may be imposed by the sentencing court or by 4447  
the parole board. 4448

(Q) "Intensive probation supervision" means a requirement 4449  
that an offender maintain frequent contact with a person 4450  
appointed by the court, or by the parole board pursuant to 4451  
section 2967.28 of the Revised Code, to supervise the offender 4452  
while the offender is seeking or maintaining necessary 4453  
employment and participating in training, education, and 4454  
treatment programs as required in the court's or parole board's 4455  
order. "Intensive probation supervision" includes intensive 4456  
parole supervision and intensive post-release control 4457  
supervision. 4458

(R) "Jail" means a jail, workhouse, minimum security jail, 4459  
or other residential facility used for the confinement of 4460  
alleged or convicted offenders that is operated by a political 4461  
subdivision or a combination of political subdivisions of this 4462  
state. 4463

(S) "Jail term" means the term in a jail that a sentencing 4464  
court imposes or is authorized to impose pursuant to section 4465  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4466  
provision of the Revised Code that authorizes a term in a jail 4467



for a misdemeanor conviction. 4468

(T) "Mandatory jail term" means the term in a jail that a 4469  
sentencing court is required to impose pursuant to division (G) 4470  
of section 1547.99 of the Revised Code, division (E) of section 4471  
2903.06 or division (D) of section 2903.08 of the Revised Code, 4472  
division (E) or (G) of section 2929.24 of the Revised Code, 4473  
division (B) of section 4510.14 of the Revised Code, or division 4474  
(G) of section 4511.19 of the Revised Code or pursuant to any 4475  
other provision of the Revised Code that requires a term in a 4476  
jail for a misdemeanor conviction. 4477

(U) "Delinquent child" has the same meaning as in section 4478  
2152.02 of the Revised Code. 4479

(V) "License violation report" means a report that is made 4480  
by a sentencing court, or by the parole board pursuant to 4481  
section 2967.28 of the Revised Code, to the regulatory or 4482  
licensing board or agency that issued an offender a professional 4483  
license or a license or permit to do business in this state and 4484  
that specifies that the offender has been convicted of or 4485  
pleaded guilty to an offense that may violate the conditions 4486  
under which the offender's professional license or license or 4487  
permit to do business in this state was granted or an offense 4488  
for which the offender's professional license or license or 4489  
permit to do business in this state may be revoked or suspended. 4490

(W) "Major drug offender" means an offender who is 4491  
convicted of or pleads guilty to the possession of, sale of, or 4492  
offer to sell any drug, compound, mixture, preparation, or 4493  
substance that consists of or contains ~~at least one thousand~~ 4494  
~~grams of hashish;~~ at least one hundred grams of cocaine; at 4495  
least one thousand unit doses or one hundred grams of heroin; at 4496  
least five thousand unit doses of L.S.D. or five hundred grams 4497

of L.S.D. in a liquid concentrate, liquid extract, or liquid 4498  
distillate form; at least fifty grams of a controlled substance 4499  
analog; at least one thousand unit doses or one hundred grams of 4500  
a fentanyl-related compound; or at least one hundred times the 4501  
amount of any other schedule I or II controlled substance other 4502  
than ~~marihuana~~ cannabis that is necessary to commit a felony of 4503  
the third degree pursuant to section 2925.03, 2925.04, 2925.05, 4504  
or 2925.11 of the Revised Code that is based on the possession 4505  
of, sale of, or offer to sell the controlled substance. 4506

(X) "Mandatory prison term" means any of the following: 4507

(1) Subject to division (X)(2) of this section, the term 4508  
in prison that must be imposed for the offenses or circumstances 4509  
set forth in divisions (F)(1) to (8) or (F)(12) to (21) of 4510  
section 2929.13 and division (B) of section 2929.14 of the 4511  
Revised Code. Except as provided in sections 2925.02, 2925.03, 4512  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 4513  
maximum or another specific term is required under section 4514  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 4515  
described in this division may be any prison term authorized for 4516  
the level of offense except that if the offense is a felony of 4517  
the first or second degree committed on or after ~~the effective~~ 4518  
~~date of this amendment~~ March 22, 2019, a mandatory prison term 4519  
described in this division may be one of the terms prescribed in 4520  
division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised 4521  
Code, whichever is applicable, that is authorized as the minimum 4522  
term for the offense. 4523

(2) The term of sixty or one hundred twenty days in prison 4524  
that a sentencing court is required to impose for a third or 4525  
fourth degree felony OVI offense pursuant to division (G)(2) of 4526  
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 4527

of the Revised Code or the term of one, two, three, four, or 4528  
five years in prison that a sentencing court is required to 4529  
impose pursuant to division (G) (2) of section 2929.13 of the 4530  
Revised Code. 4531

(3) The term in prison imposed pursuant to division (A) of 4532  
section 2971.03 of the Revised Code for the offenses and in the 4533  
circumstances described in division (F) (11) of section 2929.13 4534  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4535  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4536  
section 2971.03 of the Revised Code and that term as modified or 4537  
terminated pursuant to section 2971.05 of the Revised Code. 4538

(Y) "Monitored time" means a period of time during which 4539  
an offender continues to be under the control of the sentencing 4540  
court or parole board, subject to no conditions other than 4541  
leading a law-abiding life. 4542

(Z) "Offender" means a person who, in this state, is 4543  
convicted of or pleads guilty to a felony or a misdemeanor. 4544

(AA) "Prison" means a residential facility used for the 4545  
confinement of convicted felony offenders that is under the 4546  
control of the department of rehabilitation and correction and 4547  
includes a violation sanction center operated under authority of 4548  
section 2967.141 of the Revised Code. 4549

(BB) (1) "Prison term" includes either of the following 4550  
sanctions for an offender: 4551

(a) A stated prison term; 4552

(b) A term in a prison shortened by, or with the approval 4553  
of, the sentencing court pursuant to section 2929.143, 2929.20, 4554  
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4555

(2) With respect to a non-life felony indefinite prison term, references in any provision of law to a reduction of, or deduction from, the prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term.

(CC) "Repeat violent offender" means a person about whom both of the following apply:

(1) The person is being sentenced for committing or for complicity in committing any of the following:

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section.

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(FF) (1) "Stated prison term" means the prison term, 4584  
mandatory prison term, or combination of all prison terms and 4585  
mandatory prison terms imposed by the sentencing court pursuant 4586  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4587  
under section 2919.25 of the Revised Code. "Stated prison term" 4588  
includes any credit received by the offender for time spent in 4589  
jail awaiting trial, sentencing, or transfer to prison for the 4590  
offense and any time spent under house arrest or house arrest 4591  
with electronic monitoring imposed after earning credits 4592  
pursuant to section 2967.193 of the Revised Code. If an offender 4593  
is serving a prison term as a risk reduction sentence under 4594  
sections 2929.143 and 5120.036 of the Revised Code, "stated 4595  
prison term" includes any period of time by which the prison 4596  
term imposed upon the offender is shortened by the offender's 4597  
successful completion of all assessment and treatment or 4598  
programming pursuant to those sections. 4599

(2) As used in the definition of "stated prison term" set 4600  
forth in division (FF) (1) of this section, a prison term is a 4601  
definite prison term imposed under section 2929.14 of the 4602  
Revised Code or any other provision of law, is the minimum and 4603  
maximum prison terms under a non-life felony indefinite prison 4604  
term, or is a term of life imprisonment except to the extent 4605  
that the use of that definition in a section of the Revised Code 4606  
clearly is not intended to include a term of life imprisonment. 4607  
With respect to an offender sentenced to a non-life felony 4608  
indefinite prison term, references in section 2967.191 or 4609  
2967.193 of the Revised Code or any other provision of law to a 4610  
reduction of, or deduction from, the offender's stated prison 4611  
term or to release of the offender before the expiration of the 4612  
offender's stated prison term mean a reduction in, or deduction 4613  
from, the minimum term imposed as part of the indefinite term or 4614

a release of the offender before the expiration of that minimum 4615  
term, references in section 2929.19 or 2967.28 of the Revised 4616  
Code to a stated prison term with respect to a prison term 4617  
imposed for a violation of a post-release control sanction mean 4618  
the minimum term so imposed, and references in any provision of 4619  
law to an offender's service of the offender's stated prison 4620  
term or the expiration of the offender's stated prison term mean 4621  
service or expiration of the minimum term so imposed plus any 4622  
additional period of incarceration under the sentence that is 4623  
required under section 2967.271 of the Revised Code. 4624

(GG) "Victim-offender mediation" means a reconciliation or 4625  
mediation program that involves an offender and the victim of 4626  
the offense committed by the offender and that includes a 4627  
meeting in which the offender and the victim may discuss the 4628  
offense, discuss restitution, and consider other sanctions for 4629  
the offense. 4630

(HH) "Fourth degree felony OVI offense" means a violation 4631  
of division (A) of section 4511.19 of the Revised Code that, 4632  
under division (G) of that section, is a felony of the fourth 4633  
degree. 4634

(II) "Mandatory term of local incarceration" means the 4635  
term of sixty or one hundred twenty days in a jail, a community- 4636  
based correctional facility, a halfway house, or an alternative 4637  
residential facility that a sentencing court may impose upon a 4638  
person who is convicted of or pleads guilty to a fourth degree 4639  
felony OVI offense pursuant to division (G) (1) of section 4640  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 4641  
section 4511.19 of the Revised Code. 4642

(JJ) "Designated homicide, assault, or kidnapping 4643  
offense," "violent sex offense," "sexual motivation 4644

specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device.

(UU) "Electronic monitoring device" means any of the following:

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU) (1) (b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU) (1) (a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU) (1) (c) of this section, and can transmit continuously an appropriate signal to that central



monitoring computer if the device has been turned off or altered 4702  
without prior court approval or otherwise tampered with. The 4703  
device is designed specifically for use in electronic 4704  
monitoring, is not a converted wireless phone or another 4705  
tracking device that is clearly not designed for electronic 4706  
monitoring, and provides a means of text-based or voice 4707  
communication with the person. 4708

(c) The device has a central monitoring computer that can 4709  
receive continuously the signals transmitted by a wireless or 4710  
landline telephone connection by a receiver of the type 4711  
described in division (UU) (1) (b) of this section and can monitor 4712  
continuously the person to whom an electronic monitoring device 4713  
of the type described in division (UU) (1) (a) of this section is 4714  
attached. 4715

(2) Any device that is not a device of the type described 4716  
in division (UU) (1) of this section and that conforms with all 4717  
of the following: 4718

(a) The device includes a transmitter and receiver that 4719  
can monitor and determine the location of a subject person at 4720  
any time, or at a designated point in time, through the use of a 4721  
central monitoring computer or through other electronic means. 4722

(b) The device includes a transmitter and receiver that 4723  
can determine at any time, or at a designated point in time, 4724  
through the use of a central monitoring computer or other 4725  
electronic means the fact that the transmitter is turned off or 4726  
altered in any manner without prior approval of the court in 4727  
relation to the electronic monitoring or without prior approval 4728  
of the department of rehabilitation and correction in relation 4729  
to the use of an electronic monitoring device for an inmate on 4730  
transitional control or otherwise is tampered with. 4731

(3) Any type of technology that can adequately track or 4732  
determine the location of a subject person at any time and that 4733  
is approved by the director of rehabilitation and correction, 4734  
including, but not limited to, any satellite technology, voice 4735  
tracking system, or retinal scanning system that is so approved. 4736

(VV) "Non-economic loss" means nonpecuniary harm suffered 4737  
by a victim of an offense as a result of or related to the 4738  
commission of the offense, including, but not limited to, pain 4739  
and suffering; loss of society, consortium, companionship, care, 4740  
assistance, attention, protection, advice, guidance, counsel, 4741  
instruction, training, or education; mental anguish; and any 4742  
other intangible loss. 4743

(WW) "Prosecutor" has the same meaning as in section 4744  
2935.01 of the Revised Code. 4745

(XX) "Continuous alcohol monitoring" means the ability to 4746  
automatically test and periodically transmit alcohol consumption 4747  
levels and tamper attempts at least every hour, regardless of 4748  
the location of the person who is being monitored. 4749

(YY) A person is "adjudicated a sexually violent predator" 4750  
if the person is convicted of or pleads guilty to a violent sex 4751  
offense and also is convicted of or pleads guilty to a sexually 4752  
violent predator specification that was included in the 4753  
indictment, count in the indictment, or information charging 4754  
that violent sex offense or if the person is convicted of or 4755  
pleads guilty to a designated homicide, assault, or kidnapping 4756  
offense and also is convicted of or pleads guilty to both a 4757  
sexual motivation specification and a sexually violent predator 4758  
specification that were included in the indictment, count in the 4759  
indictment, or information charging that designated homicide, 4760  
assault, or kidnapping offense. 4761

(ZZ) An offense is "committed in proximity to a school" if 4762  
the offender commits the offense in a school safety zone or 4763  
within five hundred feet of any school building or the 4764  
boundaries of any school premises, regardless of whether the 4765  
offender knows the offense is being committed in a school safety 4766  
zone or within five hundred feet of any school building or the 4767  
boundaries of any school premises. 4768

(AAA) "Human trafficking" means a scheme or plan to which 4769  
all of the following apply: 4770

(1) Its object is one or more of the following: 4771

(a) To subject a victim or victims to involuntary 4772  
servitude, as defined in section 2905.31 of the Revised Code or 4773  
to compel a victim or victims to engage in sexual activity for 4774  
hire, to engage in a performance that is obscene, sexually 4775  
oriented, or nudity oriented, or to be a model or participant in 4776  
the production of material that is obscene, sexually oriented, 4777  
or nudity oriented; 4778

(b) To facilitate, encourage, or recruit a victim who is 4779  
less than sixteen years of age or is a person with a 4780  
developmental disability, or victims who are less than sixteen 4781  
years of age or are persons with developmental disabilities, for 4782  
any purpose listed in divisions (A)(2)(a) to (c) of section 4783  
2905.32 of the Revised Code; 4784

(c) To facilitate, encourage, or recruit a victim who is 4785  
sixteen or seventeen years of age, or victims who are sixteen or 4786  
seventeen years of age, for any purpose listed in divisions (A) 4787  
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 4788  
circumstances described in division (A)(5), (6), (7), (8), (9), 4789  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4790

apply with respect to the person engaging in the conduct and the 4791  
victim or victims. 4792

(2) It involves at least two felony offenses, whether or 4793  
not there has been a prior conviction for any of the felony 4794  
offenses, to which all of the following apply: 4795

(a) Each of the felony offenses is a violation of section 4796  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4797  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4798  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4799  
is a violation of a law of any state other than this state that 4800  
is substantially similar to any of the sections or divisions of 4801  
the Revised Code identified in this division. 4802

(b) At least one of the felony offenses was committed in 4803  
this state. 4804

(c) The felony offenses are related to the same scheme or 4805  
plan and are not isolated instances. 4806

(BBB) "Material," "nudity," "obscene," "performance," and 4807  
"sexual activity" have the same meanings as in section 2907.01 4808  
of the Revised Code. 4809

(CCC) "Material that is obscene, sexually oriented, or 4810  
nudity oriented" means any material that is obscene, that shows 4811  
a person participating or engaging in sexual activity, 4812  
masturbation, or bestiality, or that shows a person in a state 4813  
of nudity. 4814

(DDD) "Performance that is obscene, sexually oriented, or 4815  
nudity oriented" means any performance that is obscene, that 4816  
shows a person participating or engaging in sexual activity, 4817  
masturbation, or bestiality, or that shows a person in a state 4818  
of nudity. 4819

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4820  
as an ignitable liquid, used to initiate a fire or increase the 4821  
rate of growth or spread of a fire. 4822

(FFF) "Permanent disabling harm" means serious physical 4823  
harm that results in permanent injury to the intellectual, 4824  
physical, or sensory functions and that permanently and 4825  
substantially impairs a person's ability to meet one or more of 4826  
the ordinary demands of life, including the functions of caring 4827  
for one's self, performing manual tasks, walking, seeing, 4828  
hearing, speaking, breathing, learning, and working. 4829

(GGG) "Non-life felony indefinite prison term" means a 4830  
prison term imposed under division (A) (1) (a) or (2) (a) of 4831  
section 2929.14 and section 2929.144 of the Revised Code for a 4832  
felony of the first or second degree committed on or after ~~the~~ 4833  
~~effective date of this amendment~~ March 22, 2019. 4834

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 4835  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4836  
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4837  
in division (D) (6) of section 2919.25 of the Revised Code and 4838  
except in relation to an offense for which a sentence of death 4839  
or life imprisonment is to be imposed, if the court imposing a 4840  
sentence upon an offender for a felony elects or is required to 4841  
impose a prison term on the offender pursuant to this chapter, 4842  
the court shall impose a prison term that shall be one of the 4843  
following: 4844

(1) (a) For a felony of the first degree committed on or 4845  
after the effective date of this amendment, the prison term 4846  
shall be an indefinite prison term with a stated minimum term 4847  
selected by the court of three, four, five, six, seven, eight, 4848  
nine, ten, or eleven years and a maximum term that is determined 4849

pursuant to section 2929.144 of the Revised Code, except that if 4850  
the section that criminalizes the conduct constituting the 4851  
felony specifies a different minimum term or penalty for the 4852  
offense, the specific language of that section shall control in 4853  
determining the minimum term or otherwise sentencing the 4854  
offender but the minimum term or sentence imposed under that 4855  
specific language shall be considered for purposes of the 4856  
Revised Code as if it had been imposed under this division. 4857

(b) For a felony of the first degree committed prior to 4858  
the effective date of this amendment, the prison term shall be a 4859  
definite prison term of three, four, five, six, seven, eight, 4860  
nine, ten, or eleven years. 4861

(2) (a) For a felony of the second degree committed on or 4862  
after the effective date of this amendment, the prison term 4863  
shall be an indefinite prison term with a stated minimum term 4864  
selected by the court of two, three, four, five, six, seven, or 4865  
eight years and a maximum term that is determined pursuant to 4866  
section 2929.144 of the Revised Code, except that if the section 4867  
that criminalizes the conduct constituting the felony specifies 4868  
a different minimum term or penalty for the offense, the 4869  
specific language of that section shall control in determining 4870  
the minimum term or otherwise sentencing the offender but the 4871  
minimum term or sentence imposed under that specific language 4872  
shall be considered for purposes of the Revised Code as if it 4873  
had been imposed under this division. 4874

(b) For a felony of the second degree committed prior to 4875  
the effective date of this amendment, the prison term shall be a 4876  
definite term of two, three, four, five, six, seven, or eight 4877  
years. 4878

(3) (a) For a felony of the third degree that is a 4879

violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4880  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4881  
Code or that is a violation of section 2911.02 or 2911.12 of the 4882  
Revised Code if the offender previously has been convicted of or 4883  
pleaded guilty in two or more separate proceedings to two or 4884  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4885  
of the Revised Code, the prison term shall be a definite term of 4886  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 4887  
forty-eight, fifty-four, or sixty months. 4888

(b) For a felony of the third degree that is not an 4889  
offense for which division (A) (3) (a) of this section applies, 4890  
the prison term shall be a definite term of nine, twelve, 4891  
eighteen, twenty-four, thirty, or thirty-six months. 4892

(4) For a felony of the fourth degree, the prison term 4893  
shall be a definite term of six, seven, eight, nine, ten, 4894  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4895  
or eighteen months. 4896

(5) For a felony of the fifth degree, the prison term 4897  
shall be a definite term of six, seven, eight, nine, ten, 4898  
eleven, or twelve months. 4899

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4900  
section, if an offender who is convicted of or pleads guilty to 4901  
a felony also is convicted of or pleads guilty to a 4902  
specification of the type described in section 2941.141, 4903  
2941.144, or 2941.145 of the Revised Code, the court shall 4904  
impose on the offender one of the following prison terms: 4905

(i) A prison term of six years if the specification is of 4906  
the type described in division (A) of section 2941.144 of the 4907  
Revised Code that charges the offender with having a firearm 4908

that is an automatic firearm or that was equipped with a firearm 4909  
muffler or suppressor on or about the offender's person or under 4910  
the offender's control while committing the offense; 4911

(ii) A prison term of three years if the specification is 4912  
of the type described in division (A) of section 2941.145 of the 4913  
Revised Code that charges the offender with having a firearm on 4914  
or about the offender's person or under the offender's control 4915  
while committing the offense and displaying the firearm, 4916  
brandishing the firearm, indicating that the offender possessed 4917  
the firearm, or using it to facilitate the offense; 4918

(iii) A prison term of one year if the specification is of 4919  
the type described in division (A) of section 2941.141 of the 4920  
Revised Code that charges the offender with having a firearm on 4921  
or about the offender's person or under the offender's control 4922  
while committing the offense; 4923

(iv) A prison term of nine years if the specification is 4924  
of the type described in division (D) of section 2941.144 of the 4925  
Revised Code that charges the offender with having a firearm 4926  
that is an automatic firearm or that was equipped with a firearm 4927  
muffler or suppressor on or about the offender's person or under 4928  
the offender's control while committing the offense and 4929  
specifies that the offender previously has been convicted of or 4930  
pleaded guilty to a specification of the type described in 4931  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4932  
the Revised Code; 4933

(v) A prison term of fifty-four months if the 4934  
specification is of the type described in division (D) of 4935  
section 2941.145 of the Revised Code that charges the offender 4936  
with having a firearm on or about the offender's person or under 4937  
the offender's control while committing the offense and 4938



displaying the firearm, brandishing the firearm, indicating that 4939  
the offender possessed the firearm, or using the firearm to 4940  
facilitate the offense and that the offender previously has been 4941  
convicted of or pleaded guilty to a specification of the type 4942  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4943  
2941.1412 of the Revised Code; 4944

(vi) A prison term of eighteen months if the specification 4945  
is of the type described in division (D) of section 2941.141 of 4946  
the Revised Code that charges the offender with having a firearm 4947  
on or about the offender's person or under the offender's 4948  
control while committing the offense and that the offender 4949  
previously has been convicted of or pleaded guilty to a 4950  
specification of the type described in section 2941.141, 4951  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4952

(b) If a court imposes a prison term on an offender under 4953  
division (B) (1) (a) of this section, the prison term shall not be 4954  
reduced pursuant to section 2967.19, section 2929.20, section 4955  
2967.193, or any other provision of Chapter 2967. or Chapter 4956  
5120. of the Revised Code. Except as provided in division (B) (1) 4957  
(g) of this section, a court shall not impose more than one 4958  
prison term on an offender under division (B) (1) (a) of this 4959  
section for felonies committed as part of the same act or 4960  
transaction. 4961

(c) (i) Except as provided in division (B) (1) (e) of this 4962  
section, if an offender who is convicted of or pleads guilty to 4963  
a violation of section 2923.161 of the Revised Code or to a 4964  
felony that includes, as an essential element, purposely or 4965  
knowingly causing or attempting to cause the death of or 4966  
physical harm to another, also is convicted of or pleads guilty 4967  
to a specification of the type described in division (A) of 4968

section 2941.146 of the Revised Code that charges the offender 4969  
with committing the offense by discharging a firearm from a 4970  
motor vehicle other than a manufactured home, the court, after 4971  
imposing a prison term on the offender for the violation of 4972  
section 2923.161 of the Revised Code or for the other felony 4973  
offense under division (A), (B) (2), or (B) (3) of this section, 4974  
shall impose an additional prison term of five years upon the 4975  
offender that shall not be reduced pursuant to section 2929.20, 4976  
section 2967.19, section 2967.193, or any other provision of 4977  
Chapter 2967. or Chapter 5120. of the Revised Code. 4978

(ii) Except as provided in division (B) (1) (e) of this 4979  
section, if an offender who is convicted of or pleads guilty to 4980  
a violation of section 2923.161 of the Revised Code or to a 4981  
felony that includes, as an essential element, purposely or 4982  
knowingly causing or attempting to cause the death of or 4983  
physical harm to another, also is convicted of or pleads guilty 4984  
to a specification of the type described in division (C) of 4985  
section 2941.146 of the Revised Code that charges the offender 4986  
with committing the offense by discharging a firearm from a 4987  
motor vehicle other than a manufactured home and that the 4988  
offender previously has been convicted of or pleaded guilty to a 4989  
specification of the type described in section 2941.141, 4990  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4991  
the court, after imposing a prison term on the offender for the 4992  
violation of section 2923.161 of the Revised Code or for the 4993  
other felony offense under division (A), (B) (2), or (3) of this 4994  
section, shall impose an additional prison term of ninety months 4995  
upon the offender that shall not be reduced pursuant to section 4996  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 4997  
2967. or Chapter 5120. of the Revised Code. 4998

(iii) A court shall not impose more than one additional 4999

prison term on an offender under division (B) (1) (c) of this 5000  
section for felonies committed as part of the same act or 5001  
transaction. If a court imposes an additional prison term on an 5002  
offender under division (B) (1) (c) of this section relative to an 5003  
offense, the court also shall impose a prison term under 5004  
division (B) (1) (a) of this section relative to the same offense, 5005  
provided the criteria specified in that division for imposing an 5006  
additional prison term are satisfied relative to the offender 5007  
and the offense. 5008

(d) If an offender who is convicted of or pleads guilty to 5009  
an offense of violence that is a felony also is convicted of or 5010  
pleads guilty to a specification of the type described in 5011  
section 2941.1411 of the Revised Code that charges the offender 5012  
with wearing or carrying body armor while committing the felony 5013  
offense of violence, the court shall impose on the offender an 5014  
additional prison term of two years. The prison term so imposed, 5015  
subject to divisions (C) to (I) of section 2967.19 of the 5016  
Revised Code, shall not be reduced pursuant to section 2929.20, 5017  
section 2967.19, section 2967.193, or any other provision of 5018  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5019  
shall not impose more than one prison term on an offender under 5020  
division (B) (1) (d) of this section for felonies committed as 5021  
part of the same act or transaction. If a court imposes an 5022  
additional prison term under division (B) (1) (a) or (c) of this 5023  
section, the court is not precluded from imposing an additional 5024  
prison term under division (B) (1) (d) of this section. 5025

(e) The court shall not impose any of the prison terms 5026  
described in division (B) (1) (a) of this section or any of the 5027  
additional prison terms described in division (B) (1) (c) of this 5028  
section upon an offender for a violation of section 2923.12 or 5029  
2923.123 of the Revised Code. The court shall not impose any of 5030

the prison terms described in division (B) (1) (a) or (b) of this 5031  
section upon an offender for a violation of section 2923.122 5032  
that involves a deadly weapon that is a firearm other than a 5033  
dangerous ordnance, section 2923.16, or section 2923.121 of the 5034  
Revised Code. The court shall not impose any of the prison terms 5035  
described in division (B) (1) (a) of this section or any of the 5036  
additional prison terms described in division (B) (1) (c) of this 5037  
section upon an offender for a violation of section 2923.13 of 5038  
the Revised Code unless all of the following apply: 5039

(i) The offender previously has been convicted of 5040  
aggravated murder, murder, or any felony of the first or second 5041  
degree. 5042

(ii) Less than five years have passed since the offender 5043  
was released from prison or post-release control, whichever is 5044  
later, for the prior offense. 5045

(f) (i) If an offender is convicted of or pleads guilty to 5046  
a felony that includes, as an essential element, causing or 5047  
attempting to cause the death of or physical harm to another and 5048  
also is convicted of or pleads guilty to a specification of the 5049  
type described in division (A) of section 2941.1412 of the 5050  
Revised Code that charges the offender with committing the 5051  
offense by discharging a firearm at a peace officer as defined 5052  
in section 2935.01 of the Revised Code or a corrections officer, 5053  
as defined in section 2941.1412 of the Revised Code, the court, 5054  
after imposing a prison term on the offender for the felony 5055  
offense under division (A), (B) (2), or (B) (3) of this section, 5056  
shall impose an additional prison term of seven years upon the 5057  
offender that shall not be reduced pursuant to section 2929.20, 5058  
section 2967.19, section 2967.193, or any other provision of 5059  
Chapter 2967. or Chapter 5120. of the Revised Code. 5060

(ii) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or attempting to cause the death of or physical harm to another and also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer, as defined in section 2935.01 of the Revised Code, or a corrections officer, as defined in section 2941.1412 of the Revised Code, and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (B) (2), or (3) of this section, shall impose an additional prison term of one hundred twenty-six months upon the offender that shall not be reduced pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of Chapter 2967. or 5120. of the Revised Code.

(iii) If an offender is convicted of or pleads guilty to two or more felonies that include, as an essential element, causing or attempting to cause the death or physical harm to another and also is convicted of or pleads guilty to a specification of the type described under division (B) (1) (f) of this section in connection with two or more of the felonies of which the offender is convicted or to which the offender pleads guilty, the sentencing court shall impose on the offender the prison term specified under division (B) (1) (f) of this section for each of two of the specifications of which the offender is convicted or to which the offender pleads guilty and, in its discretion, also may impose on the offender the prison term

specified under that division for any or all of the remaining 5092  
specifications. If a court imposes an additional prison term on 5093  
an offender under division (B) (1) (f) of this section relative to 5094  
an offense, the court shall not impose a prison term under 5095  
division (B) (1) (a) or (c) of this section relative to the same 5096  
offense. 5097

(g) If an offender is convicted of or pleads guilty to two 5098  
or more felonies, if one or more of those felonies are 5099  
aggravated murder, murder, attempted aggravated murder, 5100  
attempted murder, aggravated robbery, felonious assault, or 5101  
rape, and if the offender is convicted of or pleads guilty to a 5102  
specification of the type described under division (B) (1) (a) of 5103  
this section in connection with two or more of the felonies, the 5104  
sentencing court shall impose on the offender the prison term 5105  
specified under division (B) (1) (a) of this section for each of 5106  
the two most serious specifications of which the offender is 5107  
convicted or to which the offender pleads guilty and, in its 5108  
discretion, also may impose on the offender the prison term 5109  
specified under that division for any or all of the remaining 5110  
specifications. 5111

(2) (a) If division (B) (2) (b) of this section does not 5112  
apply, the court may impose on an offender, in addition to the 5113  
longest prison term authorized or required for the offense or, 5114  
for offenses for which division (A) (1) (a) or (2) (a) of this 5115  
section applies, in addition to the longest minimum prison term 5116  
authorized or required for the offense, an additional definite 5117  
prison term of one, two, three, four, five, six, seven, eight, 5118  
nine, or ten years if all of the following criteria are met: 5119

(i) The offender is convicted of or pleads guilty to a 5120  
specification of the type described in section 2941.149 of the 5121

Revised Code that the offender is a repeat violent offender. 5122

(ii) The offense of which the offender currently is 5123  
convicted or to which the offender currently pleads guilty is 5124  
aggravated murder and the court does not impose a sentence of 5125  
death or life imprisonment without parole, murder, terrorism and 5126  
the court does not impose a sentence of life imprisonment 5127  
without parole, any felony of the first degree that is an 5128  
offense of violence and the court does not impose a sentence of 5129  
life imprisonment without parole, or any felony of the second 5130  
degree that is an offense of violence and the trier of fact 5131  
finds that the offense involved an attempt to cause or a threat 5132  
to cause serious physical harm to a person or resulted in 5133  
serious physical harm to a person. 5134

(iii) The court imposes the longest prison term for the 5135  
offense or the longest minimum prison term for the offense, 5136  
whichever is applicable, that is not life imprisonment without 5137  
parole. 5138

(iv) The court finds that the prison terms imposed 5139  
pursuant to division (B) (2) (a) (iii) of this section and, if 5140  
applicable, division (B) (1) or (3) of this section are 5141  
inadequate to punish the offender and protect the public from 5142  
future crime, because the applicable factors under section 5143  
2929.12 of the Revised Code indicating a greater likelihood of 5144  
recidivism outweigh the applicable factors under that section 5145  
indicating a lesser likelihood of recidivism. 5146

(v) The court finds that the prison terms imposed pursuant 5147  
to division (B) (2) (a) (iii) of this section and, if applicable, 5148  
division (B) (1) or (3) of this section are demeaning to the 5149  
seriousness of the offense, because one or more of the factors 5150  
under section 2929.12 of the Revised Code indicating that the 5151

offender's conduct is more serious than conduct normally 5152  
constituting the offense are present, and they outweigh the 5153  
applicable factors under that section indicating that the 5154  
offender's conduct is less serious than conduct normally 5155  
constituting the offense. 5156

(b) The court shall impose on an offender the longest 5157  
prison term authorized or required for the offense or, for 5158  
offenses for which division (A) (1) (a) or (2) (a) of this section 5159  
applies, the longest minimum prison term authorized or required 5160  
for the offense, and shall impose on the offender an additional 5161  
definite prison term of one, two, three, four, five, six, seven, 5162  
eight, nine, or ten years if all of the following criteria are 5163  
met: 5164

(i) The offender is convicted of or pleads guilty to a 5165  
specification of the type described in section 2941.149 of the 5166  
Revised Code that the offender is a repeat violent offender. 5167

(ii) The offender within the preceding twenty years has 5168  
been convicted of or pleaded guilty to three or more offenses 5169  
described in division (CC) (1) of section 2929.01 of the Revised 5170  
Code, including all offenses described in that division of which 5171  
the offender is convicted or to which the offender pleads guilty 5172  
in the current prosecution and all offenses described in that 5173  
division of which the offender previously has been convicted or 5174  
to which the offender previously pleaded guilty, whether 5175  
prosecuted together or separately. 5176

(iii) The offense or offenses of which the offender 5177  
currently is convicted or to which the offender currently pleads 5178  
guilty is aggravated murder and the court does not impose a 5179  
sentence of death or life imprisonment without parole, murder, 5180  
terrorism and the court does not impose a sentence of life 5181



imprisonment without parole, any felony of the first degree that 5182  
is an offense of violence and the court does not impose a 5183  
sentence of life imprisonment without parole, or any felony of 5184  
the second degree that is an offense of violence and the trier 5185  
of fact finds that the offense involved an attempt to cause or a 5186  
threat to cause serious physical harm to a person or resulted in 5187  
serious physical harm to a person. 5188

(c) For purposes of division (B) (2) (b) of this section, 5189  
two or more offenses committed at the same time or as part of 5190  
the same act or event shall be considered one offense, and that 5191  
one offense shall be the offense with the greatest penalty. 5192

(d) A sentence imposed under division (B) (2) (a) or (b) of 5193  
this section shall not be reduced pursuant to section 2929.20, 5194  
section 2967.19, or section 2967.193, or any other provision of 5195  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5196  
shall serve an additional prison term imposed under division (B) 5197  
(2) (a) or (b) of this section consecutively to and prior to the 5198  
prison term imposed for the underlying offense. 5199

(e) When imposing a sentence pursuant to division (B) (2) 5200  
(a) or (b) of this section, the court shall state its findings 5201  
explaining the imposed sentence. 5202

(3) Except when an offender commits a violation of section 5203  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5204  
for the violation is life imprisonment or commits a violation of 5205  
section 2903.02 of the Revised Code, if the offender commits a 5206  
violation of section 2925.03 or 2925.11 of the Revised Code and 5207  
that section classifies the offender as a major drug offender, 5208  
if the offender commits a violation of section 2925.05 of the 5209  
Revised Code and division (E) (1) of that section classifies the 5210  
offender as a major drug offender, if the offender commits a 5211

felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 5212  
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5213  
division (C) or (D) of section 3719.172, division (E) of section 5214  
4729.51, or division (J) of section 4729.54 of the Revised Code 5215  
that includes the sale, offer to sell, or possession of a 5216  
schedule I or II controlled substance, with the exception of 5217  
~~marihuana~~cannabis, and the court imposing sentence upon the 5218  
offender finds that the offender is guilty of a specification of 5219  
the type described in division (A) of section 2941.1410 of the 5220  
Revised Code charging that the offender is a major drug 5221  
offender, if the court imposing sentence upon an offender for a 5222  
felony finds that the offender is guilty of corrupt activity 5223  
with the most serious offense in the pattern of corrupt activity 5224  
being a felony of the first degree, or if the offender is guilty 5225  
of an attempted violation of section 2907.02 of the Revised Code 5226  
and, had the offender completed the violation of section 2907.02 5227  
of the Revised Code that was attempted, the offender would have 5228  
been subject to a sentence of life imprisonment or life 5229  
imprisonment without parole for the violation of section 2907.02 5230  
of the Revised Code, the court shall impose upon the offender 5231  
for the felony violation a mandatory prison term determined as 5232  
described in this division that, subject to divisions (C) to (I) 5233  
of section 2967.19 of the Revised Code, cannot be reduced 5234  
pursuant to section 2929.20, section 2967.19, or any other 5235  
provision of Chapter 2967. or 5120. of the Revised Code. The 5236  
mandatory prison term shall be the maximum definite prison term 5237  
prescribed in division (A) (1) (b) of this section for a felony of 5238  
the first degree, except that for offenses for which division 5239  
(A) (1) (a) of this section applies, the mandatory prison term 5240  
shall be the longest minimum prison term prescribed in that 5241  
division for the offense. 5242

(4) If the offender is being sentenced for a third or 5243  
fourth degree felony OVI offense under division (G) (2) of 5244  
section 2929.13 of the Revised Code, the sentencing court shall 5245  
impose upon the offender a mandatory prison term in accordance 5246  
with that division. In addition to the mandatory prison term, if 5247  
the offender is being sentenced for a fourth degree felony OVI 5248  
offense, the court, notwithstanding division (A) (4) of this 5249  
section, may sentence the offender to a definite prison term of 5250  
not less than six months and not more than thirty months, and if 5251  
the offender is being sentenced for a third degree felony OVI 5252  
offense, the sentencing court may sentence the offender to an 5253  
additional prison term of any duration specified in division (A) 5254  
(3) of this section. In either case, the additional prison term 5255  
imposed shall be reduced by the sixty or one hundred twenty days 5256  
imposed upon the offender as the mandatory prison term. The 5257  
total of the additional prison term imposed under division (B) 5258  
(4) of this section plus the sixty or one hundred twenty days 5259  
imposed as the mandatory prison term shall equal a definite term 5260  
in the range of six months to thirty months for a fourth degree 5261  
felony OVI offense and shall equal one of the authorized prison 5262  
terms specified in division (A) (3) of this section for a third 5263  
degree felony OVI offense. If the court imposes an additional 5264  
prison term under division (B) (4) of this section, the offender 5265  
shall serve the additional prison term after the offender has 5266  
served the mandatory prison term required for the offense. In 5267  
addition to the mandatory prison term or mandatory and 5268  
additional prison term imposed as described in division (B) (4) 5269  
of this section, the court also may sentence the offender to a 5270  
community control sanction under section 2929.16 or 2929.17 of 5271  
the Revised Code, but the offender shall serve all of the prison 5272  
terms so imposed prior to serving the community control 5273  
sanction. 5274

If the offender is being sentenced for a fourth degree 5275  
felony OVI offense under division (G) (1) of section 2929.13 of 5276  
the Revised Code and the court imposes a mandatory term of local 5277  
incarceration, the court may impose a prison term as described 5278  
in division (A) (1) of that section. 5279

(5) If an offender is convicted of or pleads guilty to a 5280  
violation of division (A) (1) or (2) of section 2903.06 of the 5281  
Revised Code and also is convicted of or pleads guilty to a 5282  
specification of the type described in section 2941.1414 of the 5283  
Revised Code that charges that the victim of the offense is a 5284  
peace officer, as defined in section 2935.01 of the Revised 5285  
Code, or an investigator of the bureau of criminal 5286  
identification and investigation, as defined in section 2903.11 5287  
of the Revised Code, the court shall impose on the offender a 5288  
prison term of five years. If a court imposes a prison term on 5289  
an offender under division (B) (5) of this section, the prison 5290  
term, subject to divisions (C) to (I) of section 2967.19 of the 5291  
Revised Code, shall not be reduced pursuant to section 2929.20, 5292  
section 2967.19, section 2967.193, or any other provision of 5293  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5294  
shall not impose more than one prison term on an offender under 5295  
division (B) (5) of this section for felonies committed as part 5296  
of the same act. 5297

(6) If an offender is convicted of or pleads guilty to a 5298  
violation of division (A) (1) or (2) of section 2903.06 of the 5299  
Revised Code and also is convicted of or pleads guilty to a 5300  
specification of the type described in section 2941.1415 of the 5301  
Revised Code that charges that the offender previously has been 5302  
convicted of or pleaded guilty to three or more violations of 5303  
division (A) or (B) of section 4511.19 of the Revised Code or an 5304  
equivalent offense, as defined in section 2941.1415 of the 5305

Revised Code, or three or more violations of any combination of 5306  
those divisions and offenses, the court shall impose on the 5307  
offender a prison term of three years. If a court imposes a 5308  
prison term on an offender under division (B) (6) of this 5309  
section, the prison term, subject to divisions (C) to (I) of 5310  
section 2967.19 of the Revised Code, shall not be reduced 5311  
pursuant to section 2929.20, section 2967.19, section 2967.193, 5312  
or any other provision of Chapter 2967. or Chapter 5120. of the 5313  
Revised Code. A court shall not impose more than one prison term 5314  
on an offender under division (B) (6) of this section for 5315  
felonies committed as part of the same act. 5316

(7) (a) If an offender is convicted of or pleads guilty to 5317  
a felony violation of section 2905.01, 2905.02, 2907.21, 5318  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 5319  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 5320  
section 2919.22 of the Revised Code and also is convicted of or 5321  
pleads guilty to a specification of the type described in 5322  
section 2941.1422 of the Revised Code that charges that the 5323  
offender knowingly committed the offense in furtherance of human 5324  
trafficking, the court shall impose on the offender a mandatory 5325  
prison term that is one of the following: 5326

(i) If the offense is a felony of the first degree, a 5327  
definite prison term of not less than five years and not greater 5328  
than eleven years, except that if the offense is a felony of the 5329  
first degree committed on or after the effective date of this 5330  
amendment, the court shall impose as the minimum prison term a 5331  
mandatory term of not less than five years and not greater than 5332  
eleven years; 5333

(ii) If the offense is a felony of the second or third 5334  
degree, a definite prison term of not less than three years and 5335

not greater than the maximum prison term allowed for the offense 5336  
by division (A) (2) (b) or (3) of this section, except that if the 5337  
offense is a felony of the second degree committed on or after 5338  
the effective date of this amendment, the court shall impose as 5339  
the minimum prison term a mandatory term of not less than three 5340  
years and not greater than eight years; 5341

(iii) If the offense is a felony of the fourth or fifth 5342  
degree, a definite prison term that is the maximum prison term 5343  
allowed for the offense by division (A) of section 2929.14 of 5344  
the Revised Code. 5345

(b) Subject to divisions (C) to (I) of section 2967.19 of 5346  
the Revised Code, the prison term imposed under division (B) (7) 5347  
(a) of this section shall not be reduced pursuant to section 5348  
2929.20, section 2967.19, section 2967.193, or any other 5349  
provision of Chapter 2967. of the Revised Code. A court shall 5350  
not impose more than one prison term on an offender under 5351  
division (B) (7) (a) of this section for felonies committed as 5352  
part of the same act, scheme, or plan. 5353

(8) If an offender is convicted of or pleads guilty to a 5354  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5355  
Revised Code and also is convicted of or pleads guilty to a 5356  
specification of the type described in section 2941.1423 of the 5357  
Revised Code that charges that the victim of the violation was a 5358  
woman whom the offender knew was pregnant at the time of the 5359  
violation, notwithstanding the range prescribed in division (A) 5360  
of this section as the definite prison term or minimum prison 5361  
term for felonies of the same degree as the violation, the court 5362  
shall impose on the offender a mandatory prison term that is 5363  
either a definite prison term of six months or one of the prison 5364  
terms prescribed in division (A) of this section for felonies of 5365

the same degree as the violation, except that if the violation 5366  
is a felony of the first or second degree committed on or after 5367  
the effective date of this amendment, the court shall impose as 5368  
the minimum prison term under division (A) (1) (a) or (2) (a) of 5369  
this section a mandatory term that is one of the terms 5370  
prescribed in that division, whichever is applicable, for the 5371  
offense. 5372

(9) (a) If an offender is convicted of or pleads guilty to 5373  
a violation of division (A) (1) or (2) of section 2903.11 of the 5374  
Revised Code and also is convicted of or pleads guilty to a 5375  
specification of the type described in section 2941.1425 of the 5376  
Revised Code, the court shall impose on the offender a mandatory 5377  
prison term of six years if either of the following applies: 5378

(i) The violation is a violation of division (A) (1) of 5379  
section 2903.11 of the Revised Code and the specification 5380  
charges that the offender used an accelerant in committing the 5381  
violation and the serious physical harm to another or to 5382  
another's unborn caused by the violation resulted in a 5383  
permanent, serious disfigurement or permanent, substantial 5384  
incapacity; 5385

(ii) The violation is a violation of division (A) (2) of 5386  
section 2903.11 of the Revised Code and the specification 5387  
charges that the offender used an accelerant in committing the 5388  
violation, that the violation caused physical harm to another or 5389  
to another's unborn, and that the physical harm resulted in a 5390  
permanent, serious disfigurement or permanent, substantial 5391  
incapacity. 5392

(b) If a court imposes a prison term on an offender under 5393  
division (B) (9) (a) of this section, the prison term shall not be 5394  
reduced pursuant to section 2929.20, section 2967.19, section 5395

2967.193, or any other provision of Chapter 2967. or Chapter 5396  
5120. of the Revised Code. A court shall not impose more than 5397  
one prison term on an offender under division (B) (9) of this 5398  
section for felonies committed as part of the same act. 5399

(c) The provisions of divisions (B) (9) and (C) (6) of this 5400  
section and of division (D) (2) of section 2903.11, division (F) 5401  
(20) of section 2929.13, and section 2941.1425 of the Revised 5402  
Code shall be known as "Judy's Law." 5403

(10) If an offender is convicted of or pleads guilty to a 5404  
violation of division (A) of section 2903.11 of the Revised Code 5405  
and also is convicted of or pleads guilty to a specification of 5406  
the type described in section 2941.1426 of the Revised Code that 5407  
charges that the victim of the offense suffered permanent 5408  
disabling harm as a result of the offense and that the victim 5409  
was under ten years of age at the time of the offense, 5410  
regardless of whether the offender knew the age of the victim, 5411  
the court shall impose upon the offender an additional definite 5412  
prison term of six years. A prison term imposed on an offender 5413  
under division (B) (10) of this section shall not be reduced 5414  
pursuant to section 2929.20, section 2967.193, or any other 5415  
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5416  
If a court imposes an additional prison term on an offender 5417  
under this division relative to a violation of division (A) of 5418  
section 2903.11 of the Revised Code, the court shall not impose 5419  
any other additional prison term on the offender relative to the 5420  
same offense. 5421

(11) If an offender is convicted of or pleads guilty to a 5422  
felony violation of section 2925.03 or 2925.05 of the Revised 5423  
Code or a felony violation of section 2925.11 of the Revised 5424  
Code for which division (C) (11) of that section applies in 5425



determining the sentence for the violation, if the drug involved 5426  
in the violation is a fentanyl-related compound or a compound, 5427  
mixture, preparation, or substance containing a fentanyl-related 5428  
compound, and if the offender also is convicted of or pleads 5429  
guilty to a specification of the type described in division (B) 5430  
of section 2941.1410 of the Revised Code that charges that the 5431  
offender is a major drug offender, in addition to any other 5432  
penalty imposed for the violation, the court shall impose on the 5433  
offender a mandatory prison term of three, four, five, six, 5434  
seven, or eight years. If a court imposes a prison term on an 5435  
offender under division (B) (11) of this section, the prison 5436  
term, subject to divisions (C) to (I) of section 2967.19 of the 5437  
Revised Code, shall not be reduced pursuant to section 2929.20, 5438  
2967.19, or 2967.193, or any other provision of Chapter 2967. or 5439  
5120. of the Revised Code. A court shall not impose more than 5440  
one prison term on an offender under division (B) (11) of this 5441  
section for felonies committed as part of the same act. 5442

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5443  
if a mandatory prison term is imposed upon an offender pursuant 5444  
to division (B) (1) (a) of this section for having a firearm on or 5445  
about the offender's person or under the offender's control 5446  
while committing a felony, if a mandatory prison term is imposed 5447  
upon an offender pursuant to division (B) (1) (c) of this section 5448  
for committing a felony specified in that division by 5449  
discharging a firearm from a motor vehicle, or if both types of 5450  
mandatory prison terms are imposed, the offender shall serve any 5451  
mandatory prison term imposed under either division 5452  
consecutively to any other mandatory prison term imposed under 5453  
either division or under division (B) (1) (d) of this section, 5454  
consecutively to and prior to any prison term imposed for the 5455  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5456

this section or any other section of the Revised Code, and 5457  
consecutively to any other prison term or mandatory prison term 5458  
previously or subsequently imposed upon the offender. 5459

(b) If a mandatory prison term is imposed upon an offender 5460  
pursuant to division (B)(1)(d) of this section for wearing or 5461  
carrying body armor while committing an offense of violence that 5462  
is a felony, the offender shall serve the mandatory term so 5463  
imposed consecutively to any other mandatory prison term imposed 5464  
under that division or under division (B)(1)(a) or (c) of this 5465  
section, consecutively to and prior to any prison term imposed 5466  
for the underlying felony under division (A), (B)(2), or (B)(3) 5467  
of this section or any other section of the Revised Code, and 5468  
consecutively to any other prison term or mandatory prison term 5469  
previously or subsequently imposed upon the offender. 5470

(c) If a mandatory prison term is imposed upon an offender 5471  
pursuant to division (B)(1)(f) of this section, the offender 5472  
shall serve the mandatory prison term so imposed consecutively 5473  
to and prior to any prison term imposed for the underlying 5474  
felony under division (A), (B)(2), or (B)(3) of this section or 5475  
any other section of the Revised Code, and consecutively to any 5476  
other prison term or mandatory prison term previously or 5477  
subsequently imposed upon the offender. 5478

(d) If a mandatory prison term is imposed upon an offender 5479  
pursuant to division (B)(7) or (8) of this section, the offender 5480  
shall serve the mandatory prison term so imposed consecutively 5481  
to any other mandatory prison term imposed under that division 5482  
or under any other provision of law and consecutively to any 5483  
other prison term or mandatory prison term previously or 5484  
subsequently imposed upon the offender. 5485

(e) If a mandatory prison term is imposed upon an offender 5486

pursuant to division (B)(11) of this section, the offender shall 5487  
serve the mandatory prison term consecutively to any other 5488  
mandatory prison term imposed under that division, consecutively 5489  
to and prior to any prison term imposed for the underlying 5490  
felony, and consecutively to any other prison term or mandatory 5491  
prison term previously or subsequently imposed upon the 5492  
offender. 5493

(2) If an offender who is an inmate in a jail, prison, or 5494  
other residential detention facility violates section 2917.02, 5495  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 5496  
(2) of section 2921.34 of the Revised Code, if an offender who 5497  
is under detention at a detention facility commits a felony 5498  
violation of section 2923.131 of the Revised Code, or if an 5499  
offender who is an inmate in a jail, prison, or other 5500  
residential detention facility or is under detention at a 5501  
detention facility commits another felony while the offender is 5502  
an escapee in violation of division (A)(1) or (2) of section 5503  
2921.34 of the Revised Code, any prison term imposed upon the 5504  
offender for one of those violations shall be served by the 5505  
offender consecutively to the prison term or term of 5506  
imprisonment the offender was serving when the offender 5507  
committed that offense and to any other prison term previously 5508  
or subsequently imposed upon the offender. 5509

(3) If a prison term is imposed for a violation of 5510  
division (B) of section 2911.01 of the Revised Code, a violation 5511  
of division (A) of section 2913.02 of the Revised Code in which 5512  
the stolen property is a firearm or dangerous ordnance, or a 5513  
felony violation of division (B) of section 2921.331 of the 5514  
Revised Code, the offender shall serve that prison term 5515  
consecutively to any other prison term or mandatory prison term 5516  
previously or subsequently imposed upon the offender. 5517

(4) If multiple prison terms are imposed on an offender 5518  
for convictions of multiple offenses, the court may require the 5519  
offender to serve the prison terms consecutively if the court 5520  
finds that the consecutive service is necessary to protect the 5521  
public from future crime or to punish the offender and that 5522  
consecutive sentences are not disproportionate to the 5523  
seriousness of the offender's conduct and to the danger the 5524  
offender poses to the public, and if the court also finds any of 5525  
the following: 5526

(a) The offender committed one or more of the multiple 5527  
offenses while the offender was awaiting trial or sentencing, 5528  
was under a sanction imposed pursuant to section 2929.16, 5529  
2929.17, or 2929.18 of the Revised Code, or was under post- 5530  
release control for a prior offense. 5531

(b) At least two of the multiple offenses were committed 5532  
as part of one or more courses of conduct, and the harm caused 5533  
by two or more of the multiple offenses so committed was so 5534  
great or unusual that no single prison term for any of the 5535  
offenses committed as part of any of the courses of conduct 5536  
adequately reflects the seriousness of the offender's conduct. 5537

(c) The offender's history of criminal conduct 5538  
demonstrates that consecutive sentences are necessary to protect 5539  
the public from future crime by the offender. 5540

(5) If a mandatory prison term is imposed upon an offender 5541  
pursuant to division (B) (5) or (6) of this section, the offender 5542  
shall serve the mandatory prison term consecutively to and prior 5543  
to any prison term imposed for the underlying violation of 5544  
division (A) (1) or (2) of section 2903.06 of the Revised Code 5545  
pursuant to division (A) of this section or section 2929.142 of 5546  
the Revised Code. If a mandatory prison term is imposed upon an 5547

offender pursuant to division (B) (5) of this section, and if a  
mandatory prison term also is imposed upon the offender pursuant  
to division (B) (6) of this section in relation to the same  
violation, the offender shall serve the mandatory prison term  
imposed pursuant to division (B) (5) of this section  
consecutively to and prior to the mandatory prison term imposed  
pursuant to division (B) (6) of this section and consecutively to  
and prior to any prison term imposed for the underlying  
violation of division (A) (1) or (2) of section 2903.06 of the  
Revised Code pursuant to division (A) of this section or section  
2929.142 of the Revised Code.

(6) If a mandatory prison term is imposed on an offender  
pursuant to division (B) (9) of this section, the offender shall  
serve the mandatory prison term consecutively to and prior to  
any prison term imposed for the underlying violation of division  
(A) (1) or (2) of section 2903.11 of the Revised Code and  
consecutively to and prior to any other prison term or mandatory  
prison term previously or subsequently imposed on the offender.

(7) If a mandatory prison term is imposed on an offender  
pursuant to division (B) (10) of this section, the offender shall  
serve that mandatory prison term consecutively to and prior to  
any prison term imposed for the underlying felonious assault.  
Except as otherwise provided in division (C) of this section,  
any other prison term or mandatory prison term previously or  
subsequently imposed upon the offender may be served  
concurrently with, or consecutively to, the prison term imposed  
pursuant to division (B) (10) of this section.

(8) Any prison term imposed for a violation of section  
2903.04 of the Revised Code that is based on a violation of  
section 2925.03 or 2925.11 of the Revised Code or on a violation

of section 2925.05 of the Revised Code ~~that is not funding of~~ 5578  
~~marihuana trafficking~~ shall run consecutively to any prison term 5579  
imposed for the violation of section 2925.03 or 2925.11 of the 5580  
Revised Code or for the violation of section 2925.05 of the 5581  
Revised Code ~~that is not funding of marihuana trafficking.~~ 5582

(9) When consecutive prison terms are imposed pursuant to 5583  
division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 5584  
division (H) (1) or (2) of this section, subject to division (C) 5585  
(10) of this section, the term to be served is the aggregate of 5586  
all of the terms so imposed. 5587

(10) When a court sentences an offender to a non-life 5588  
felony indefinite prison term, any definite prison term or 5589  
mandatory definite prison term previously or subsequently 5590  
imposed on the offender in addition to that indefinite sentence 5591  
that is required to be served consecutively to that indefinite 5592  
sentence shall be served prior to the indefinite sentence. 5593

(11) If a court is sentencing an offender for a felony of 5594  
the first or second degree, if division (A) (1) (a) or (2) (a) of 5595  
this section applies with respect to the sentencing for the 5596  
offense, and if the court is required under the Revised Code 5597  
section that sets forth the offense or any other Revised Code 5598  
provision to impose a mandatory prison term for the offense, the 5599  
court shall impose the required mandatory prison term as the 5600  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5601  
section, whichever is applicable. 5602

(D) (1) If a court imposes a prison term, other than a term 5603  
of life imprisonment, for a felony of the first degree, for a 5604  
felony of the second degree, for a felony sex offense, or for a 5605  
felony of the third degree that is an offense of violence and 5606  
that is not a felony sex offense, it shall include in the 5607

sentence a requirement that the offender be subject to a period 5608  
of post-release control after the offender's release from 5609  
imprisonment, in accordance with section 2967.28 of the Revised 5610  
Code. If a court imposes a sentence including a prison term of a 5611  
type described in this division on or after July 11, 2006, the 5612  
failure of a court to include a post-release control requirement 5613  
in the sentence pursuant to this division does not negate, 5614  
limit, or otherwise affect the mandatory period of post-release 5615  
control that is required for the offender under division (B) of 5616  
section 2967.28 of the Revised Code. Section 2929.191 of the 5617  
Revised Code applies if, prior to July 11, 2006, a court imposed 5618  
a sentence including a prison term of a type described in this 5619  
division and failed to include in the sentence pursuant to this 5620  
division a statement regarding post-release control. 5621

(2) If a court imposes a prison term for a felony of the 5622  
third, fourth, or fifth degree that is not subject to division 5623  
(D) (1) of this section, it shall include in the sentence a 5624  
requirement that the offender be subject to a period of post- 5625  
release control after the offender's release from imprisonment, 5626  
in accordance with that division, if the parole board determines 5627  
that a period of post-release control is necessary. Section 5628  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5629  
a court imposed a sentence including a prison term of a type 5630  
described in this division and failed to include in the sentence 5631  
pursuant to this division a statement regarding post-release 5632  
control. 5633

(E) The court shall impose sentence upon the offender in 5634  
accordance with section 2971.03 of the Revised Code, and Chapter 5635  
2971. of the Revised Code applies regarding the prison term or 5636  
term of life imprisonment without parole imposed upon the 5637  
offender and the service of that term of imprisonment if any of 5638

the following apply: 5639

(1) A person is convicted of or pleads guilty to a violent 5640  
sex offense or a designated homicide, assault, or kidnapping 5641  
offense, and, in relation to that offense, the offender is 5642  
adjudicated a sexually violent predator. 5643

(2) A person is convicted of or pleads guilty to a 5644  
violation of division (A) (1) (b) of section 2907.02 of the 5645  
Revised Code committed on or after January 2, 2007, and either 5646  
the court does not impose a sentence of life without parole when 5647  
authorized pursuant to division (B) of section 2907.02 of the 5648  
Revised Code, or division (B) of section 2907.02 of the Revised 5649  
Code provides that the court shall not sentence the offender 5650  
pursuant to section 2971.03 of the Revised Code. 5651

(3) A person is convicted of or pleads guilty to attempted 5652  
rape committed on or after January 2, 2007, and a specification 5653  
of the type described in section 2941.1418, 2941.1419, or 5654  
2941.1420 of the Revised Code. 5655

(4) A person is convicted of or pleads guilty to a 5656  
violation of section 2905.01 of the Revised Code committed on or 5657  
after January 1, 2008, and that section requires the court to 5658  
sentence the offender pursuant to section 2971.03 of the Revised 5659  
Code. 5660

(5) A person is convicted of or pleads guilty to 5661  
aggravated murder committed on or after January 1, 2008, and 5662  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5663  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5664  
(d) of section 2929.03, or division (A) or (B) of section 5665  
2929.06 of the Revised Code requires the court to sentence the 5666  
offender pursuant to division (B) (3) of section 2971.03 of the 5667



Revised Code. 5668

(6) A person is convicted of or pleads guilty to murder 5669  
committed on or after January 1, 2008, and division (B) (2) of 5670  
section 2929.02 of the Revised Code requires the court to 5671  
sentence the offender pursuant to section 2971.03 of the Revised 5672  
Code. 5673

(F) If a person who has been convicted of or pleaded 5674  
guilty to a felony is sentenced to a prison term or term of 5675  
imprisonment under this section, sections 2929.02 to 2929.06 of 5676  
the Revised Code, section 2929.142 of the Revised Code, section 5677  
2971.03 of the Revised Code, or any other provision of law, 5678  
section 5120.163 of the Revised Code applies regarding the 5679  
person while the person is confined in a state correctional 5680  
institution. 5681

(G) If an offender who is convicted of or pleads guilty to 5682  
a felony that is an offense of violence also is convicted of or 5683  
pleads guilty to a specification of the type described in 5684  
section 2941.142 of the Revised Code that charges the offender 5685  
with having committed the felony while participating in a 5686  
criminal gang, the court shall impose upon the offender an 5687  
additional prison term of one, two, or three years. 5688

(H) (1) If an offender who is convicted of or pleads guilty 5689  
to aggravated murder, murder, or a felony of the first, second, 5690  
or third degree that is an offense of violence also is convicted 5691  
of or pleads guilty to a specification of the type described in 5692  
section 2941.143 of the Revised Code that charges the offender 5693  
with having committed the offense in a school safety zone or 5694  
towards a person in a school safety zone, the court shall impose 5695  
upon the offender an additional prison term of two years. The 5696  
offender shall serve the additional two years consecutively to 5697

and prior to the prison term imposed for the underlying offense. 5698

(2) (a) If an offender is convicted of or pleads guilty to 5699  
a felony violation of section 2907.22, 2907.24, 2907.241, or 5700  
2907.25 of the Revised Code and to a specification of the type 5701  
described in section 2941.1421 of the Revised Code and if the 5702  
court imposes a prison term on the offender for the felony 5703  
violation, the court may impose upon the offender an additional 5704  
prison term as follows: 5705

(i) Subject to division (H) (2) (a) (ii) of this section, an 5706  
additional prison term of one, two, three, four, five, or six 5707  
months; 5708

(ii) If the offender previously has been convicted of or 5709  
pleaded guilty to one or more felony or misdemeanor violations 5710  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5711  
the Revised Code and also was convicted of or pleaded guilty to 5712  
a specification of the type described in section 2941.1421 of 5713  
the Revised Code regarding one or more of those violations, an 5714  
additional prison term of one, two, three, four, five, six, 5715  
seven, eight, nine, ten, eleven, or twelve months. 5716

(b) In lieu of imposing an additional prison term under 5717  
division (H) (2) (a) of this section, the court may directly 5718  
impose on the offender a sanction that requires the offender to 5719  
wear a real-time processing, continual tracking electronic 5720  
monitoring device during the period of time specified by the 5721  
court. The period of time specified by the court shall equal the 5722  
duration of an additional prison term that the court could have 5723  
imposed upon the offender under division (H) (2) (a) of this 5724  
section. A sanction imposed under this division shall commence 5725  
on the date specified by the court, provided that the sanction 5726  
shall not commence until after the offender has served the 5727

prison term imposed for the felony violation of section 2907.22, 5728  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5729  
residential sanction imposed for the violation under section 5730  
2929.16 of the Revised Code. A sanction imposed under this 5731  
division shall be considered to be a community control sanction 5732  
for purposes of section 2929.15 of the Revised Code, and all 5733  
provisions of the Revised Code that pertain to community control 5734  
sanctions shall apply to a sanction imposed under this division, 5735  
except to the extent that they would by their nature be clearly 5736  
inapplicable. The offender shall pay all costs associated with a 5737  
sanction imposed under this division, including the cost of the 5738  
use of the monitoring device. 5739

(I) At the time of sentencing, the court may recommend the 5740  
offender for placement in a program of shock incarceration under 5741  
section 5120.031 of the Revised Code or for placement in an 5742  
intensive program prison under section 5120.032 of the Revised 5743  
Code, disapprove placement of the offender in a program of shock 5744  
incarceration or an intensive program prison of that nature, or 5745  
make no recommendation on placement of the offender. In no case 5746  
shall the department of rehabilitation and correction place the 5747  
offender in a program or prison of that nature unless the 5748  
department determines as specified in section 5120.031 or 5749  
5120.032 of the Revised Code, whichever is applicable, that the 5750  
offender is eligible for the placement. 5751

If the court disapproves placement of the offender in a 5752  
program or prison of that nature, the department of 5753  
rehabilitation and correction shall not place the offender in 5754  
any program of shock incarceration or intensive program prison. 5755

If the court recommends placement of the offender in a 5756  
program of shock incarceration or in an intensive program 5757

prison, and if the offender is subsequently placed in the 5758  
recommended program or prison, the department shall notify the 5759  
court of the placement and shall include with the notice a brief 5760  
description of the placement. 5761

If the court recommends placement of the offender in a 5762  
program of shock incarceration or in an intensive program prison 5763  
and the department does not subsequently place the offender in 5764  
the recommended program or prison, the department shall send a 5765  
notice to the court indicating why the offender was not placed 5766  
in the recommended program or prison. 5767

If the court does not make a recommendation under this 5768  
division with respect to an offender and if the department 5769  
determines as specified in section 5120.031 or 5120.032 of the 5770  
Revised Code, whichever is applicable, that the offender is 5771  
eligible for placement in a program or prison of that nature, 5772  
the department shall screen the offender and determine if there 5773  
is an available program of shock incarceration or an intensive 5774  
program prison for which the offender is suited. If there is an 5775  
available program of shock incarceration or an intensive program 5776  
prison for which the offender is suited, the department shall 5777  
notify the court of the proposed placement of the offender as 5778  
specified in section 5120.031 or 5120.032 of the Revised Code 5779  
and shall include with the notice a brief description of the 5780  
placement. The court shall have ten days from receipt of the 5781  
notice to disapprove the placement. 5782

(J) If a person is convicted of or pleads guilty to 5783  
aggravated vehicular homicide in violation of division (A) (1) of 5784  
section 2903.06 of the Revised Code and division (B) (2) (c) of 5785  
that section applies, the person shall be sentenced pursuant to 5786  
section 2929.142 of the Revised Code. 5787

(K) (1) The court shall impose an additional mandatory 5788  
prison term of two, three, four, five, six, seven, eight, nine, 5789  
ten, or eleven years on an offender who is convicted of or 5790  
pleads guilty to a violent felony offense if the offender also 5791  
is convicted of or pleads guilty to a specification of the type 5792  
described in section 2941.1424 of the Revised Code that charges 5793  
that the offender is a violent career criminal and had a firearm 5794  
on or about the offender's person or under the offender's 5795  
control while committing the presently charged violent felony 5796  
offense and displayed or brandished the firearm, indicated that 5797  
the offender possessed a firearm, or used the firearm to 5798  
facilitate the offense. The offender shall serve the prison term 5799  
imposed under this division consecutively to and prior to the 5800  
prison term imposed for the underlying offense. The prison term 5801  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 5802  
any other provision of Chapter 2967. or 5120. of the Revised 5803  
Code. A court may not impose more than one sentence under 5804  
division (B) (2) (a) of this section and this division for acts 5805  
committed as part of the same act or transaction. 5806

(2) As used in division (K) (1) of this section, "violent 5807  
career criminal" and "violent felony offense" have the same 5808  
meanings as in section 2923.132 of the Revised Code. 5809

**Sec. 2953.39. (A) As used in this section:** 5810

(1) "Expunge" means to destroy, delete, or erase a record 5811  
as appropriate for the record's physical or electronic form or 5812  
characteristic so that the record is permanently irretrievable. 5813

(2) "Official records" has the same meaning as in section 5814  
2953.51 of the Revised Code. 5815

(3) "Prosecutor" has the same meaning as in section 5816

2953.31 of the Revised Code. 5817

(4) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense. 5818  
5819

(5) "Cannabis possession offense" means either of the following: 5820  
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(a) A violation of section 2925.11 of the Revised Code, as that section existed prior to the effective date of this section, that involved the obtaining, possession, or use of cannabis; 5822  
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(b) A violation of section 2925.14 or 2925.141 of the Revised Code, as those sections existed prior to the effective date of this section, that involved the use or possession with purpose to use of drug paraphernalia associated with the obtaining, possession, or use of cannabis. 5826  
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(B) Any person who is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a cannabis possession offense based on a violation of section 2925.11, 2925.14, or 2925.141 of the Revised Code as those sections existed prior to the effective date of this section, may file an application under this section for the expungement of the record of conviction. The person may file the application at any time on or after the effective date of this section. The application shall do all of the following: 5831  
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(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction or plea of guilty to that offense, and the court in which the conviction occurred or the plea of guilty was entered; 5840  
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(2) Include evidence that the offense was a violation of section 2925.11, 2925.14, or 2925.141 of the Revised Code as 5844  
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those sections existed prior to the effective date of this 5846  
section, and that the offense was a cannabis possession offense; 5847

(3) Include a request for expungement of the record of 5848  
conviction of that offense under this section. 5849

(C) Upon the filing of an application under division (B) 5850  
of this section and the payment of the fee described in division 5851  
(G) of this section, if applicable, the court shall set a date 5852  
for a hearing and shall notify the prosecutor for the case of 5853  
the hearing on the application. The prosecutor may object to the 5854  
granting of the application by filing an objection with the 5855  
court prior to the date set for the hearing. The prosecutor 5856  
shall specify in the objection the reasons for believing a 5857  
denial of the application is justified. The court shall hold the 5858  
hearing scheduled under this division. 5859

(D) At the hearing held under division (C) of this 5860  
section, the court shall do each of the following: 5861

(1) If the prosecutor has filed an objection in accordance 5862  
with division (C) of this section, consider the reasons against 5863  
granting the application specified by the prosecutor in the 5864  
objection; 5865

(2) Determine whether the applicant has been convicted of 5866  
or pleaded guilty to a violation of section 2925.11, 2925.14, or 5867  
2925.141 of the Revised Code as those sections existed prior to 5868  
the effective date of this section, and whether the offense was 5869  
a cannabis possession offense. 5870

(E) If the court determines at the hearing held under 5871  
division (D) of this section that an offense that is the subject 5872  
of an application under this section is a violation of section 5873  
2925.11, 2925.14, or 2925.141 of the Revised Code as those 5874

sections existed prior to the effective date of this section, 5875  
and that the offense is a cannabis possession offense, the court 5876  
shall order the expungement of all official records pertaining 5877  
to the case and the deletion of all index references to the case 5878  
and, if it does order the expungement, shall send notice of the 5879  
order to each public office or agency that the court has reason 5880  
to believe may have an official record pertaining to the case. 5881

(F) The proceedings in the case that are the subject of an 5882  
order issued under division (E) of this section shall be 5883  
considered not to have occurred and the conviction or guilty 5884  
plea of the person who is the subject of the proceedings shall 5885  
be expunged. The record of the conviction shall not be used for 5886  
any purpose, including, but not limited to, a criminal records 5887  
check under section 109.572 of the Revised Code or a 5888  
determination under section 2923.125 or 2923.1213 of the Revised 5889  
Code of eligibility for a concealed handgun license. The 5890  
applicant may, and the court shall, reply that no record exists 5891  
with respect to the applicant upon any inquiry into the matter. 5892

(G) Upon the filing of an application under this section, 5893  
the applicant, unless indigent, shall pay a fee of fifty 5894  
dollars. The court shall pay thirty dollars of the fee into the 5895  
state treasury and shall pay twenty dollars of the fee into the 5896  
county general revenue fund. 5897

**Sec. 3719.01.** As used in this chapter: 5898

(A) "Administer" means the direct application of a drug, 5899  
whether by injection, inhalation, ingestion, or any other means 5900  
to a person or an animal. 5901

(B) "Drug enforcement administration" means the drug 5902  
enforcement administration of the United States department of 5903



justice or its successor agency. 5904

(C) "Controlled substance" means a drug, compound, 5905  
mixture, preparation, or substance included in schedule I, II, 5906  
III, IV, or V. 5907

(D) "Dangerous drug" has the same meaning as in section 5908  
4729.01 of the Revised Code. 5909

(E) "Dispense" means to sell, leave with, give away, 5910  
dispose of, or deliver. 5911

(F) "Distribute" means to deal in, ship, transport, or 5912  
deliver but does not include administering or dispensing a drug. 5913

(G) "Drug" has the same meaning as in section 4729.01 of 5914  
the Revised Code. 5915

(H) "Drug abuse offense" and "felony drug abuse offense" 5916  
have the same meanings as in section 2925.01 of the Revised 5917  
Code. 5918

(I) "Federal drug abuse control laws" means the 5919  
"Comprehensive Drug Abuse Prevention and Control Act of 1970," 5920  
84 Stat. 1242, 21 U.S.C. 801, as amended. 5921

(J) "Hospital" means a facility registered as a hospital 5922  
with the department of health under section 3701.07 of the 5923  
Revised Code. 5924

(K) "Hypodermic" means a hypodermic syringe or needle, or 5925  
other instrument or device for the injection of medication. 5926

(L) "Manufacturer" means a person who manufactures a 5927  
controlled substance, as "manufacture" is defined in section 5928  
3715.01 of the Revised Code, and includes a "manufacturer of 5929  
dangerous drugs" as defined in section 4729.01 of the Revised 5930

Code. 5931

(M) ~~"Marihuana" means all parts of a plant of the genus or  
"cannabis, whether growing or not; the seeds of a plant of that  
type; the resin extracted from a part of a plant of that type;  
and every compound, manufacture, salt, derivative, mixture, or  
preparation of a plant of that type or of its seeds or resin.  
"Marihuana" does not include the mature stalks of the plant,  
fiber produced from the stalks, oils or cake made from the seeds  
of the plant, or any other compound, manufacture, salt,  
derivative, mixture, or preparation of the mature stalks, except  
the resin extracted from the mature stalks, fiber, oil or cake,  
or the sterilized seed of the plant that is incapable of  
germination. "Marihuana" does not include "hemp" or a "hemp  
product" as those terms are defined in section 928.01 of the  
Revised Code" has the same meaning as "cannabis" in section 1.06  
of the Revised Code.~~ 5932  
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(N) "Narcotic drugs" means coca leaves, opium, 5947  
isonipecaine, amidone, isoamidone, ketobemidone, as defined in 5948  
this division, and every substance not chemically distinguished 5949  
from them and every drug, other than cannabis, that may be 5950  
included in the meaning of "narcotic drug" under the federal 5951  
drug abuse control laws. As used in this division: 5952

(1) "Coca leaves" includes cocaine and any compound, 5953  
manufacture, salt, derivative, mixture, or preparation of coca 5954  
leaves, except derivatives of coca leaves, that does not contain 5955  
cocaine, ecgonine, or substances from which cocaine or ecgonine 5956  
may be synthesized or made. 5957

(2) "Isonipecaine" means any substance identified 5958  
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 5959  
ethyl ester, or any salt thereof, by whatever trade name 5960

designated. 5961

(3) "Amidone" means any substance identified chemically as 5962  
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 5963  
by whatever trade name designated. 5964

(4) "Isoamidone" means any substance identified chemically 5965  
as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt 5966  
thereof, by whatever trade name designated. 5967

(5) "Ketobemidone" means any substance identified 5968  
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 5969  
ketone hydrochloride, or any salt thereof, by whatever trade 5970  
name designated. 5971

(6) "Cocaine" has the same meaning as in section 2925.01 5972  
of the Revised Code. 5973

(O) "Official written order" means an order written on a 5974  
form provided for that purpose by the director of the United 5975  
States drug enforcement administration, under any laws of the 5976  
United States making provision for the order, if the order forms 5977  
are authorized and required by federal law. 5978

(P) "Person" means any individual, corporation, 5979  
government, governmental subdivision or agency, business trust, 5980  
estate, trust, partnership, association, or other legal entity. 5981

(Q) "Pharmacist" means a person licensed under Chapter 5982  
4729. of the Revised Code to engage in the practice of pharmacy. 5983

(R) "Pharmacy" has the same meaning as in section 4729.01 5984  
of the Revised Code. 5985

(S) "Poison" means any drug, chemical, or preparation 5986  
likely to be deleterious or destructive to adult human life in 5987  
quantities of four grams or less. 5988

(T) "Licensed health professional authorized to prescribe drugs," "prescriber," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

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

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

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

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

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

(Z) (1) "Controlled substance analog" means, except as provided in division (Z) (2) of this section, a substance to which both of the following apply:

(a) The chemical structure of the substance is

substantially similar to the structure of a controlled substance 6018  
in schedule I or II. 6019

(b) One of the following applies regarding the substance: 6020

(i) The substance has a stimulant, depressant, or 6021  
hallucinogenic effect on the central nervous system that is 6022  
substantially similar to or greater than the stimulant, 6023  
depressant, or hallucinogenic effect on the central nervous 6024  
system of a controlled substance in schedule I or II. 6025

(ii) With respect to a particular person, that person 6026  
represents or intends the substance to have a stimulant, 6027  
depressant, or hallucinogenic effect on the central nervous 6028  
system that is substantially similar to or greater than the 6029  
stimulant, depressant, or hallucinogenic effect on the central 6030  
nervous system of a controlled substance in schedule I or II. 6031

(2) "Controlled substance analog" does not include any of 6032  
the following: 6033

(a) A controlled substance; 6034

(b) Any substance for which there is an approved new drug 6035  
application; 6036

(c) With respect to a particular person, any substance if 6037  
an exemption is in effect for investigational use for that 6038  
person pursuant to federal law to the extent that conduct with 6039  
respect to that substance is pursuant to that exemption; 6040

(d) Any substance to the extent it is not intended for 6041  
human consumption before the exemption described in division (Z) 6042  
(2)(b) of this section takes effect with respect to that 6043  
substance. 6044

(AA) "Benzodiazepine" means a controlled substance that 6045

has United States food and drug administration approved labeling 6046  
indicating that it is a benzodiazepine, benzodiazepine 6047  
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 6048  
derivative, including the following drugs and their varying salt 6049  
forms or chemical congeners: alprazolam, chlordiazepoxide 6050  
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 6051  
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 6052  
oxazepam, quazepam, temazepam, and triazolam. 6053

(BB) "Opioid analgesic" means a controlled substance that 6054  
has analgesic pharmacologic activity at the opioid receptors of 6055  
the central nervous system, including the following drugs and 6056  
their varying salt forms or chemical congeners: buprenorphine, 6057  
butorphanol, codeine (including acetaminophen and other 6058  
combination products), dihydrocodeine, fentanyl, hydrocodone 6059  
(including acetaminophen combination products), hydromorphone, 6060  
meperidine, methadone, morphine sulfate, oxycodone (including 6061  
acetaminophen, aspirin, and other combination products), 6062  
oxymorphone, tapentadol, and tramadol. 6063

(CC) "Outsourcing facility," "repackager of dangerous 6064  
drugs," and "third-party logistics provider" have the same 6065  
meanings as in section 4729.01 of the Revised Code. 6066

**Sec. 3719.21.** Except as provided in division (C) of 6067  
section 2923.42, division (B) of section 2923.44, divisions (D) 6068  
(1), (F), and (H) of section 2925.03, division (D)(1) of section 6069  
2925.02, 2925.04, or 2925.05, division ~~(E)~~(D)(1) of section 6070  
2925.11, division (E) of section 2925.13, division (F) of 6071  
section 2925.36, division (D) of section 2925.22, division (H) 6072  
of section 2925.23, division (M) of section 2925.37, division 6073  
(B) of section 2925.42, division (B) of section 2929.18, 6074  
division (D) of section 3719.99, division (B)(1) of section 6075

4729.65, division (E) (3) of section 4729.99, and division (I) (3) 6076  
of section 4729.99 of the Revised Code, the clerk of the court 6077  
shall pay all fines or forfeited bail assessed and collected 6078  
under prosecutions or prosecutions commenced for violations of 6079  
this chapter, section 2923.42 of the Revised Code, or Chapter 6080  
2925. of the Revised Code, within thirty days, to the executive 6081  
director of the state board of pharmacy, and the executive 6082  
director shall deposit the fines into the state treasury to the 6083  
credit of the occupational licensing and regulatory fund. 6084

**Sec. 3734.44.** Notwithstanding the provisions of any law to 6085  
the contrary, no permit or license shall be issued or renewed by 6086  
the director of environmental protection or a board of health: 6087

(A) Unless the director or the board of health finds that 6088  
the applicant, in any prior performance record in the 6089  
transportation, transfer, treatment, storage, or disposal of 6090  
solid wastes, infectious wastes, or hazardous waste, has 6091  
exhibited sufficient reliability, expertise, and competency to 6092  
operate the solid waste, infectious waste, or hazardous waste 6093  
facility, given the potential for harm to human health and the 6094  
environment that could result from the irresponsible operation 6095  
of the facility, or, if no prior record exists, that the 6096  
applicant is likely to exhibit that reliability, expertise, and 6097  
competence; 6098

(B) If any individual or business concern required to be 6099  
listed in the disclosure statement or shown to have a beneficial 6100  
interest in the business of the applicant or the permittee, 6101  
other than an equity interest or debt liability, by the 6102  
investigation thereof, has been convicted of any of the 6103  
following crimes under the laws of this state or equivalent laws 6104  
of any other jurisdiction: 6105

(1) Murder;	6106
(2) Kidnapping;	6107
(3) Gambling;	6108
(4) Robbery;	6109
(5) Bribery;	6110
(6) Extortion;	6111
(7) Criminal usury;	6112
(8) Arson;	6113
(9) Burglary;	6114
(10) Theft and related crimes;	6115
(11) Forgery and fraudulent practices;	6116
(12) Fraud in the offering, sale, or purchase of securities;	6117 6118
(13) Alteration of motor vehicle identification numbers;	6119
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	6120 6121
(15) Unlawful possession or use of destructive devices or explosives;	6122 6123
(16) A violation of section 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.32, or 2925.37 or Chapter 3719. of the Revised Code, unless the <u>drug involved in the violation</u> <del>is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form</del>	6124 6125 6126 6127 6128 6129 6130



was cannabis; 6131

(17) Engaging in a pattern of corrupt activity under 6132  
section 2923.32 of the Revised Code; 6133

(18) A violation of the criminal provisions of Chapter 6134  
1331. of the Revised Code; 6135

(19) Any violation of the criminal provisions of any 6136  
federal or state environmental protection laws, rules, or 6137  
regulations that is committed knowingly or recklessly, as 6138  
defined in section 2901.22 of the Revised Code; 6139

(20) A violation of any provision of Chapter 2909. of the 6140  
Revised Code; 6141

(21) Any offense specified in Chapter 2921. of the Revised 6142  
Code. 6143

(C) Notwithstanding division (B) of this section, no 6144  
applicant shall be denied the issuance or renewal of a permit or 6145  
license on the basis of a conviction of any individual or 6146  
business concern required to be listed in the disclosure 6147  
statement or shown to have a beneficial interest in the business 6148  
of the applicant or the permittee, other than an equity interest 6149  
or debt liability, by the investigation thereof for any of the 6150  
offenses enumerated in that division as disqualification 6151  
criteria if that applicant has affirmatively demonstrated 6152  
rehabilitation of the individual or business concern by a 6153  
preponderance of the evidence. If any such individual was 6154  
convicted of any of the offenses so enumerated that are 6155  
felonies, a permit shall be denied unless five years have 6156  
elapsed since the individual was fully discharged from 6157  
imprisonment and parole for the offense, from a community 6158  
control sanction imposed under section 2929.15 of the Revised 6159

Code, from a post-release control sanction imposed under section 6160  
2967.28 of the Revised Code for the offense, or imprisonment, 6161  
probation, and parole for an offense that was committed prior to 6162  
July 1, 1996. In determining whether an applicant has 6163  
affirmatively demonstrated rehabilitation, the director or the 6164  
board of health shall request a recommendation on the matter 6165  
from the attorney general and shall consider and base the 6166  
determination on the following factors: 6167

(1) The nature and responsibilities of the position a 6168  
convicted individual would hold; 6169

(2) The nature and seriousness of the offense; 6170

(3) The circumstances under which the offense occurred; 6171

(4) The date of the offense; 6172

(5) The age of the individual when the offense was 6173  
committed; 6174

(6) Whether the offense was an isolated or repeated 6175  
incident; 6176

(7) Any social conditions that may have contributed to the 6177  
offense; 6178

(8) Any evidence of rehabilitation, including good conduct 6179  
in prison or in the community, counseling or psychiatric 6180  
treatment received, acquisition of additional academic or 6181  
vocational schooling, successful participation in correctional 6182  
work release programs, or the recommendation of persons who have 6183  
or have had the applicant under their supervision; 6184

(9) In the instance of an applicant that is a business 6185  
concern, rehabilitation shall be established if the applicant 6186  
has implemented formal management controls to minimize and 6187

prevent the occurrence of violations and activities that will or 6188  
may result in permit or license denial or revocation or if the 6189  
applicant has formalized those controls as a result of a 6190  
revocation or denial of a permit or license. Those controls may 6191  
include, but are not limited to, instituting environmental 6192  
auditing programs to help ensure the adequacy of internal 6193  
systems to achieve, maintain, and monitor compliance with 6194  
applicable environmental laws and standards or instituting an 6195  
antitrust compliance auditing program to help ensure full 6196  
compliance with applicable antitrust laws. The business concern 6197  
shall prove by a preponderance of the evidence that the 6198  
management controls are effective in preventing the violations 6199  
that are the subject of concern. 6200

(D) Unless the director or the board of health finds that 6201  
the applicant has a history of compliance with environmental 6202  
laws in this state and other jurisdictions and is presently in 6203  
substantial compliance with, or on a legally enforceable 6204  
schedule that will result in compliance with, environmental laws 6205  
in this state and other jurisdictions; 6206

(E) With respect to the approval of a permit, if the 6207  
director determines that current prosecutions or pending charges 6208  
in any jurisdiction for any of the offenses enumerated in 6209  
division (B) of this section against any individual or business 6210  
concern required to be listed in the disclosure statement or 6211  
shown by the investigation to have a beneficial interest in the 6212  
business of the applicant other than an equity interest or debt 6213  
liability are of such magnitude that they prevent making the 6214  
finding required under division (A) of this section, provided 6215  
that at the request of the applicant or the individual or 6216  
business concern charged, the director shall defer decision upon 6217  
the application during the pendency of the charge. 6218

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 6219  
impose a class D suspension of the person's driver's license, 6220  
commercial driver's license, temporary instruction permit, 6221  
probationary license, or nonresident operating privilege for the 6222  
period of time specified in division (B) (4) of section 4510.02 6223  
of the Revised Code on any person who is a resident of this 6224  
state and is convicted of or pleads guilty to a violation of a 6225  
statute of any other state or any federal statute that is 6226  
substantially similar to section 2925.02, 2925.03, 2925.04, 6227  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 6228  
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 6229  
2925.37 of the Revised Code. Upon receipt of a report from a 6230  
court, court clerk, or other official of any other state or from 6231  
any federal authority that a resident of this state was 6232  
convicted of or pleaded guilty to an offense described in this 6233  
division, the registrar shall send a notice by regular first 6234  
class mail to the person, at the person's last known address as 6235  
shown in the records of the bureau of motor vehicles, informing 6236  
the person of the suspension, that the suspension will take 6237  
effect twenty-one days from the date of the notice, and that, if 6238  
the person wishes to appeal the suspension or denial, the person 6239  
must file a notice of appeal within twenty-one days of the date 6240  
of the notice requesting a hearing on the matter. If the person 6241  
requests a hearing, the registrar shall hold the hearing not 6242  
more than forty days after receipt by the registrar of the 6243  
notice of appeal. The filing of a notice of appeal does not stay 6244  
the operation of the suspension that must be imposed pursuant to 6245  
this division. The scope of the hearing shall be limited to 6246  
whether the person actually was convicted of or pleaded guilty 6247  
to the offense for which the suspension is to be imposed. 6248

The suspension the registrar is required to impose under 6249

this division shall end either on the last day of the class D 6250  
suspension period or of the suspension of the person's 6251  
nonresident operating privilege imposed by the state or federal 6252  
court, whichever is earlier. 6253

The registrar shall subscribe to or otherwise participate 6254  
in any information system or register, or enter into reciprocal 6255  
and mutual agreements with other states and federal authorities, 6256  
in order to facilitate the exchange of information with other 6257  
states and the United States government regarding persons who 6258  
plead guilty to or are convicted of offenses described in this 6259  
division and therefore are subject to the suspension or denial 6260  
described in this division. 6261

(B) The registrar shall impose a class D suspension of the 6262  
person's driver's license, commercial driver's license, 6263  
temporary instruction permit, probationary license, or 6264  
nonresident operating privilege for the period of time specified 6265  
in division (B) (4) of section 4510.02 of the Revised Code on any 6266  
person who is a resident of this state and is convicted of or 6267  
pleads guilty to a violation of a statute of any other state or 6268  
a municipal ordinance of a municipal corporation located in any 6269  
other state that is substantially similar to section 4511.19 of 6270  
the Revised Code. Upon receipt of a report from another state 6271  
made pursuant to section 4510.61 of the Revised Code indicating 6272  
that a resident of this state was convicted of or pleaded guilty 6273  
to an offense described in this division, the registrar shall 6274  
send a notice by regular first class mail to the person, at the 6275  
person's last known address as shown in the records of the 6276  
bureau of motor vehicles, informing the person of the 6277  
suspension, that the suspension or denial will take effect 6278  
twenty-one days from the date of the notice, and that, if the 6279  
person wishes to appeal the suspension, the person must file a 6280

notice of appeal within twenty-one days of the date of the 6281  
notice requesting a hearing on the matter. If the person 6282  
requests a hearing, the registrar shall hold the hearing not 6283  
more than forty days after receipt by the registrar of the 6284  
notice of appeal. The filing of a notice of appeal does not stay 6285  
the operation of the suspension that must be imposed pursuant to 6286  
this division. The scope of the hearing shall be limited to 6287  
whether the person actually was convicted of or pleaded guilty 6288  
to the offense for which the suspension is to be imposed. 6289

The suspension the registrar is required to impose under 6290  
this division shall end either on the last day of the class D 6291  
suspension period or of the suspension of the person's 6292  
nonresident operating privilege imposed by the state or federal 6293  
court, whichever is earlier. 6294

(C) The registrar shall impose a class D suspension of the 6295  
child's driver's license, commercial driver's license, temporary 6296  
instruction permit, or nonresident operating privilege for the 6297  
period of time specified in division (B) (4) of section 4510.02 6298  
of the Revised Code on any child who is a resident of this state 6299  
and is convicted of or pleads guilty to a violation of a statute 6300  
of any other state or any federal statute that is substantially 6301  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 6302  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 6303  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 6304  
Code. Upon receipt of a report from a court, court clerk, or 6305  
other official of any other state or from any federal authority 6306  
that a child who is a resident of this state was convicted of or 6307  
pleaded guilty to an offense described in this division, the 6308  
registrar shall send a notice by regular first class mail to the 6309  
child, at the child's last known address as shown in the records 6310  
of the bureau of motor vehicles, informing the child of the 6311

suspension, that the suspension or denial will take effect 6312  
twenty-one days from the date of the notice, and that, if the 6313  
child wishes to appeal the suspension, the child must file a 6314  
notice of appeal within twenty-one days of the date of the 6315  
notice requesting a hearing on the matter. If the child requests 6316  
a hearing, the registrar shall hold the hearing not more than 6317  
forty days after receipt by the registrar of the notice of 6318  
appeal. The filing of a notice of appeal does not stay the 6319  
operation of the suspension that must be imposed pursuant to 6320  
this division. The scope of the hearing shall be limited to 6321  
whether the child actually was convicted of or pleaded guilty to 6322  
the offense for which the suspension is to be imposed. 6323

The suspension the registrar is required to impose under 6324  
this division shall end either on the last day of the class D 6325  
suspension period or of the suspension of the child's 6326  
nonresident operating privilege imposed by the state or federal 6327  
court, whichever is earlier. If the child is a resident of this 6328  
state who is sixteen years of age or older and does not have a 6329  
current, valid Ohio driver's or commercial driver's license or 6330  
permit, the notice shall inform the child that the child will be 6331  
denied issuance of a driver's or commercial driver's license or 6332  
permit for six months beginning on the date of the notice. If 6333  
the child has not attained the age of sixteen years on the date 6334  
of the notice, the notice shall inform the child that the period 6335  
of denial of six months shall commence on the date the child 6336  
attains the age of sixteen years. 6337

The registrar shall subscribe to or otherwise participate 6338  
in any information system or register, or enter into reciprocal 6339  
and mutual agreements with other states and federal authorities, 6340  
in order to facilitate the exchange of information with other 6341  
states and the United States government regarding children who 6342

are residents of this state and plead guilty to or are convicted 6343  
of offenses described in this division and therefore are subject 6344  
to the suspension or denial described in this division. 6345

(D) The registrar shall impose a class D suspension of the 6346  
child's driver's license, commercial driver's license, temporary 6347  
instruction permit, probationary license, or nonresident 6348  
operating privilege for the period of time specified in division 6349  
(B) (4) of section 4510.02 of the Revised Code on any child who 6350  
is a resident of this state and is convicted of or pleads guilty 6351  
to a violation of a statute of any other state or a municipal 6352  
ordinance of a municipal corporation located in any other state 6353  
that is substantially similar to section 4511.19 of the Revised 6354  
Code. Upon receipt of a report from another state made pursuant 6355  
to section 4510.61 of the Revised Code indicating that a child 6356  
who is a resident of this state was convicted of or pleaded 6357  
guilty to an offense described in this division, the registrar 6358  
shall send a notice by regular first class mail to the child, at 6359  
the child's last known address as shown in the records of the 6360  
bureau of motor vehicles, informing the child of the suspension, 6361  
that the suspension will take effect twenty-one days from the 6362  
date of the notice, and that, if the child wishes to appeal the 6363  
suspension, the child must file a notice of appeal within 6364  
twenty-one days of the date of the notice requesting a hearing 6365  
on the matter. If the child requests a hearing, the registrar 6366  
shall hold the hearing not more than forty days after receipt by 6367  
the registrar of the notice of appeal. The filing of a notice of 6368  
appeal does not stay the operation of the suspension that must 6369  
be imposed pursuant to this division. The scope of the hearing 6370  
shall be limited to whether the child actually was convicted of 6371  
or pleaded guilty to the offense for which the suspension is to 6372  
be imposed. 6373



The suspension the registrar is required to impose under 6374  
this division shall end either on the last day of the class D 6375  
suspension period or of the suspension of the child's 6376  
nonresident operating privilege imposed by the state or federal 6377  
court, whichever is earlier. If the child is a resident of this 6378  
state who is sixteen years of age or older and does not have a 6379  
current, valid Ohio driver's or commercial driver's license or 6380  
permit, the notice shall inform the child that the child will be 6381  
denied issuance of a driver's or commercial driver's license or 6382  
permit for six months beginning on the date of the notice. If 6383  
the child has not attained the age of sixteen years on the date 6384  
of the notice, the notice shall inform the child that the period 6385  
of denial of six months shall commence on the date the child 6386  
attains the age of sixteen years. 6387

(E) (1) Any person whose license or permit has been 6388  
suspended pursuant to this section may file a petition in the 6389  
municipal or county court, or in case the person is under 6390  
eighteen years of age, the juvenile court, in whose jurisdiction 6391  
the person resides, requesting limited driving privileges and 6392  
agreeing to pay the cost of the proceedings. Except as provided 6393  
in division (E) (2) or (3) of this section, the judge may grant 6394  
the person limited driving privileges during the period during 6395  
which the suspension otherwise would be imposed for any of the 6396  
purposes set forth in division (A) of section 4510.021 of the 6397  
Revised Code. 6398

(2) No judge shall grant limited driving privileges for 6399  
employment as a driver of a commercial motor vehicle to any 6400  
person who would be disqualified from operating a commercial 6401  
motor vehicle under section 4506.16 of the Revised Code if the 6402  
violation had occurred in this state. Further, no judge shall 6403  
grant limited driving privileges during any of the following 6404

periods of time: 6405

(a) The first fifteen days of a suspension under division 6406  
(B) or (D) of this section, if the person has not been convicted 6407  
within ten years of the date of the offense giving rise to the 6408  
suspension under this section of a violation of any of the 6409  
following: 6410

(i) Section 4511.19 of the Revised Code, or a municipal 6411  
ordinance relating to operating a vehicle while under the 6412  
influence of alcohol, a drug of abuse, or alcohol and a drug of 6413  
abuse; 6414

(ii) A municipal ordinance relating to operating a motor 6415  
vehicle with a prohibited concentration of alcohol, a controlled 6416  
substance, or a metabolite of a controlled substance in the 6417  
whole blood, blood serum or plasma, breath, or urine; 6418

(iii) Section 2903.04 of the Revised Code in a case in 6419  
which the person was subject to the sanctions described in 6420  
division (D) of that section; 6421

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 6422  
of section 2903.08 of the Revised Code or a municipal ordinance 6423  
that is substantially similar to either of those divisions; 6424

(v) Division (A) (2), (3), or (4) of section 2903.06, 6425  
division (A) (2) of section 2903.08, or as it existed prior to 6426  
March 23, 2000, section 2903.07 of the Revised Code, or a 6427  
municipal ordinance that is substantially similar to any of 6428  
those divisions or that former section, in a case in which the 6429  
jury or judge found that the person was under the influence of 6430  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 6431

(b) The first thirty days of a suspension under division 6432  
(B) or (D) of this section, if the person has been convicted one 6433

time within ten years of the date of the offense giving rise to 6434  
the suspension under this section of any violation identified in 6435  
division (E) (1) (a) of this section. 6436

(c) The first one hundred eighty days of a suspension 6437  
under division (B) or (D) of this section, if the person has 6438  
been convicted two times within ten years of the date of the 6439  
offense giving rise to the suspension under this section of any 6440  
violation identified in division (E) (1) (a) of this section. 6441

(3) No limited driving privileges may be granted if the 6442  
person has been convicted three or more times within five years 6443  
of the date of the offense giving rise to a suspension under 6444  
division (B) or (D) of this section of any violation identified 6445  
in division (E) (1) (a) of this section. 6446

(4) In accordance with section 4510.022 of the Revised 6447  
Code, a person may petition for, and a judge may grant, 6448  
unlimited driving privileges with a certified ignition interlock 6449  
device during the period of suspension imposed under division 6450  
(B) or (D) of this section to a person described in division (E) 6451  
(2) (a) of this section. 6452

(5) If a person petitions for limited driving privileges 6453  
under division (E) (1) of this section or unlimited driving 6454  
privileges with a certified ignition interlock device as 6455  
provided in division (E) (4) of this section, the registrar shall 6456  
be represented by the county prosecutor of the county in which 6457  
the person resides if the petition is filed in a juvenile court 6458  
or county court, except that if the person resides within a city 6459  
or village that is located within the jurisdiction of the county 6460  
in which the petition is filed, the city director of law or 6461  
village solicitor of that city or village shall represent the 6462  
registrar. If the petition is filed in a municipal court, the 6463

registrar shall be represented as provided in section 1901.34 of 6464  
the Revised Code. 6465

(6) (a) In issuing an order granting limited driving 6466  
privileges under division (E) (1) of this section, the court may 6467  
impose any condition it considers reasonable and necessary to 6468  
limit the use of a vehicle by the person. The court shall 6469  
deliver to the person a copy of the order setting forth the 6470  
time, place, and other conditions limiting the person's use of a 6471  
motor vehicle. Unless division (E) (6) (b) of this section 6472  
applies, the grant of limited driving privileges shall be 6473  
conditioned upon the person's having the order in the person's 6474  
possession at all times during which the person is operating a 6475  
vehicle. 6476

(b) If, under the order, the court requires the use of an 6477  
immobilizing or disabling device as a condition of the grant of 6478  
limited or unlimited driving privileges, the person shall 6479  
present to the registrar or to a deputy registrar the copy of 6480  
the order granting limited driving privileges and a certificate 6481  
affirming the installation of an immobilizing or disabling 6482  
device that is in a form established by the director of public 6483  
safety and is signed by the person who installed the device. 6484  
Upon presentation of the order and the certificate to the 6485  
registrar or a deputy registrar, the registrar or deputy 6486  
registrar shall issue to the offender a restricted license, 6487  
unless the offender's driver's or commercial driver's license or 6488  
permit is suspended under any other provision of law and limited 6489  
driving privileges have not been granted with regard to that 6490  
suspension. A restricted license issued under this division 6491  
shall be identical to an Ohio driver's license, except that it 6492  
shall have printed on its face a statement that the offender is 6493  
prohibited from operating any motor vehicle that is not equipped 6494

with an immobilizing or disabling device in violation of the 6495  
order. 6496

(7) (a) Unless division (E) (7) (b) applies, a person granted 6497  
limited driving privileges who operates a vehicle for other than 6498  
limited purposes, in violation of any condition imposed by the 6499  
court or without having the order in the person's possession, is 6500  
guilty of a violation of section 4510.11 of the Revised Code. 6501

(b) No person who has been granted limited or unlimited 6502  
driving privileges under division (E) of this section subject to 6503  
an immobilizing or disabling device order shall operate a motor 6504  
vehicle prior to obtaining a restricted license. Any person who 6505  
violates this prohibition is subject to the penalties prescribed 6506  
in section 4510.14 of the Revised Code. 6507

(c) The offenses established under division (E) (7) of this 6508  
section are strict liability offenses and section 2901.20 of the 6509  
Revised Code does not apply. 6510

(F) The provisions of division (A) (8) of section 4510.13 6511  
of the Revised Code apply to a person who has been granted 6512  
limited or unlimited driving privileges with a certified 6513  
ignition interlock device under this section and who either 6514  
commits an ignition interlock device violation as defined under 6515  
section 4510.46 of the Revised Code or operates a motor vehicle 6516  
that is not equipped with a certified ignition interlock device. 6517

(G) Any person whose license or permit has been suspended 6518  
under division (A) or (C) of this section may file a petition in 6519  
the municipal or county court, or in case the person is under 6520  
eighteen years of age, the juvenile court, in whose jurisdiction 6521  
the person resides, requesting the termination of the suspension 6522  
and agreeing to pay the cost of the proceedings. If the court, 6523

in its discretion, determines that a termination of the 6524  
suspension is appropriate, the court shall issue an order to the 6525  
registrar to terminate the suspension. Upon receiving such an 6526  
order, the registrar shall reinstate the license. 6527

(H) As used in divisions (C) and (D) of this section: 6528

(1) "Child" means a person who is under the age of 6529  
eighteen years, except that any person who violates a statute or 6530  
ordinance described in division (C) or (D) of this section prior 6531  
to attaining eighteen years of age shall be deemed a "child" 6532  
irrespective of the person's age at the time the complaint or 6533  
other equivalent document is filed in the other state or a 6534  
hearing, trial, or other proceeding is held in the other state 6535  
on the complaint or other equivalent document, and irrespective 6536  
of the person's age when the period of license suspension or 6537  
denial prescribed in division (C) or (D) of this section is 6538  
imposed. 6539

(2) "Is convicted of or pleads guilty to" means, as it 6540  
relates to a child who is a resident of this state, that in a 6541  
proceeding conducted in a state or federal court located in 6542  
another state for a violation of a statute or ordinance 6543  
described in division (C) or (D) of this section, the result of 6544  
the proceeding is any of the following: 6545

(a) Under the laws that govern the proceedings of the 6546  
court, the child is adjudicated to be or admits to being a 6547  
delinquent child or a juvenile traffic offender for a violation 6548  
described in division (C) or (D) of this section that would be a 6549  
crime if committed by an adult; 6550

(b) Under the laws that govern the proceedings of the 6551  
court, the child is convicted of or pleads guilty to a violation 6552

described in division (C) or (D) of this section; 6553

(c) Under the laws that govern the proceedings of the 6554  
court, irrespective of the terminology utilized in those laws, 6555  
the result of the court's proceedings is the functional 6556  
equivalent of division (H) (2) (a) or (b) of this section. 6557

**Sec. 5924.1121.** (A) As used in this section, "prohibited 6558  
substance" means any of the following: 6559

(1) Opium, heroin, cocaine, amphetamine, lysergic acid 6560  
diethylamide, methamphetamine, phencyclidine, barbituric acid, 6561  
or ~~marihuana~~cannabis or any compound or derivative of any of 6562  
those substances; 6563

(2) Any substance not specified in division (A) (1) of this 6564  
section that the adjutant general lists on a schedule of 6565  
controlled substances or that is listed on a schedule 6566  
established under section 202 of the Federal Controlled 6567  
Substances Act, 21 U.S.C. 812, 84 Stat. 1247, as amended. 6568

(B) A person subject to this code who wrongfully uses, 6569  
possesses, manufactures, distributes, imports into the customs 6570  
territory of the United States, exports from the United States, 6571  
or introduces into an installation, vessel, vehicle, or aircraft 6572  
used by or under the control of the armed forces of the United 6573  
States or of the organized militia a prohibited substance shall 6574  
be punished as a court-martial may direct. 6575

**Section 2.** That existing sections 1.58, 109.572, 2923.01, 6576  
2923.41, 2925.01, 2925.02, 2925.03, 2925.04, 2925.05, 2925.11, 6577  
2925.14, 2925.22, 2925.23, 2925.36, 2925.38, 2925.51, 2929.01, 6578  
2929.14, 3719.01, 3719.21, 3734.44, 4510.17, and 5924.1121 of 6579  
the Revised Code are hereby repealed. 6580

**Section 3.** That section 2925.141 of the Revised Code is 6581

hereby repealed. 6582

**Section 4.** It is not the intent of the General Assembly, 6583  
in enacting this act, to abridge or deny the right to bear arms 6584  
granted to individuals under the Second Amendment to the U.S. 6585  
Constitution and Article I, Section 4 of the Ohio Constitution. 6586

**Section 5.** Nothing in this act shall be construed to 6587  
prohibit visitation or custody of a minor child unless the 6588  
person seeking visitation or custody is grossly irresponsible 6589  
with other contributing factors. 6590

**Section 6.** (A) In enacting provisions replacing references 6591  
to "marijuana" with references to "cannabis," this act does not 6592  
affect the status of any license, registration, or certificate 6593  
issued under the Medical Marijuana Control Program, as that 6594  
program existed immediately prior to the effective date of this 6595  
act. Accordingly, all of the following remain valid, unless 6596  
earlier suspended or revoked, until renewed according to the 6597  
schedule established in rule: 6598

(1) Any license issued by the Department of Commerce or 6599  
State Board of Pharmacy pursuant to Chapter 3796. of the Revised 6600  
Code; 6601

(2) Any patient or caregiver medical marijuana 6602  
registration, including any identification card, issued by the 6603  
State Board of Pharmacy pursuant to Chapter 3796. of the Revised 6604  
Code; 6605

(3) Any certificate to recommend medical marijuana issued 6606  
by the State Medical Board pursuant to section 4731.30 of the 6607  
Revised Code. 6608

(B) Under section 3796.021 of the Revised Code, as amended 6609  
by this act, the Medical Cannabis Advisory Committee and its 6610



membership shall be a continuation of the Medical Marijuana 6611  
Advisory Committee and its membership, as the Committee and 6612  
membership existed immediately prior to the effective date of 6613  
this act. 6614

(C) References, existing on the effective date of this 6615  
act, to "marijuana" and "marihuana" in contracts entered into by 6616  
the state or a political subdivision, in executive orders and 6617  
directives, and in similar documents are deemed to be references 6618  
to "cannabis" as defined in section 1.06 of the Revised Code, as 6619  
enacted by this act, unless the context clearly indicates 6620  
otherwise. 6621

**Section 7.** The General Assembly, applying the principle 6622  
stated in division (B) of section 1.52 of the Revised Code that 6623  
amendments are to be harmonized if reasonably capable of 6624  
simultaneous operation, finds that the composite of the 6625  
following sections, presented in this act as composites of the 6626  
sections as amended by the acts indicated, are the resulting 6627  
versions of the sections in effect prior to the effective date 6628  
of the sections as presented in this act: 6629

Section 109.572 of the Revised Code as amended by both 6630  
H.B. 166 and S.B. 57 of the 133rd General Assembly. 6631

Section 2925.02 of the Revised Code as amended by both 6632  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6633

Section 2925.03 of the Revised Code as amended by H.B. 6634  
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 6635  
Assembly. 6636

Section 2925.04 of the Revised Code as amended by both 6637  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6638

Section 2925.05 of the Revised Code as amended by both 6639

S.B. 1 and S.B. 201 of the 132nd General Assembly.	6640
Section 2925.11 of the Revised Code as amended by S.B. 1,	6641
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	6642
Section 2929.01 of the Revised Code as amended by H.B. 63,	6643
H.B. 411, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd	6644
General Assembly.	6645
Section 2929.14 of the Revised Code as amended by H.B. 63,	6646
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General	6647
Assembly.	6648
Section 4510.17 of the Revised Code as amended by both	6649
H.B. 388 and S.B. 204 of the 131st General Assembly.	6650