

As Introduced

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

H. B. No. 803

Representative Patton

A BILL

To amend sections 109.79, 2133.211, 2305.234, 1
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2
2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 3
2929.42, 3313.7110, 3701.048, 3701.74, 3715.872, 4
3719.06, 3719.121, 3719.13, 3719.81, 3728.03, 5
4729.01, 4729.51, 4729.88, 4731.22, 4731.251, 6
4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 7
4761.061, 4761.07, 4761.09, 4761.13, 4761.14, 8
4761.17, 4761.99, 4765.51, 4769.01, 5101.76, 9
5123.47, and 5903.12 and to enact sections 10
4761.033, 4761.20, 4761.21, 4761.30, 4761.301, 11
4761.31, 4761.32, 4761.33, 4761.34, 4761.35, 12
4761.36, 4761.37, 4761.38, 4761.381, 4761.382, 13
4761.39, 4761.40, 4761.41, 4761.42, 4761.43, 14
4761.44, 4761.441, 4761.442, 4761.45, 4761.46, 15
4761.47, and 4761.48 of the Revised Code to 16
license advanced practice respiratory 17
therapists. 18

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

Section 1. That sections 109.79, 2133.211, 2305.234, 19
2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 20

2925.36, 2925.55, 2925.56, 2929.42, 3313.7110, 3701.048, 21
3701.74, 3715.872, 3719.06, 3719.121, 3719.13, 3719.81, 3728.03, 22
4729.01, 4729.51, 4729.88, 4731.22, 4731.251, 4755.48, 4761.01, 23
4761.03, 4761.032, 4761.06, 4761.061, 4761.07, 4761.09, 4761.13, 24
4761.14, 4761.17, 4761.99, 4765.51, 4769.01, 5101.76, 5123.47, 25
and 5903.12 be amended and sections 4761.033, 4761.20, 4761.21, 26
4761.30, 4761.301, 4761.31, 4761.32, 4761.33, 4761.34, 4761.35, 27
4761.36, 4761.37, 4761.38, 4761.381, 4761.382, 4761.39, 4761.40, 28
4761.41, 4761.42, 4761.43, 4761.44, 4761.441, 4761.442, 4761.45, 29
4761.46, 4761.47, and 4761.48 of the Revised Code be enacted to 30
read as follows: 31

Sec. 109.79. (A) The Ohio peace officer training 32
commission shall establish and conduct a training school for law 33
enforcement officers of any political subdivision of the state 34
or of the state public defender's office. The school shall be 35
known as the Ohio peace officer training academy. No bailiff or 36
deputy bailiff of a court of record of this state and no 37
criminal investigator employed by the state public defender 38
shall be permitted to attend the academy for training unless the 39
employing court of the bailiff or deputy bailiff or the state 40
public defender, whichever is applicable, has authorized the 41
bailiff, deputy bailiff, or investigator to attend the academy. 42

The Ohio peace officer training commission shall develop 43
the training program, which shall include courses in both the 44
civil and criminal functions of law enforcement officers, a 45
course in crisis intervention with six or more hours of 46
training, training in the handling of missing children and child 47
abuse and neglect cases, and training on companion animal 48
encounters and companion animal behavior, and shall establish 49
rules governing qualifications for admission to the academy. The 50
commission may require competitive examinations to determine 51

fitness of prospective trainees, so long as the examinations or 52
other criteria for admission to the academy are consistent with 53
the provisions of Chapter 124. of the Revised Code. 54

The Ohio peace officer training commission shall determine 55
tuition costs sufficient in the aggregate to pay the costs of 56
operating the academy. The costs of acquiring and equipping the 57
academy shall be paid from appropriations made by the general 58
assembly to the Ohio peace officer training commission for that 59
purpose, from gifts or grants received for that purpose, or from 60
fees for goods related to the academy. 61

The Ohio peace officer training commission shall create a 62
gaming-related curriculum for gaming agents. The Ohio peace 63
officer training commission shall use money distributed to the 64
Ohio peace officer training academy from the Ohio law 65
enforcement training fund to first support the academy's 66
training programs for gaming agents and gaming-related 67
curriculum. The Ohio peace officer training commission may 68
utilize existing training programs in other states that 69
specialize in training gaming agents. 70

The law enforcement officers, during the period of their 71
training, shall receive compensation as determined by the 72
political subdivision that sponsors them or, if the officer is a 73
criminal investigator employed by the state public defender, as 74
determined by the state public defender. The political 75
subdivision may pay the tuition costs of the law enforcement 76
officers they sponsor and the state public defender may pay the 77
tuition costs of criminal investigators of that office who 78
attend the academy. 79

If trainee vacancies exist, the academy may train and 80
issue certificates of satisfactory completion to peace officers 81

who are employed by a campus police department pursuant to 82
section 1713.50 of the Revised Code, by a qualified nonprofit 83
corporation police department pursuant to section 1702.80 of the 84
Revised Code, or by a railroad company, who are amusement park 85
police officers appointed and commissioned by a judge of the 86
appropriate municipal court or county court pursuant to section 87
4973.17 of the Revised Code, or who are bank, savings and loan 88
association, savings bank, credit union, or association of 89
banks, savings and loan associations, savings banks, or credit 90
unions, or hospital police officers appointed and commissioned 91
by the secretary of state pursuant to sections 4973.17 to 92
4973.22 of the Revised Code, provided that no such officer shall 93
be trained at the academy unless the officer meets the 94
qualifications established for admission to the academy and the 95
qualified nonprofit corporation police department; bank, savings 96
and loan association, savings bank, credit union, or association 97
of banks, savings and loan associations, savings banks, or 98
credit unions; railroad company; hospital; or amusement park or 99
the private college or university that established the campus 100
police department prepays the entire cost of the training. A 101
qualified nonprofit corporation police department; bank, savings 102
and loan association, savings bank, credit union, or association 103
of banks, savings and loan associations, savings banks, or 104
credit unions; railroad company; hospital; or amusement park or 105
a private college or university that has established a campus 106
police department is not entitled to reimbursement from the 107
state for any amount paid for the cost of training the bank, 108
savings and loan association, savings bank, credit union, or 109
association of banks, savings and loan associations, savings 110
banks, or credit unions peace officers; the railroad company's 111
peace officers; or the peace officers of the qualified nonprofit 112
corporation police department, campus police department, 113

hospital, or amusement park. 114

The academy shall permit investigators employed by the 115
state medical board to take selected courses that the board 116
determines are consistent with its responsibilities for initial 117
and continuing training of investigators as required under 118
sections 4730.26~~and~~, 4731.05, and 4761.03 of the Revised Code. 119
The board shall pay the entire cost of training that 120
investigators receive at the academy. 121

The academy shall permit tactical medical professionals to 122
attend training courses at the academy that are designed to 123
qualify the professionals to carry firearms while on duty under 124
section 109.771 of the Revised Code and that provide training 125
comparable to training mandated under the rules required by 126
division (A) of section 109.748 of the Revised Code. The 127
executive director of the Ohio peace officer training commission 128
may certify tactical medical professionals who satisfactorily 129
complete the training courses. The law enforcement agency served 130
by a tactical medical professional who attends the academy may 131
pay the tuition costs of the professional. 132

(B) As used in this section: 133

(1) "Law enforcement officers" include any undercover drug 134
agent, any bailiff or deputy bailiff of a court of record, and 135
any criminal investigator who is employed by the state public 136
defender. 137

(2) "Undercover drug agent" means any person who: 138

(a) Is employed by a county, township, or municipal 139
corporation for the purposes set forth in division (B) (2) (b) of 140
this section but who is not an employee of a county sheriff's 141
department, of a township constable, or of the police department 142

of a municipal corporation or township;	143
(b) In the course of the person's employment by a county,	144
township, or municipal corporation, investigates and gathers	145
information pertaining to persons who are suspected of violating	146
Chapter 2925. or 3719. of the Revised Code, and generally does	147
not wear a uniform in the performance of the person's duties.	148
(3) "Crisis intervention training" has the same meaning as	149
in section 109.71 of the Revised Code.	150
(4) "Missing children" has the same meaning as in section	151
2901.30 of the Revised Code.	152
(5) "Companion animal" has the same meaning as in section	153
959.131 of the Revised Code.	154
Sec. 2133.211. A person who holds a current, valid license	155
issued under Chapter 4723. of the Revised Code to practice as an	156
advanced practice registered nurse may take any action that may	157
be taken by an attending physician under sections 2133.21 to	158
2133.26 of the Revised Code and has the immunity provided by	159
section 2133.22 of the Revised Code if the action is taken	160
pursuant to a standard care arrangement with a collaborating	161
physician.	162
A person who holds a license to practice as a physician	163
assistant issued under Chapter 4730. of the Revised Code may	164
take any action that may be taken by an attending physician	165
under sections 2133.21 to 2133.26 of the Revised Code and has	166
the immunity provided by section 2133.22 of the Revised Code if	167
the action is taken pursuant to a supervision agreement entered	168
into under section 4730.19 of the Revised Code, including, if	169
applicable, the policies of a health care facility in which the	170
physician assistant is practicing.	171

A person who holds a license to practice as an advanced practice respiratory therapist issued under Chapter 4761. of the Revised Code may take any action that may be taken by an attending physician under sections 2133.21 to 2133.26 of the Revised Code and has the immunity provided by section 2133.22 of the Revised Code if the action is taken pursuant to a supervision agreement entered into under section 4761.37 of the Revised Code, including, if applicable, the policies of a health care facility in which the advanced practice respiratory therapist is practicing.

Sec. 2305.234. (A) As used in this section: 182

(1) "Chiropractic claim," "medical claim," and "optometric claim" have the same meanings as in section 2305.113 of the Revised Code. 183
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(2) "Dental claim" has the same meaning as in section 2305.113 of the Revised Code, except that it does not include any claim arising out of a dental operation or any derivative claim for relief that arises out of a dental operation. 186
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(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code. 190
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(4) "Health care facility or location" means a hospital, clinic, ambulatory surgical facility, office of a health care professional or associated group of health care professionals, training institution for health care professionals, a free clinic or other nonprofit shelter or health care facility as those terms are defined in section 3701.071 of the Revised Code, or any other place where medical, dental, or other health-related diagnosis, care, or treatment is provided to a person. 192
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(5) "Health care professional" means any of the following 200

who provide medical, dental, or other health-related diagnosis,	201
care, or treatment:	202
(a) Physicians authorized under Chapter 4731. of the	203
Revised Code to practice medicine and surgery or osteopathic	204
medicine and surgery;	205
(b) Advanced practice registered nurses, registered	206
nurses, and licensed practical nurses licensed under Chapter	207
4723. of the Revised Code;	208
(c) Physician assistants authorized to practice under	209
Chapter 4730. of the Revised Code;	210
(d) Dentists and dental hygienists licensed under Chapter	211
4715. of the Revised Code;	212
(e) Physical therapists, physical therapist assistants,	213
occupational therapists, occupational therapy assistants, and	214
athletic trainers licensed under Chapter 4755. of the Revised	215
Code;	216
(f) Chiropractors licensed under Chapter 4734. of the	217
Revised Code;	218
(g) Optometrists licensed under Chapter 4725. of the	219
Revised Code;	220
(h) Podiatrists authorized under Chapter 4731. of the	221
Revised Code to practice podiatry;	222
(i) Dietitians licensed under Chapter 4759. of the Revised	223
Code;	224
(j) Pharmacists licensed under Chapter 4729. of the	225
Revised Code;	226
(k) Emergency medical technicians-basic, emergency medical	227

technicians-intermediate, and emergency medical technicians-	228
paramedic, certified under Chapter 4765. of the Revised Code;	229
(1) Respiratory care professionals <u>and advanced practice</u>	230
<u>respiratory therapists</u> licensed under Chapter 4761. of the	231
Revised Code;	232
(m) Speech-language pathologists and audiologists licensed	233
under Chapter 4753. of the Revised Code;	234
(n) Licensed professional clinical counselors, licensed	235
professional counselors, independent social workers, social	236
workers, independent marriage and family therapists, and	237
marriage and family therapists, licensed under Chapter 4757. of	238
the Revised Code;	239
(o) Psychologists licensed under Chapter 4732. of the	240
Revised Code;	241
(p) Independent chemical dependency counselors-clinical	242
supervisors, independent chemical dependency counselors,	243
chemical dependency counselors III, and chemical dependency	244
counselors II, licensed under Chapter 4758. of the Revised Code,	245
and chemical dependency counselor assistants, prevention	246
consultants, prevention specialists, prevention specialist	247
assistants, and registered applicants, certified under that	248
chapter.	249
(6) "Health care worker" means a person other than a	250
health care professional who provides medical, dental, or other	251
health-related care or treatment under the direction of a health	252
care professional with the authority to direct that individual's	253
activities, including medical technicians, medical assistants,	254
dental assistants, orderlies, aides, and individuals acting in	255
similar capacities.	256

(7) "Indigent and uninsured person" means a person who	257
meets both of the following requirements:	258
(a) Relative to being indigent, the person's income is not	259
greater than two hundred per cent of the federal poverty line,	260
as defined by the United States office of management and budget	261
and revised in accordance with section 673(2) of the "Omnibus	262
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.	263
9902, as amended, except in any case in which division (A) (7) (b)	264
(iii) of this section includes a person whose income is greater	265
than two hundred per cent of the federal poverty line.	266
(b) Relative to being uninsured, one of the following	267
applies:	268
(i) The person is not a policyholder, certificate holder,	269
insured, contract holder, subscriber, enrollee, member,	270
beneficiary, or other covered individual under a health	271
insurance or health care policy, contract, or plan.	272
(ii) The person is a policyholder, certificate holder,	273
insured, contract holder, subscriber, enrollee, member,	274
beneficiary, or other covered individual under a health	275
insurance or health care policy, contract, or plan, but the	276
insurer, policy, contract, or plan denies coverage or is the	277
subject of insolvency or bankruptcy proceedings in any	278
jurisdiction.	279
(iii) Until June 30, 2019, the person is eligible for the	280
medicaid program or is a medicaid recipient.	281
(iv) Except as provided in division (A) (7) (b) (iii) of this	282
section, the person is not eligible for or a recipient,	283
enrollee, or beneficiary of any governmental health care	284
program.	285

(8) "Nonprofit health care referral organization" means an 286
entity that is not operated for profit and refers patients to, 287
or arranges for the provision of, health-related diagnosis, 288
care, or treatment by a health care professional or health care 289
worker. 290

(9) "Operation" means any procedure that involves cutting 291
or otherwise infiltrating human tissue by mechanical means, 292
including surgery, laser surgery, ionizing radiation, 293
therapeutic ultrasound, or the removal of intraocular foreign 294
bodies. "Operation" does not include the administration of 295
medication by injection, unless the injection is administered in 296
conjunction with a procedure infiltrating human tissue by 297
mechanical means other than the administration of medicine by 298
injection. "Operation" does not include routine dental 299
restorative procedures, the scaling of teeth, or extractions of 300
teeth that are not impacted. 301

(10) "Tort action" means a civil action for damages for 302
injury, death, or loss to person or property other than a civil 303
action for damages for a breach of contract or another agreement 304
between persons or government entities. 305

(11) "Volunteer" means an individual who provides any 306
medical, dental, or other health-care related diagnosis, care, 307
or treatment without the expectation of receiving and without 308
receipt of any compensation or other form of remuneration from 309
an indigent and uninsured person, another person on behalf of an 310
indigent and uninsured person, any health care facility or 311
location, any nonprofit health care referral organization, or 312
any other person or government entity. 313

(12) "Community control sanction" has the same meaning as 314
in section 2929.01 of the Revised Code. 315

(13) "Deep sedation" means a drug-induced depression of consciousness during which a patient cannot be easily aroused but responds purposefully following repeated or painful stimulation, a patient's ability to independently maintain ventilatory function may be impaired, a patient may require assistance in maintaining a patent airway and spontaneous ventilation may be inadequate, and cardiovascular function is usually maintained.

(14) "General anesthesia" means a drug-induced loss of consciousness during which a patient is not arousable, even by painful stimulation, the ability to independently maintain ventilatory function is often impaired, a patient often requires assistance in maintaining a patent airway, positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function, and cardiovascular function may be impaired.

(B)(1) Subject to divisions (F) and (G)(3) of this section, a health care professional who is a volunteer and complies with division (B)(2) of this section is not liable in damages to any person or government entity in a tort or other civil action, including an action on a medical, dental, chiropractic, optometric, or other health-related claim, for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer in the provision to an indigent and uninsured person of medical, dental, or other health-related diagnosis, care, or treatment, including the provision of samples of medicine and other medical products, unless the action or omission constitutes willful or wanton misconduct.

(2) To qualify for the immunity described in division (B)

(1) of this section, a health care professional shall do all of 346
the following prior to providing diagnosis, care, or treatment: 347

(a) Determine, in good faith, that the indigent and 348
uninsured person is mentally capable of giving informed consent 349
to the provision of the diagnosis, care, or treatment and is not 350
subject to duress or under undue influence; 351

(b) Inform the person of the provisions of this section, 352
including notifying the person that, by giving informed consent 353
to the provision of the diagnosis, care, or treatment, the 354
person cannot hold the health care professional liable for 355
damages in a tort or other civil action, including an action on 356
a medical, dental, chiropractic, optometric, or other health- 357
related claim, unless the action or omission of the health care 358
professional constitutes willful or wanton misconduct; 359

(c) Obtain the informed consent of the person and a 360
written waiver, signed by the person or by another individual on 361
behalf of and in the presence of the person, that states that 362
the person is mentally competent to give informed consent and, 363
without being subject to duress or under undue influence, gives 364
informed consent to the provision of the diagnosis, care, or 365
treatment subject to the provisions of this section. A written 366
waiver under division (B) (2) (c) of this section shall state 367
clearly and in conspicuous type that the person or other 368
individual who signs the waiver is signing it with full 369
knowledge that, by giving informed consent to the provision of 370
the diagnosis, care, or treatment, the person cannot bring a 371
tort or other civil action, including an action on a medical, 372
dental, chiropractic, optometric, or other health-related claim, 373
against the health care professional unless the action or 374
omission of the health care professional constitutes willful or 375

wanton misconduct.	376
(3) A physician or podiatrist who is not covered by	377
medical malpractice insurance, but complies with division (B) (2)	378
of this section, is not required to comply with division (A) of	379
section 4731.143 of the Revised Code.	380
(C) Subject to divisions (F) and (G) (3) of this section,	381
health care workers who are volunteers are not liable in damages	382
to any person or government entity in a tort or other civil	383
action, including an action upon a medical, dental,	384
chiropractic, optometric, or other health-related claim, for	385
injury, death, or loss to person or property that allegedly	386
arises from an action or omission of the health care worker in	387
the provision to an indigent and uninsured person of medical,	388
dental, or other health-related diagnosis, care, or treatment,	389
unless the action or omission constitutes willful or wanton	390
misconduct.	391
(D) Subject to divisions (F) and (G) (3) of this section, a	392
nonprofit health care referral organization is not liable in	393
damages to any person or government entity in a tort or other	394
civil action, including an action on a medical, dental,	395
chiropractic, optometric, or other health-related claim, for	396
injury, death, or loss to person or property that allegedly	397
arises from an action or omission of the nonprofit health care	398
referral organization in referring indigent and uninsured	399
persons to, or arranging for the provision of, medical, dental,	400
or other health-related diagnosis, care, or treatment by a	401
health care professional described in division (B) (1) of this	402
section or a health care worker described in division (C) of	403
this section, unless the action or omission constitutes willful	404
or wanton misconduct.	405

(E) Subject to divisions (F) and (G) (3) of this section 406
and to the extent that the registration requirements of section 407
3701.071 of the Revised Code apply, a health care facility or 408
location associated with a health care professional described in 409
division (B) (1) of this section, a health care worker described 410
in division (C) of this section, or a nonprofit health care 411
referral organization described in division (D) of this section 412
is not liable in damages to any person or government entity in a 413
tort or other civil action, including an action on a medical, 414
dental, chiropractic, optometric, or other health-related claim, 415
for injury, death, or loss to person or property that allegedly 416
arises from an action or omission of the health care 417
professional or worker or nonprofit health care referral 418
organization relative to the medical, dental, or other health- 419
related diagnosis, care, or treatment provided to an indigent 420
and uninsured person on behalf of or at the health care facility 421
or location, unless the action or omission constitutes willful 422
or wanton misconduct. 423

(F) (1) Except as provided in division (F) (2) of this 424
section, the immunities provided by divisions (B), (C), (D), and 425
(E) of this section are not available to a health care 426
professional, health care worker, nonprofit health care referral 427
organization, or health care facility or location if, at the 428
time of an alleged injury, death, or loss to person or property, 429
the health care professionals or health care workers involved 430
are providing one of the following: 431

(a) Any medical, dental, or other health-related 432
diagnosis, care, or treatment pursuant to a community service 433
work order entered by a court under division (B) of section 434
2951.02 of the Revised Code or imposed by a court as a community 435
control sanction; 436

(b) Performance of an operation to which any one of the following applies:	437 438
(i) The operation requires the administration of deep sedation or general anesthesia.	439 440
(ii) The operation is a procedure that is not typically performed in an office.	441 442
(iii) The individual involved is a health care professional, and the operation is beyond the scope of practice or the education, training, and competence, as applicable, of the health care professional.	443 444 445 446
(c) Delivery of a baby or any other purposeful termination of a human pregnancy.	447 448
(2) Division (F) (1) of this section does not apply when a health care professional or health care worker provides medical, dental, or other health-related diagnosis, care, or treatment that is necessary to preserve the life of a person in a medical emergency.	449 450 451 452 453
(G) (1) This section does not create a new cause of action or substantive legal right against a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location.	454 455 456 457
(2) This section does not affect any immunities from civil liability or defenses established by another section of the Revised Code or available at common law to which a health care professional, health care worker, nonprofit health care referral organization, or health care facility or location may be entitled in connection with the provision of emergency or other medical, dental, or other health-related diagnosis, care, or treatment.	458 459 460 461 462 463 464 465

(3) This section does not grant an immunity from tort or 466
other civil liability to a health care professional, health care 467
worker, nonprofit health care referral organization, or health 468
care facility or location for actions that are outside the scope 469
of authority of health care professionals or health care 470
workers. 471

In the case of the diagnosis, care, or treatment of an 472
indigent and uninsured person who is eligible for the medicaid 473
program or is a medicaid recipient, this section grants an 474
immunity from tort or other civil liability only if the person's 475
diagnosis, care, or treatment is provided in a free clinic, as 476
defined in section 3701.071 of the Revised Code. 477

(4) This section does not affect any legal responsibility 478
of a health care professional, health care worker, or nonprofit 479
health care referral organization to comply with any applicable 480
law of this state or rule of an agency of this state. 481

(5) This section does not affect any legal responsibility 482
of a health care facility or location to comply with any 483
applicable law of this state, rule of an agency of this state, 484
or local code, ordinance, or regulation that pertains to or 485
regulates building, housing, air pollution, water pollution, 486
sanitation, health, fire, zoning, or safety. 487

Sec. 2925.01. As used in this chapter: 488

(A) "Administer," "controlled substance," "controlled 489
substance analog," "dispense," "distribute," "hypodermic," 490
"manufacturer," "official written order," "person," 491
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 492
"schedule III," "schedule IV," "schedule V," and "wholesaler" 493
have the same meanings as in section 3719.01 of the Revised 494

Code.	495
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	496 497
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	498 499 500 501
(D) "Bulk amount" of a controlled substance means any of the following:	502 503
(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, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	504 505 506 507 508 509
(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;	510 511 512 513
(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;	514 515 516
(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;	517 518 519 520 521
(d) An amount equal to or exceeding twenty grams or five	522

times the maximum daily dose in the usual dose range specified 523
in a standard pharmaceutical reference manual of a compound, 524
mixture, preparation, or substance that is or contains any 525
amount of a schedule II opiate or opium derivative; 526

(e) An amount equal to or exceeding five grams or ten unit 527
doses of a compound, mixture, preparation, or substance that is 528
or contains any amount of phencyclidine; 529

(f) An amount equal to or exceeding one hundred twenty 530
grams or thirty times the maximum daily dose in the usual dose 531
range specified in a standard pharmaceutical reference manual of 532
a compound, mixture, preparation, or substance that is or 533
contains any amount of a schedule II stimulant that is in a 534
final dosage form manufactured by a person authorized by the 535
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 536
U.S.C.A. 301, as amended, and the federal drug abuse control 537
laws, as defined in section 3719.01 of the Revised Code, that is 538
or contains any amount of a schedule II depressant substance or 539
a schedule II hallucinogenic substance; 540

(g) An amount equal to or exceeding three grams of a 541
compound, mixture, preparation, or substance that is or contains 542
any amount of a schedule II stimulant, or any of its salts or 543
isomers, that is not in a final dosage form manufactured by a 544
person authorized by the Federal Food, Drug, and Cosmetic Act 545
and the federal drug abuse control laws. 546

(2) An amount equal to or exceeding one hundred twenty 547
grams or thirty times the maximum daily dose in the usual dose 548
range specified in a standard pharmaceutical reference manual of 549
a compound, mixture, preparation, or substance that is or 550
contains any amount of a schedule III or IV substance other than 551
an anabolic steroid or a schedule III opiate or opium 552

derivative;	553
(3) 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 III opiate or opium derivative;	554 555 556 557 558
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	559 560 561 562
(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;	563 564 565 566
(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.	567 568 569 570 571 572 573 574 575 576 577 578
(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	579 580 581

is the amount or unit by which the controlled substance is 582
separately administered to or taken by an individual. 583

(F) "Cultivate" includes planting, watering, fertilizing, 584
or tilling. 585

(G) "Drug abuse offense" means any of the following: 586

(1) A violation of division (A) of section 2913.02 that 587
constitutes theft of drugs, or a violation of section 2925.02, 588
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 589
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 590
or 2925.37 of the Revised Code; 591

(2) A violation of an existing or former law of this or 592
any other state or of the United States that is substantially 593
equivalent to any section listed in division (G)(1) of this 594
section; 595

(3) An offense under an existing or former law of this or 596
any other state, or of the United States, of which planting, 597
cultivating, harvesting, processing, making, manufacturing, 598
producing, shipping, transporting, delivering, acquiring, 599
possessing, storing, distributing, dispensing, selling, inducing 600
another to use, administering to another, using, or otherwise 601
dealing with a controlled substance is an element; 602

(4) A conspiracy to commit, attempt to commit, or 603
complicity in committing or attempting to commit any offense 604
under division (G)(1), (2), or (3) of this section. 605

(H) "Felony drug abuse offense" means any drug abuse 606
offense that would constitute a felony under the laws of this 607
state, any other state, or the United States. 608

(I) "Harmful intoxicant" does not include beer or 609

intoxicating liquor but means any of the following:	610
(1) Any compound, mixture, preparation, or substance the	611
gas, fumes, or vapor of which when inhaled can induce	612
intoxication, excitement, giddiness, irrational behavior,	613
depression, stupefaction, paralysis, unconsciousness,	614
asphyxiation, or other harmful physiological effects, and	615
includes, but is not limited to, any of the following:	616
(a) Any volatile organic solvent, plastic cement, model	617
cement, fingernail polish remover, lacquer thinner, cleaning	618
fluid, gasoline, or other preparation containing a volatile	619
organic solvent;	620
(b) Any aerosol propellant;	621
(c) Any fluorocarbon refrigerant;	622
(d) Any anesthetic gas.	623
(2) Gamma Butyrolactone;	624
(3) 1,4 Butanediol.	625
(J) "Manufacture" means to plant, cultivate, harvest,	626
process, make, prepare, or otherwise engage in any part of the	627
production of a drug, by propagation, extraction, chemical	628
synthesis, or compounding, or any combination of the same, and	629
includes packaging, repackaging, labeling, and other activities	630
incident to production.	631
(K) "Possess" or "possession" means having control over a	632
thing or substance, but may not be inferred solely from mere	633
access to the thing or substance through ownership or occupation	634
of the premises upon which the thing or substance is found.	635
(L) "Sample drug" means a drug or pharmaceutical	636

preparation that would be hazardous to health or safety if used 637
without the supervision of a licensed health professional 638
authorized to prescribe drugs, or a drug of abuse, and that, at 639
one time, had been placed in a container plainly marked as a 640
sample by a manufacturer. 641

(M) "Standard pharmaceutical reference manual" means the 642
current edition, with cumulative changes if any, of references 643
that are approved by the state board of pharmacy. 644

(N) "Juvenile" means a person under eighteen years of age. 645

(O) "Counterfeit controlled substance" means any of the 646
following: 647

(1) Any drug that bears, or whose container or label 648
bears, a trademark, trade name, or other identifying mark used 649
without authorization of the owner of rights to that trademark, 650
trade name, or identifying mark; 651

(2) Any unmarked or unlabeled substance that is 652
represented to be a controlled substance manufactured, 653
processed, packed, or distributed by a person other than the 654
person that manufactured, processed, packed, or distributed it; 655

(3) Any substance that is represented to be a controlled 656
substance but is not a controlled substance or is a different 657
controlled substance; 658

(4) Any substance other than a controlled substance that a 659
reasonable person would believe to be a controlled substance 660
because of its similarity in shape, size, and color, or its 661
markings, labeling, packaging, distribution, or the price for 662
which it is sold or offered for sale. 663

(P) An offense is "committed in the vicinity of a school" 664

if the offender commits the offense on school premises, in a 665
school building, or within one thousand feet of the boundaries 666
of any school premises, regardless of whether the offender knows 667
the offense is being committed on school premises, in a school 668
building, or within one thousand feet of the boundaries of any 669
school premises. 670

(Q) "School" means any school operated by a board of 671
education, any community school established under Chapter 3314. 672
of the Revised Code, or any nonpublic school for which the state 673
board of education prescribes minimum standards under section 674
3301.07 of the Revised Code, whether or not any instruction, 675
extracurricular activities, or training provided by the school 676
is being conducted at the time a criminal offense is committed. 677

(R) "School premises" means either of the following: 678

(1) The parcel of real property on which any school is 679
situated, whether or not any instruction, extracurricular 680
activities, or training provided by the school is being 681
conducted on the premises at the time a criminal offense is 682
committed; 683

(2) Any other parcel of real property that is owned or 684
leased by a board of education of a school, the governing 685
authority of a community school established under Chapter 3314. 686
of the Revised Code, or the governing body of a nonpublic school 687
for which the state board of education prescribes minimum 688
standards under section 3301.07 of the Revised Code and on which 689
some of the instruction, extracurricular activities, or training 690
of the school is conducted, whether or not any instruction, 691
extracurricular activities, or training provided by the school 692
is being conducted on the parcel of real property at the time a 693
criminal offense is committed. 694

(S) "School building" means any building in which any of 695
the instruction, extracurricular activities, or training 696
provided by a school is conducted, whether or not any 697
instruction, extracurricular activities, or training provided by 698
the school is being conducted in the school building at the time 699
a criminal offense is committed. 700

(T) "Disciplinary counsel" means the disciplinary counsel 701
appointed by the board of commissioners on grievances and 702
discipline of the supreme court under the Rules for the 703
Government of the Bar of Ohio. 704

(U) "Certified grievance committee" means a duly 705
constituted and organized committee of the Ohio state bar 706
association or of one or more local bar associations of the 707
state of Ohio that complies with the criteria set forth in Rule 708
V, section 6 of the Rules for the Government of the Bar of Ohio. 709

(V) "Professional license" means any license, permit, 710
certificate, registration, qualification, admission, temporary 711
license, temporary permit, temporary certificate, or temporary 712
registration that is described in divisions (W) (1) to (37) of 713
this section and that qualifies a person as a professionally 714
licensed person. 715

(W) "Professionally licensed person" means any of the 716
following: 717

(1) A person who has received a certificate or temporary 718
certificate as a certified public accountant or who has 719
registered as a public accountant under Chapter 4701. of the 720
Revised Code and who holds an Ohio permit issued under that 721
chapter; 722

(2) A person who holds a certificate of qualification to 723

practice architecture issued or renewed and registered under	724
Chapter 4703. of the Revised Code;	725
(3) A person who is registered as a landscape architect	726
under Chapter 4703. of the Revised Code or who holds a permit as	727
a landscape architect issued under that chapter;	728
(4) A person licensed under Chapter 4707. of the Revised	729
Code;	730
(5) A person who has been issued a certificate of	731
registration as a registered barber under Chapter 4709. of the	732
Revised Code;	733
(6) A person licensed and regulated to engage in the	734
business of a debt pooling company by a legislative authority,	735
under authority of Chapter 4710. of the Revised Code;	736
(7) A person who has been issued a cosmetologist's	737
license, hair designer's license, manicurist's license,	738
esthetician's license, natural hair stylist's license, advanced	739
cosmetologist's license, advanced hair designer's license,	740
advanced manicurist's license, advanced esthetician's license,	741
advanced natural hair stylist's license, cosmetology	742
instructor's license, hair design instructor's license,	743
manicurist instructor's license, esthetics instructor's license,	744
natural hair style instructor's license, independent	745
contractor's license, or tanning facility permit under Chapter	746
4713. of the Revised Code;	747
(8) A person who has been issued a license to practice	748
dentistry, a general anesthesia permit, a conscious sedation	749
permit, a limited resident's license, a limited teaching	750
license, a dental hygienist's license, or a dental hygienist's	751
teacher's certificate under Chapter 4715. of the Revised Code;	752

- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 753
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- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code; 758
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- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; 762
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- (12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; 765
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- (13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code; 767
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- (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; 769
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- (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; 773
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- (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code; 778
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- (17) A person who has been issued a license to practice 780

medicine and surgery, osteopathic medicine and surgery, or	781
podiatric medicine and surgery under Chapter 4731. of the	782
Revised Code or has been issued a certificate to practice a	783
limited branch of medicine under that chapter;	784
(18) A person licensed as a psychologist or school	785
psychologist under Chapter 4732. of the Revised Code;	786
(19) A person registered to practice the profession of	787
engineering or surveying under Chapter 4733. of the Revised	788
Code;	789
(20) A person who has been issued a license to practice	790
chiropractic under Chapter 4734. of the Revised Code;	791
(21) A person licensed to act as a real estate broker or	792
real estate salesperson under Chapter 4735. of the Revised Code;	793
(22) A person registered as a registered sanitarian under	794
Chapter 4736. of the Revised Code;	795
(23) A person licensed to operate or maintain a junkyard	796
under Chapter 4737. of the Revised Code;	797
(24) A person who has been issued a motor vehicle salvage	798
dealer's license under Chapter 4738. of the Revised Code;	799
(25) A person who has been licensed to act as a steam	800
engineer under Chapter 4739. of the Revised Code;	801
(26) A person who has been issued a license or temporary	802
permit to practice veterinary medicine or any of its branches,	803
or who is registered as a graduate animal technician under	804
Chapter 4741. of the Revised Code;	805
(27) A person who has been issued a hearing aid dealer's	806
or fitter's license or trainee permit under Chapter 4747. of the	807

Revised Code;	808
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	809 810 811
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	812 813
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	814 815 816
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	817 818 819
(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;	820 821 822 823 824 825
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	826 827
(34) A person who has been issued a license or limited permit to practice respiratory therapy <u>or a license to practice as an advanced practice respiratory therapist</u> under Chapter 4761. of the Revised Code;	828 829 830 831
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	832 833
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	834 835

(37) A person who has been admitted to the bar by order of 836
the supreme court in compliance with its prescribed and 837
published rules. 838

(X) "Cocaine" means any of the following: 839

(1) A cocaine salt, isomer, or derivative, a salt of a 840
cocaine isomer or derivative, or the base form of cocaine; 841

(2) Coca leaves or a salt, compound, derivative, or 842
preparation of coca leaves, including ecgonine, a salt, isomer, 843
or derivative of ecgonine, or a salt of an isomer or derivative 844
of ecgonine; 845

(3) A salt, compound, derivative, or preparation of a 846
substance identified in division (X) (1) or (2) of this section 847
that is chemically equivalent to or identical with any of those 848
substances, except that the substances shall not include 849
decocainized coca leaves or extraction of coca leaves if the 850
extractions do not contain cocaine or ecgonine. 851

(Y) "L.S.D." means lysergic acid diethylamide. 852

(Z) "Hashish" means a resin or a preparation of a resin to 853
which both of the following apply: 854

(1) It is contained in or derived from any part of the 855
plant of the genus cannabis, whether in solid form or in a 856
liquid concentrate, liquid extract, or liquid distillate form. 857

(2) It has a delta-9 tetrahydrocannabinol concentration of 858
more than three-tenths per cent. 859

"Hashish" does not include a hemp byproduct in the 860
possession of a licensed hemp processor under Chapter 928. of 861
the Revised Code, provided that the hemp byproduct is being 862
produced, stored, and disposed of in accordance with rules 863

adopted under section 928.03 of the Revised Code. 864

(AA) "Marihuana" has the same meaning as in section 865
3719.01 of the Revised Code, except that it does not include 866
hashish. 867

(BB) An offense is "committed in the vicinity of a 868
juvenile" if the offender commits the offense within one hundred 869
feet of a juvenile or within the view of a juvenile, regardless 870
of whether the offender knows the age of the juvenile, whether 871
the offender knows the offense is being committed within one 872
hundred feet of or within view of the juvenile, or whether the 873
juvenile actually views the commission of the offense. 874

(CC) "Presumption for a prison term" or "presumption that 875
a prison term shall be imposed" means a presumption, as 876
described in division (D) of section 2929.13 of the Revised 877
Code, that a prison term is a necessary sanction for a felony in 878
order to comply with the purposes and principles of sentencing 879
under section 2929.11 of the Revised Code. 880

(DD) "Major drug offender" has the same meaning as in 881
section 2929.01 of the Revised Code. 882

(EE) "Minor drug possession offense" means either of the 883
following: 884

(1) A violation of section 2925.11 of the Revised Code as 885
it existed prior to July 1, 1996; 886

(2) A violation of section 2925.11 of the Revised Code as 887
it exists on and after July 1, 1996, that is a misdemeanor or a 888
felony of the fifth degree. 889

(FF) "Mandatory prison term" has the same meaning as in 890
section 2929.01 of the Revised Code. 891

(GG) "Adulterate" means to cause a drug to be adulterated	892
as described in section 3715.63 of the Revised Code.	893
(HH) "Public premises" means any hotel, restaurant,	894
tavern, store, arena, hall, or other place of public	895
accommodation, business, amusement, or resort.	896
(II) "Methamphetamine" means methamphetamine, any salt,	897
isomer, or salt of an isomer of methamphetamine, or any	898
compound, mixture, preparation, or substance containing	899
methamphetamine or any salt, isomer, or salt of an isomer of	900
methamphetamine.	901
(JJ) "Deception" has the same meaning as in section	902
2913.01 of the Revised Code.	903
(KK) "Fentanyl-related compound" means any of the	904
following:	905
(1) Fentanyl;	906
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	907
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	908
phenylethyl)-4-(N-propanilido) piperidine);	909
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	910
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	911
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	912
piperidinyl] -N-phenylpropanamide);	913
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	914
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	915
phenylpropanamide);	916
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	917
piperidyl]-N- phenylpropanamide);	918

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 919
920
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 921
922
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 923
924
- (10) Alfentanil; 925
- (11) Carfentanil; 926
- (12) Remifentanil; 927
- (13) Sufentanil; 928
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 929
930
- (15) Any compound that meets all of the following fentanyl 931
pharmacophore requirements to bind at the mu receptor, as 932
identified by a report from an established forensic laboratory, 933
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 934
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 935
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 936
fluorofentanyl: 937
- (a) A chemical scaffold consisting of both of the 938
following: 939
- (i) A five, six, or seven member ring structure containing 940
a nitrogen, whether or not further substituted; 941
- (ii) An attached nitrogen to the ring, whether or not that 942
nitrogen is enclosed in a ring structure, including an attached 943
aromatic ring or other lipophilic group to that nitrogen. 944
- (b) A polar functional group attached to the chemical 945

scaffold, including but not limited to a hydroxyl, ketone,	946
amide, or ester;	947
(c) An alkyl or aryl substitution off the ring nitrogen of	948
the chemical scaffold; and	949
(d) The compound has not been approved for medical use by	950
the United States food and drug administration.	951
(LL) "First degree felony mandatory prison term" means one	952
of the definite prison terms prescribed in division (A) (1) (b) of	953
section 2929.14 of the Revised Code for a felony of the first	954
degree, except that if the violation for which sentence is being	955
imposed is committed on or after March 22, 2019, it means one of	956
the minimum prison terms prescribed in division (A) (1) (a) of	957
that section for a felony of the first degree.	958
(MM) "Second degree felony mandatory prison term" means	959
one of the definite prison terms prescribed in division (A) (2)	960
(b) of section 2929.14 of the Revised Code for a felony of the	961
second degree, except that if the violation for which sentence	962
is being imposed is committed on or after March 22, 2019, it	963
means one of the minimum prison terms prescribed in division (A)	964
(2) (a) of that section for a felony of the second degree.	965
(NN) "Maximum first degree felony mandatory prison term"	966
means the maximum definite prison term prescribed in division	967
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of	968
the first degree, except that if the violation for which	969
sentence is being imposed is committed on or after March 22,	970
2019, it means the longest minimum prison term prescribed in	971
division (A) (1) (a) of that section for a felony of the first	972
degree.	973
(OO) "Maximum second degree felony mandatory prison term"	974

means the maximum definite prison term prescribed in division 975
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 976
the second degree, except that if the violation for which 977
sentence is being imposed is committed on or after March 22, 978
2019, it means the longest minimum prison term prescribed in 979
division (A) (2) (a) of that section for a felony of the second 980
degree. 981

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 982
as in section 928.01 of the Revised Code. 983

Sec. 2925.02. (A) No person shall knowingly do any of the 984
following: 985

(1) By force, threat, or deception, administer to another 986
or induce or cause another to use a controlled substance; 987

(2) By any means, administer or furnish to another or 988
induce or cause another to use a controlled substance with 989
purpose to cause serious physical harm to the other person, or 990
with purpose to cause the other person to become drug dependent; 991

(3) By any means, administer or furnish to another or 992
induce or cause another to use a controlled substance, and 993
thereby cause serious physical harm to the other person, or 994
cause the other person to become drug dependent; 995

(4) By any means, do any of the following: 996

(a) Furnish or administer a controlled substance to a 997
juvenile who is at least two years the offender's junior, when 998
the offender knows the age of the juvenile or is reckless in 999
that regard; 1000

(b) Induce or cause a juvenile who is at least two years 1001
the offender's junior to use a controlled substance, when the 1002

offender knows the age of the juvenile or is reckless in that regard; 1003
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(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, 1005
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when the offender knows the age of the juvenile or is reckless 1007
in that regard; 1008

(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that 1009
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is intended to prevent the detection of the offender or any 1011
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other person in the commission of a felony drug abuse offense or 1013
to prevent the arrest of the offender or any other person for 1014
the commission of a felony drug abuse offense.

(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant 1015
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woman to use a controlled substance, when the offender knows 1017
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that the woman is pregnant or is reckless in that regard.

(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health 1019
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professionals authorized to prescribe drugs, pharmacists, owners 1021
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of pharmacies, and other persons whose conduct is in accordance 1023
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with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~
4741., and 4761. of the Revised Code.

(C) Whoever violates this section is guilty of corrupting another with drugs. The penalty for the offense shall be 1025
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determined as follows: 1027

(1) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any 1028
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compound, mixture, preparation, or substance included in 1030
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schedule I or II, with the exception of marihuana, 1-Pentyl-3-

(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

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

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

(2) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

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

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court

shall impose as a mandatory prison term a second degree felony 1061
mandatory prison term. 1062

(3) If the offense is a violation of division (A) (1), (2), 1063
(3), or (4) of this section and the drug involved is marihuana, 1064
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1065
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1066
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1067
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 1068
offender shall be punished as follows: 1069

(a) Except as otherwise provided in division (C) (3) (b) of 1070
this section, corrupting another with drugs committed in those 1071
circumstances is a felony of the fourth degree and division (C) 1072
of section 2929.13 of the Revised Code applies in determining 1073
whether to impose a prison term on the offender. 1074

(b) If the offense was committed in the vicinity of a 1075
school, corrupting another with drugs committed in those 1076
circumstances is a felony of the third degree and division (C) 1077
of section 2929.13 of the Revised Code applies in determining 1078
whether to impose a prison term on the offender. 1079

(4) If the offense is a violation of division (A) (5) of 1080
this section and the drug involved is any compound, mixture, 1081
preparation, or substance included in schedule I or II, with the 1082
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 1083
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 1084
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 1085
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 1086
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 1087
felony of the first degree and, subject to division (E) of this 1088
section, the court shall impose as a mandatory prison term a 1089
first degree felony mandatory prison term. 1090

(5) If the offense is a violation of division (A) (5) of 1091
this section and the drug involved is any compound, mixture, 1092
preparation, or substance included in schedule III, IV, or V, 1093
corrupting another with drugs is a felony of the second degree 1094
and the court shall impose as a mandatory prison term a second 1095
degree felony mandatory prison term. 1096

(6) If the offense is a violation of division (A) (5) of 1097
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 1098
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1099
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1100
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 1101
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 1102
corrupting another with drugs is a felony of the third degree 1103
and division (C) of section 2929.13 of the Revised Code applies 1104
in determining whether to impose a prison term on the offender. 1105

(D) In addition to any prison term authorized or required 1106
by division (C) or (E) of this section and sections 2929.13 and 1107
2929.14 of the Revised Code and in addition to any other 1108
sanction imposed for the offense under this section or sections 1109
2929.11 to 2929.18 of the Revised Code, the court that sentences 1110
an offender who is convicted of or pleads guilty to a violation 1111
of division (A) of this section may suspend for not more than 1112
five years the offender's driver's or commercial driver's 1113
license or permit. However, if the offender pleaded guilty to or 1114
was convicted of a violation of section 4511.19 of the Revised 1115
Code or a substantially similar municipal ordinance or the law 1116
of another state or the United States arising out of the same 1117
set of circumstances as the violation, the court shall suspend 1118
the offender's driver's or commercial driver's license or permit 1119
for not more than five years. The court also shall do all of the 1120
following that are applicable regarding the offender: 1121

(1) (a) If the violation is a felony of the first, second, 1122
or third degree, the court shall impose upon the offender the 1123
mandatory fine specified for the offense under division (B) (1) 1124
of section 2929.18 of the Revised Code unless, as specified in 1125
that division, the court determines that the offender is 1126
indigent. 1127

(b) Notwithstanding any contrary provision of section 1128
3719.21 of the Revised Code, any mandatory fine imposed pursuant 1129
to division (D) (1) (a) of this section and any fine imposed for a 1130
violation of this section pursuant to division (A) of section 1131
2929.18 of the Revised Code shall be paid by the clerk of the 1132
court in accordance with and subject to the requirements of, and 1133
shall be used as specified in, division (F) of section 2925.03 1134
of the Revised Code. 1135

(c) If a person is charged with any violation of this 1136
section that is a felony of the first, second, or third degree, 1137
posts bail, and forfeits the bail, the forfeited bail shall be 1138
paid by the clerk of the court pursuant to division (D) (1) (b) of 1139
this section as if it were a fine imposed for a violation of 1140
this section. 1141

(2) If the offender is a professionally licensed person, 1142
in addition to any other sanction imposed for a violation of 1143
this section, the court immediately shall comply with section 1144
2925.38 of the Revised Code. 1145

(E) Notwithstanding the prison term otherwise authorized 1146
or required for the offense under division (C) of this section 1147
and sections 2929.13 and 2929.14 of the Revised Code, if the 1148
violation of division (A) of this section involves the sale, 1149
offer to sell, or possession of a schedule I or II controlled 1150
substance, with the exception of marihuana, 1-Pentyl-3-(1- 1151

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 1152
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 1153
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 1154
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 1155
if the court imposing sentence upon the offender finds that the 1156
offender as a result of the violation is a major drug offender 1157
and is guilty of a specification of the type described in 1158
division (A) of section 2941.1410 of the Revised Code, the 1159
court, in lieu of the prison term that otherwise is authorized 1160
or required, shall impose upon the offender the mandatory prison 1161
term specified in division (B) (3) (a) of section 2929.14 of the 1162
Revised Code. 1163

(F) (1) If the sentencing court suspends the offender's 1164
driver's or commercial driver's license or permit under division 1165
(D) of this section, the offender, at any time after the 1166
expiration of two years from the day on which the offender's 1167
sentence was imposed or from the day on which the offender 1168
finally was released from a prison term under the sentence, 1169
whichever is later, may file a motion with the sentencing court 1170
requesting termination of the suspension. Upon the filing of the 1171
motion and the court's finding of good cause for the 1172
determination, the court may terminate the suspension. 1173

(2) Any offender who received a mandatory suspension of 1174
the offender's driver's or commercial driver's license or permit 1175
under this section prior to September 13, 2016, may file a 1176
motion with the sentencing court requesting the termination of 1177
the suspension. However, an offender who pleaded guilty to or 1178
was convicted of a violation of section 4511.19 of the Revised 1179
Code or a substantially similar municipal ordinance or law of 1180
another state or the United States that arose out of the same 1181
set of circumstances as the violation for which the offender's 1182

license or permit was suspended under this section shall not 1183
file such a motion. 1184

Upon the filing of a motion under division (F) (2) of this 1185
section, the sentencing court, in its discretion, may terminate 1186
the suspension. 1187

Sec. 2925.03. (A) No person shall knowingly do any of the 1188
following: 1189

(1) Sell or offer to sell a controlled substance or a 1190
controlled substance analog; 1191

(2) Prepare for shipment, ship, transport, deliver, 1192
prepare for distribution, or distribute a controlled substance 1193
or a controlled substance analog, when the offender knows or has 1194
reasonable cause to believe that the controlled substance or a 1195
controlled substance analog is intended for sale or resale by 1196
the offender or another person. 1197

(B) This section does not apply to any of the following: 1198

(1) Manufacturers, licensed health professionals 1199
authorized to prescribe drugs, pharmacists, owners of 1200
pharmacies, and other persons whose conduct is in accordance 1201
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 1202
4741., and 4761. of the Revised Code; 1203

(2) If the offense involves an anabolic steroid, any 1204
person who is conducting or participating in a research project 1205
involving the use of an anabolic steroid if the project has been 1206
approved by the United States food and drug administration; 1207

(3) Any person who sells, offers for sale, prescribes, 1208
dispenses, or administers for livestock or other nonhuman 1209
species an anabolic steroid that is expressly intended for 1210

administration through implants to livestock or other nonhuman 1211
species and approved for that purpose under the "Federal Food, 1212
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1213
as amended, and is sold, offered for sale, prescribed, 1214
dispensed, or administered for that purpose in accordance with 1215
that act. 1216

(C) Whoever violates division (A) of this section is 1217
guilty of one of the following: 1218

(1) If the drug involved in the violation is any compound, 1219
mixture, preparation, or substance included in schedule I or 1220
schedule II, with the exception of marihuana, cocaine, L.S.D., 1221
heroin, any fentanyl-related compound, hashish, and any 1222
controlled substance analog, whoever violates division (A) of 1223
this section is guilty of aggravated trafficking in drugs. The 1224
penalty for the offense shall be determined as follows: 1225

(a) Except as otherwise provided in division (C) (1) (b), 1226
(c), (d), (e), or (f) of this section, aggravated trafficking in 1227
drugs is a felony of the fourth degree, and division (C) of 1228
section 2929.13 of the Revised Code applies in determining 1229
whether to impose a prison term on the offender. 1230

(b) Except as otherwise provided in division (C) (1) (c), 1231
(d), (e), or (f) of this section, if the offense was committed 1232
in the vicinity of a school or in the vicinity of a juvenile, 1233
aggravated trafficking in drugs is a felony of the third degree, 1234
and division (C) of section 2929.13 of the Revised Code applies 1235
in determining whether to impose a prison term on the offender. 1236

(c) Except as otherwise provided in this division, if the 1237
amount of the drug involved equals or exceeds the bulk amount 1238
but is less than five times the bulk amount, aggravated 1239

trafficking in drugs is a felony of the third degree, and, 1240
except as otherwise provided in this division, there is a 1241
presumption for a prison term for the offense. If aggravated 1242
trafficking in drugs is a felony of the third degree under this 1243
division and if the offender two or more times previously has 1244
been convicted of or pleaded guilty to a felony drug abuse 1245
offense, the court shall impose as a mandatory prison term one 1246
of the prison terms prescribed for a felony of the third degree. 1247
If the amount of the drug involved is within that range and if 1248
the offense was committed in the vicinity of a school or in the 1249
vicinity of a juvenile, aggravated trafficking in drugs is a 1250
felony of the second degree, and the court shall impose as a 1251
mandatory prison term a second degree felony mandatory prison 1252
term. 1253

(d) Except as otherwise provided in this division, if the 1254
amount of the drug involved equals or exceeds five times the 1255
bulk amount but is less than fifty times the bulk amount, 1256
aggravated trafficking in drugs is a felony of the second 1257
degree, and the court shall impose as a mandatory prison term a 1258
second degree felony mandatory prison term. If the amount of the 1259
drug involved is within that range and if the offense was 1260
committed in the vicinity of a school or in the vicinity of a 1261
juvenile, aggravated trafficking in drugs is a felony of the 1262
first degree, and the court shall impose as a mandatory prison 1263
term a first degree felony mandatory prison term. 1264

(e) If the amount of the drug involved equals or exceeds 1265
fifty times the bulk amount but is less than one hundred times 1266
the bulk amount and regardless of whether the offense was 1267
committed in the vicinity of a school or in the vicinity of a 1268
juvenile, aggravated trafficking in drugs is a felony of the 1269
first degree, and the court shall impose as a mandatory prison 1270

term a first degree felony mandatory prison term. 1271

(f) If the amount of the drug involved equals or exceeds 1272
one hundred times the bulk amount and regardless of whether the 1273
offense was committed in the vicinity of a school or in the 1274
vicinity of a juvenile, aggravated trafficking in drugs is a 1275
felony of the first degree, the offender is a major drug 1276
offender, and the court shall impose as a mandatory prison term 1277
a maximum first degree felony mandatory prison term. 1278

(2) If the drug involved in the violation is any compound, 1279
mixture, preparation, or substance included in schedule III, IV, 1280
or V, whoever violates division (A) of this section is guilty of 1281
trafficking in drugs. The penalty for the offense shall be 1282
determined as follows: 1283

(a) Except as otherwise provided in division (C) (2) (b), 1284
(c), (d), or (e) of this section, trafficking in drugs is a 1285
felony of the fifth degree, and division (B) of section 2929.13 1286
of the Revised Code applies in determining whether to impose a 1287
prison term on the offender. 1288

(b) Except as otherwise provided in division (C) (2) (c), 1289
(d), or (e) of this section, if the offense was committed in the 1290
vicinity of a school or in the vicinity of a juvenile, 1291
trafficking in drugs is a felony of the fourth degree, and 1292
division (C) of section 2929.13 of the Revised Code applies in 1293
determining whether to impose a prison term on the offender. 1294

(c) Except as otherwise provided in this division, if the 1295
amount of the drug involved equals or exceeds the bulk amount 1296
but is less than five times the bulk amount, trafficking in 1297
drugs is a felony of the fourth degree, and division (B) of 1298
section 2929.13 of the Revised Code applies in determining 1299

whether to impose a prison term for the offense. If the amount 1300
of the drug involved is within that range and if the offense was 1301
committed in the vicinity of a school or in the vicinity of a 1302
juvenile, trafficking in drugs is a felony of the third degree, 1303
and there is a presumption for a prison term for the offense. 1304

(d) Except as otherwise provided in this division, if the 1305
amount of the drug involved equals or exceeds five times the 1306
bulk amount but is less than fifty times the bulk amount, 1307
trafficking in drugs is a felony of the third degree, and there 1308
is a presumption for a prison term for the offense. If the 1309
amount of the drug involved is within that range and if the 1310
offense was committed in the vicinity of a school or in the 1311
vicinity of a juvenile, trafficking in drugs is a felony of the 1312
second degree, and there is a presumption for a prison term for 1313
the offense. 1314

(e) Except as otherwise provided in this division, if the 1315
amount of the drug involved equals or exceeds fifty times the 1316
bulk amount, trafficking in drugs is a felony of the second 1317
degree, and the court shall impose as a mandatory prison term a 1318
second degree felony mandatory prison term. If the amount of the 1319
drug involved equals or exceeds fifty times the bulk amount and 1320
if the offense was committed in the vicinity of a school or in 1321
the vicinity of a juvenile, trafficking in drugs is a felony of 1322
the first degree, and the court shall impose as a mandatory 1323
prison term a first degree felony mandatory prison term. 1324

(3) If the drug involved in the violation is marihuana or 1325
a compound, mixture, preparation, or substance containing 1326
marihuana other than hashish, whoever violates division (A) of 1327
this section is guilty of trafficking in marihuana. The penalty 1328
for the offense shall be determined as follows: 1329

(a) Except as otherwise provided in division (C) (3) (b), 1330
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1331
marihuana is a felony of the fifth degree, and division (B) of 1332
section 2929.13 of the Revised Code applies in determining 1333
whether to impose a prison term on the offender. 1334

(b) Except as otherwise provided in division (C) (3) (c), 1335
(d), (e), (f), (g), or (h) of this section, if the offense was 1336
committed in the vicinity of a school or in the vicinity of a 1337
juvenile, trafficking in marihuana is a felony of the fourth 1338
degree, and division (B) of section 2929.13 of the Revised Code 1339
applies in determining whether to impose a prison term on the 1340
offender. 1341

(c) Except as otherwise provided in this division, if the 1342
amount of the drug involved equals or exceeds two hundred grams 1343
but is less than one thousand grams, trafficking in marihuana is 1344
a felony of the fourth degree, and division (B) of section 1345
2929.13 of the Revised Code applies in determining whether to 1346
impose a prison term on the offender. If the amount of the drug 1347
involved is within that range and if the offense was committed 1348
in the vicinity of a school or in the vicinity of a juvenile, 1349
trafficking in marihuana is a felony of the third degree, and 1350
division (C) of section 2929.13 of the Revised Code applies in 1351
determining whether to impose a prison term on the offender. 1352

(d) Except as otherwise provided in this division, if the 1353
amount of the drug involved equals or exceeds one thousand grams 1354
but is less than five thousand grams, trafficking in marihuana 1355
is a felony of the third degree, and division (C) of section 1356
2929.13 of the Revised Code applies in determining whether to 1357
impose a prison term on the offender. If the amount of the drug 1358
involved is within that range and if the offense was committed 1359

in the vicinity of a school or in the vicinity of a juvenile, 1360
trafficking in marihuana is a felony of the second degree, and 1361
there is a presumption that a prison term shall be imposed for 1362
the offense. 1363

(e) Except as otherwise provided in this division, if the 1364
amount of the drug involved equals or exceeds five thousand 1365
grams but is less than twenty thousand grams, trafficking in 1366
marihuana is a felony of the third degree, and there is a 1367
presumption that a prison term shall be imposed for the offense. 1368
If the amount of the drug involved is within that range and if 1369
the offense was committed in the vicinity of a school or in the 1370
vicinity of a juvenile, trafficking in marihuana is a felony of 1371
the second degree, and there is a presumption that a prison term 1372
shall be imposed for the offense. 1373

(f) Except as otherwise provided in this division, if the 1374
amount of the drug involved equals or exceeds twenty thousand 1375
grams but is less than forty thousand grams, trafficking in 1376
marihuana is a felony of the second degree, and the court shall 1377
impose as a mandatory prison term a second degree felony 1378
mandatory prison term of five, six, seven, or eight years. If 1379
the amount of the drug involved is within that range and if the 1380
offense was committed in the vicinity of a school or in the 1381
vicinity of a juvenile, trafficking in marihuana is a felony of 1382
the first degree, and the court shall impose as a mandatory 1383
prison term a maximum first degree felony mandatory prison term. 1384

(g) Except as otherwise provided in this division, if the 1385
amount of the drug involved equals or exceeds forty thousand 1386
grams, trafficking in marihuana is a felony of the second 1387
degree, and the court shall impose as a mandatory prison term a 1388
maximum second degree felony mandatory prison term. If the 1389

amount of the drug involved equals or exceeds forty thousand 1390
grams and if the offense was committed in the vicinity of a 1391
school or in the vicinity of a juvenile, trafficking in 1392
marihuana is a felony of the first degree, and the court shall 1393
impose as a mandatory prison term a maximum first degree felony 1394
mandatory prison term. 1395

(h) Except as otherwise provided in this division, if the 1396
offense involves a gift of twenty grams or less of marihuana, 1397
trafficking in marihuana is a minor misdemeanor upon a first 1398
offense and a misdemeanor of the third degree upon a subsequent 1399
offense. If the offense involves a gift of twenty grams or less 1400
of marihuana and if the offense was committed in the vicinity of 1401
a school or in the vicinity of a juvenile, trafficking in 1402
marihuana is a misdemeanor of the third degree. 1403

(4) If the drug involved in the violation is cocaine or a 1404
compound, mixture, preparation, or substance containing cocaine, 1405
whoever violates division (A) of this section is guilty of 1406
trafficking in cocaine. The penalty for the offense shall be 1407
determined as follows: 1408

(a) Except as otherwise provided in division (C) (4) (b), 1409
(c), (d), (e), (f), or (g) of this section, trafficking in 1410
cocaine is a felony of the fifth degree, and division (B) of 1411
section 2929.13 of the Revised Code applies in determining 1412
whether to impose a prison term on the offender. 1413

(b) Except as otherwise provided in division (C) (4) (c), 1414
(d), (e), (f), or (g) of this section, if the offense was 1415
committed in the vicinity of a school or in the vicinity of a 1416
juvenile, trafficking in cocaine is a felony of the fourth 1417
degree, and division (C) of section 2929.13 of the Revised Code 1418
applies in determining whether to impose a prison term on the 1419

offender. 1420

(c) Except as otherwise provided in this division, if the 1421
amount of the drug involved equals or exceeds five grams but is 1422
less than ten grams of cocaine, trafficking in cocaine is a 1423
felony of the fourth degree, and division (B) of section 2929.13 1424
of the Revised Code applies in determining whether to impose a 1425
prison term for the offense. If the amount of the drug involved 1426
is within that range and if the offense was committed in the 1427
vicinity of a school or in the vicinity of a juvenile, 1428
trafficking in cocaine is a felony of the third degree, and 1429
there is a presumption for a prison term for the offense. 1430

(d) Except as otherwise provided in this division, if the 1431
amount of the drug involved equals or exceeds ten grams but is 1432
less than twenty grams of cocaine, trafficking in cocaine is a 1433
felony of the third degree, and, except as otherwise provided in 1434
this division, there is a presumption for a prison term for the 1435
offense. If trafficking in cocaine is a felony of the third 1436
degree under this division and if the offender two or more times 1437
previously has been convicted of or pleaded guilty to a felony 1438
drug abuse offense, the court shall impose as a mandatory prison 1439
term one of the prison terms prescribed for a felony of the 1440
third degree. If the amount of the drug involved is within that 1441
range and if the offense was committed in the vicinity of a 1442
school or in the vicinity of a juvenile, trafficking in cocaine 1443
is a felony of the second degree, and the court shall impose as 1444
a mandatory prison term a second degree felony mandatory prison 1445
term. 1446

(e) Except as otherwise provided in this division, if the 1447
amount of the drug involved equals or exceeds twenty grams but 1448
is less than twenty-seven grams of cocaine, trafficking in 1449

cocaine is a felony of the second degree, and the court shall 1450
impose as a mandatory prison term a second degree felony 1451
mandatory prison term. If the amount of the drug involved is 1452
within that range and if the offense was committed in the 1453
vicinity of a school or in the vicinity of a juvenile, 1454
trafficking in cocaine is a felony of the first degree, and the 1455
court shall impose as a mandatory prison term a first degree 1456
felony mandatory prison term. 1457

(f) If the amount of the drug involved equals or exceeds 1458
twenty-seven grams but is less than one hundred grams of cocaine 1459
and regardless of whether the offense was committed in the 1460
vicinity of a school or in the vicinity of a juvenile, 1461
trafficking in cocaine is a felony of the first degree, and the 1462
court shall impose as a mandatory prison term a first degree 1463
felony mandatory prison term. 1464

(g) If the amount of the drug involved equals or exceeds 1465
one hundred grams of cocaine and regardless of whether the 1466
offense was committed in the vicinity of a school or in the 1467
vicinity of a juvenile, trafficking in cocaine is a felony of 1468
the first degree, the offender is a major drug offender, and the 1469
court shall impose as a mandatory prison term a maximum first 1470
degree felony mandatory prison term. 1471

(5) If the drug involved in the violation is L.S.D. or a 1472
compound, mixture, preparation, or substance containing L.S.D., 1473
whoever violates division (A) of this section is guilty of 1474
trafficking in L.S.D. The penalty for the offense shall be 1475
determined as follows: 1476

(a) Except as otherwise provided in division (C) (5) (b), 1477
(c), (d), (e), (f), or (g) of this section, trafficking in 1478
L.S.D. is a felony of the fifth degree, and division (B) of 1479

section 2929.13 of the Revised Code applies in determining 1480
whether to impose a prison term on the offender. 1481

(b) Except as otherwise provided in division (C) (5) (c), 1482
(d), (e), (f), or (g) of this section, if the offense was 1483
committed in the vicinity of a school or in the vicinity of a 1484
juvenile, trafficking in L.S.D. is a felony of the fourth 1485
degree, and division (C) of section 2929.13 of the Revised Code 1486
applies in determining whether to impose a prison term on the 1487
offender. 1488

(c) Except as otherwise provided in this division, if the 1489
amount of the drug involved equals or exceeds ten unit doses but 1490
is less than fifty unit doses of L.S.D. in a solid form or 1491
equals or exceeds one gram but is less than five grams of L.S.D. 1492
in a liquid concentrate, liquid extract, or liquid distillate 1493
form, trafficking in L.S.D. is a felony of the fourth degree, 1494
and division (B) of section 2929.13 of the Revised Code applies 1495
in determining whether to impose a prison term for the offense. 1496
If the amount of the drug involved is within that range and if 1497
the offense was committed in the vicinity of a school or in the 1498
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 1499
third degree, and there is a presumption for a prison term for 1500
the offense. 1501

(d) Except as otherwise provided in this division, if the 1502
amount of the drug involved equals or exceeds fifty unit doses 1503
but is less than two hundred fifty unit doses of L.S.D. in a 1504
solid form or equals or exceeds five grams but is less than 1505
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1506
extract, or liquid distillate form, trafficking in L.S.D. is a 1507
felony of the third degree, and, except as otherwise provided in 1508
this division, there is a presumption for a prison term for the 1509

offense. If trafficking in L.S.D. is a felony of the third 1510
degree under this division and if the offender two or more times 1511
previously has been convicted of or pleaded guilty to a felony 1512
drug abuse offense, the court shall impose as a mandatory prison 1513
term one of the prison terms prescribed for a felony of the 1514
third degree. If the amount of the drug involved is within that 1515
range and if the offense was committed in the vicinity of a 1516
school or in the vicinity of a juvenile, trafficking in L.S.D. 1517
is a felony of the second degree, and the court shall impose as 1518
a mandatory prison term a second degree felony mandatory prison 1519
term. 1520

(e) Except as otherwise provided in this division, if the 1521
amount of the drug involved equals or exceeds two hundred fifty 1522
unit doses but is less than one thousand unit doses of L.S.D. in 1523
a solid form or equals or exceeds twenty-five grams but is less 1524
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1525
extract, or liquid distillate form, trafficking in L.S.D. is a 1526
felony of the second degree, and the court shall impose as a 1527
mandatory prison term a second degree felony mandatory prison 1528
term. If the amount of the drug involved is within that range 1529
and if the offense was committed in the vicinity of a school or 1530
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1531
of the first degree, and the court shall impose as a mandatory 1532
prison term a first degree felony mandatory prison term. 1533

(f) If the amount of the drug involved equals or exceeds 1534
one thousand unit doses but is less than five thousand unit 1535
doses of L.S.D. in a solid form or equals or exceeds one hundred 1536
grams but is less than five hundred grams of L.S.D. in a liquid 1537
concentrate, liquid extract, or liquid distillate form and 1538
regardless of whether the offense was committed in the vicinity 1539
of a school or in the vicinity of a juvenile, trafficking in 1540

L.S.D. is a felony of the first degree, and the court shall 1541
impose as a mandatory prison term a first degree felony 1542
mandatory prison term. 1543

(g) If the amount of the drug involved equals or exceeds 1544
five thousand unit doses of L.S.D. in a solid form or equals or 1545
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1546
liquid extract, or liquid distillate form and regardless of 1547
whether the offense was committed in the vicinity of a school or 1548
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 1549
of the first degree, the offender is a major drug offender, and 1550
the court shall impose as a mandatory prison term a maximum 1551
first degree felony mandatory prison term. 1552

(6) If the drug involved in the violation is heroin or a 1553
compound, mixture, preparation, or substance containing heroin, 1554
whoever violates division (A) of this section is guilty of 1555
trafficking in heroin. The penalty for the offense shall be 1556
determined as follows: 1557

(a) Except as otherwise provided in division (C) (6) (b), 1558
(c), (d), (e), (f), or (g) of this section, trafficking in 1559
heroin is a felony of the fifth degree, and division (B) of 1560
section 2929.13 of the Revised Code applies in determining 1561
whether to impose a prison term on the offender. 1562

(b) Except as otherwise provided in division (C) (6) (c), 1563
(d), (e), (f), or (g) of this section, if the offense was 1564
committed in the vicinity of a school or in the vicinity of a 1565
juvenile, trafficking in heroin is a felony of the fourth 1566
degree, and division (C) of section 2929.13 of the Revised Code 1567
applies in determining whether to impose a prison term on the 1568
offender. 1569

(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, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

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

court shall impose as a mandatory prison term a first degree 1601
felony mandatory prison term. 1602

(f) If the amount of the drug involved equals or exceeds 1603
five hundred unit doses but is less than one thousand unit doses 1604
or equals or exceeds fifty grams but is less than one hundred 1605
grams and regardless of whether the offense was committed in the 1606
vicinity of a school or in the vicinity of a juvenile, 1607
trafficking in heroin is a felony of the first degree, and the 1608
court shall impose as a mandatory prison term a first degree 1609
felony mandatory prison term. 1610

(g) If the amount of the drug involved equals or exceeds 1611
one thousand unit doses or equals or exceeds one hundred grams 1612
and regardless of whether the offense was committed in the 1613
vicinity of a school or in the vicinity of a juvenile, 1614
trafficking in heroin is a felony of the first degree, the 1615
offender is a major drug offender, and the court shall impose as 1616
a mandatory prison term a maximum first degree felony mandatory 1617
prison term. 1618

(7) If the drug involved in the violation is hashish or a 1619
compound, mixture, preparation, or substance containing hashish, 1620
whoever violates division (A) of this section is guilty of 1621
trafficking in hashish. The penalty for the offense shall be 1622
determined as follows: 1623

(a) Except as otherwise provided in division (C) (7) (b), 1624
(c), (d), (e), (f), or (g) of this section, trafficking in 1625
hashish is a felony of the fifth degree, and division (B) of 1626
section 2929.13 of the Revised Code applies in determining 1627
whether to impose a prison term on the offender. 1628

(b) Except as otherwise provided in division (C) (7) (c), 1629

(d), (e), (f), or (g) of this section, if the offense was 1630
committed in the vicinity of a school or in the vicinity of a 1631
juvenile, trafficking in hashish is a felony of the fourth 1632
degree, and division (B) of section 2929.13 of the Revised Code 1633
applies in determining whether to impose a prison term on the 1634
offender. 1635

(c) Except as otherwise provided in this division, if the 1636
amount of the drug involved equals or exceeds ten grams but is 1637
less than fifty grams of hashish in a solid form or equals or 1638
exceeds two grams but is less than ten grams of hashish in a 1639
liquid concentrate, liquid extract, or liquid distillate form, 1640
trafficking in hashish is a felony of the fourth degree, and 1641
division (B) of section 2929.13 of the Revised Code applies in 1642
determining whether to impose a prison term on the offender. If 1643
the amount of the drug involved is within that range and if the 1644
offense was committed in the vicinity of a school or in the 1645
vicinity of a juvenile, trafficking in hashish is a felony of 1646
the third degree, and division (C) of section 2929.13 of the 1647
Revised Code applies in determining whether to impose a prison 1648
term on the offender. 1649

(d) Except as otherwise provided in this division, if the 1650
amount of the drug involved equals or exceeds fifty grams but is 1651
less than two hundred fifty grams of hashish in a solid form or 1652
equals or exceeds ten grams but is less than fifty grams of 1653
hashish in a liquid concentrate, liquid extract, or liquid 1654
distillate form, trafficking in hashish is a felony of the third 1655
degree, and division (C) of section 2929.13 of the Revised Code 1656
applies in determining whether to impose a prison term on the 1657
offender. If the amount of the drug involved is within that 1658
range and if the offense was committed in the vicinity of a 1659
school or in the vicinity of a juvenile, trafficking in hashish 1660

is a felony of the second degree, and there is a presumption 1661
that a prison term shall be imposed for the offense. 1662

(e) Except as otherwise provided in this division, if the 1663
amount of the drug involved equals or exceeds two hundred fifty 1664
grams but is less than one thousand grams of hashish in a solid 1665
form or equals or exceeds fifty grams but is less than two 1666
hundred grams of hashish in a liquid concentrate, liquid 1667
extract, or liquid distillate form, trafficking in hashish is a 1668
felony of the third degree, and there is a presumption that a 1669
prison term shall be imposed for the offense. If the amount of 1670
the drug involved is within that range and if the offense was 1671
committed in the vicinity of a school or in the vicinity of a 1672
juvenile, trafficking in hashish is a felony of the second 1673
degree, and there is a presumption that a prison term shall be 1674
imposed for the offense. 1675

(f) Except as otherwise provided in this division, if the 1676
amount of the drug involved equals or exceeds one thousand grams 1677
but is less than two thousand grams of hashish in a solid form 1678
or equals or exceeds two hundred grams but is less than four 1679
hundred grams of hashish in a liquid concentrate, liquid 1680
extract, or liquid distillate form, trafficking in hashish is a 1681
felony of the second degree, and the court shall impose as a 1682
mandatory prison term a second degree felony mandatory prison 1683
term of five, six, seven, or eight years. If the amount of the 1684
drug involved is within that range and if the offense was 1685
committed in the vicinity of a school or in the vicinity of a 1686
juvenile, trafficking in hashish is a felony of the first 1687
degree, and the court shall impose as a mandatory prison term a 1688
maximum first degree felony mandatory prison term. 1689

(g) Except as otherwise provided in this division, if the 1690

amount of the drug involved equals or exceeds two thousand grams 1691
of hashish in a solid form or equals or exceeds four hundred 1692
grams of hashish in a liquid concentrate, liquid extract, or 1693
liquid distillate form, trafficking in hashish is a felony of 1694
the second degree, and the court shall impose as a mandatory 1695
prison term a maximum second degree felony mandatory prison 1696
term. If the amount of the drug involved equals or exceeds two 1697
thousand grams of hashish in a solid form or equals or exceeds 1698
four hundred grams of hashish in a liquid concentrate, liquid 1699
extract, or liquid distillate form and if the offense was 1700
committed in the vicinity of a school or in the vicinity of a 1701
juvenile, trafficking in hashish is a felony of the first 1702
degree, and the court shall impose as a mandatory prison term a 1703
maximum first degree felony mandatory prison term. 1704

(8) If the drug involved in the violation is a controlled 1705
substance analog or compound, mixture, preparation, or substance 1706
that contains a controlled substance analog, whoever violates 1707
division (A) of this section is guilty of trafficking in a 1708
controlled substance analog. The penalty for the offense shall 1709
be determined as follows: 1710

(a) Except as otherwise provided in division (C) (8) (b), 1711
(c), (d), (e), (f), or (g) of this section, trafficking in a 1712
controlled substance analog is a felony of the fifth degree, and 1713
division (C) of section 2929.13 of the Revised Code applies in 1714
determining whether to impose a prison term on the offender. 1715

(b) Except as otherwise provided in division (C) (8) (c), 1716
(d), (e), (f), or (g) of this section, if the offense was 1717
committed in the vicinity of a school or in the vicinity of a 1718
juvenile, trafficking in a controlled substance analog is a 1719
felony of the fourth degree, and division (C) of section 2929.13 1720

of the Revised Code applies in determining whether to impose a 1721
prison term on the offender. 1722

(c) Except as otherwise provided in this division, if the 1723
amount of the drug involved equals or exceeds ten grams but is 1724
less than twenty grams, trafficking in a controlled substance 1725
analog is a felony of the fourth degree, and division (B) of 1726
section 2929.13 of the Revised Code applies in determining 1727
whether to impose a prison term for the offense. If the amount 1728
of the drug involved is within that range and if the offense was 1729
committed in the vicinity of a school or in the vicinity of a 1730
juvenile, trafficking in a controlled substance analog is a 1731
felony of the third degree, and there is a presumption for a 1732
prison term for the offense. 1733

(d) Except as otherwise provided in this division, if the 1734
amount of the drug involved equals or exceeds twenty grams but 1735
is less than thirty grams, trafficking in a controlled substance 1736
analog is a felony of the third degree, and there is a 1737
presumption for a prison term for the offense. If the amount of 1738
the drug involved is within that range and if the offense was 1739
committed in the vicinity of a school or in the vicinity of a 1740
juvenile, trafficking in a controlled substance analog is a 1741
felony of the second degree, and there is a presumption for a 1742
prison term for the offense. 1743

(e) Except as otherwise provided in this division, if the 1744
amount of the drug involved equals or exceeds thirty grams but 1745
is less than forty grams, trafficking in a controlled substance 1746
analog is a felony of the second degree, and the court shall 1747
impose as a mandatory prison term a second degree felony 1748
mandatory prison term. If the amount of the drug involved is 1749
within that range and if the offense was committed in the 1750

vicinity of a school or in the vicinity of a juvenile, 1751
trafficking in a controlled substance analog is a felony of the 1752
first degree, and the court shall impose as a mandatory prison 1753
term a first degree felony mandatory prison term. 1754

(f) If the amount of the drug involved equals or exceeds 1755
forty grams but is less than fifty grams and regardless of 1756
whether the offense was committed in the vicinity of a school or 1757
in the vicinity of a juvenile, trafficking in a controlled 1758
substance analog is a felony of the first degree, and the court 1759
shall impose as a mandatory prison term a first degree felony 1760
mandatory prison term. 1761

(g) If the amount of the drug involved equals or exceeds 1762
fifty grams and regardless of whether the offense was committed 1763
in the vicinity of a school or in the vicinity of a juvenile, 1764
trafficking in a controlled substance analog is a felony of the 1765
first degree, the offender is a major drug offender, and the 1766
court shall impose as a mandatory prison term a maximum first 1767
degree felony mandatory prison term. 1768

(9) If the drug involved in the violation is a fentanyl- 1769
related compound or a compound, mixture, preparation, or 1770
substance containing a fentanyl-related compound and division 1771
(C)(10)(a) of this section does not apply to the drug involved, 1772
whoever violates division (A) of this section is guilty of 1773
trafficking in a fentanyl-related compound. The penalty for the 1774
offense shall be determined as follows: 1775

(a) Except as otherwise provided in division (C)(9)(b), 1776
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1777
a fentanyl-related compound is a felony of the fifth degree, and 1778
division (B) of section 2929.13 of the Revised Code applies in 1779
determining whether to impose a prison term on the offender. 1780

(b) Except as otherwise provided in division (C) (9) (c), 1781
(d), (e), (f), (g), or (h) of this section, if the offense was 1782
committed in the vicinity of a school or in the vicinity of a 1783
juvenile, trafficking in a fentanyl-related compound is a felony 1784
of the fourth degree, and division (C) of section 2929.13 of the 1785
Revised Code applies in determining whether to impose a prison 1786
term on the offender. 1787

(c) Except as otherwise provided in this division, if the 1788
amount of the drug involved equals or exceeds ten unit doses but 1789
is less than fifty unit doses or equals or exceeds one gram but 1790
is less than five grams, trafficking in a fentanyl-related 1791
compound is a felony of the fourth degree, and division (B) of 1792
section 2929.13 of the Revised Code applies in determining 1793
whether to impose a prison term for the offense. If the amount 1794
of the drug involved is within that range and if the offense was 1795
committed in the vicinity of a school or in the vicinity of a 1796
juvenile, trafficking in a fentanyl-related compound is a felony 1797
of the third degree, and there is a presumption for a prison 1798
term for the offense. 1799

(d) Except as otherwise provided in this division, if the 1800
amount of the drug involved equals or exceeds fifty unit doses 1801
but is less than one hundred unit doses or equals or exceeds 1802
five grams but is less than ten grams, trafficking in a 1803
fentanyl-related compound is a felony of the third degree, and 1804
there is a presumption for a prison term for the offense. If the 1805
amount of the drug involved is within that range and if the 1806
offense was committed in the vicinity of a school or in the 1807
vicinity of a juvenile, trafficking in a fentanyl-related 1808
compound is a felony of the second degree, and there is a 1809
presumption for a prison term for the offense. 1810

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

(f) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty 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 fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

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

(h) If the amount of the drug involved equals or exceeds 1842
one thousand unit doses or equals or exceeds one hundred grams 1843
and regardless of whether the offense was committed in the 1844
vicinity of a school or in the vicinity of a juvenile, 1845
trafficking in a fentanyl-related compound is a felony of the 1846
first degree, the offender is a major drug offender, and the 1847
court shall impose as a mandatory prison term the maximum prison 1848
term prescribed for a felony of the first degree. 1849

(10) If the drug involved in the violation is a compound, 1850
mixture, preparation, or substance that is a combination of a 1851
fentanyl-related compound and marihuana, one of the following 1852
applies: 1853

(a) Except as otherwise provided in division (C) (10) (b) of 1854
this section, the offender is guilty of trafficking in marihuana 1855
and shall be punished under division (C) (3) of this section. The 1856
offender is not guilty of trafficking in a fentanyl-related 1857
compound and shall not be charged with, convicted of, or 1858
punished under division (C) (9) of this section for trafficking 1859
in a fentanyl-related compound. 1860

(b) If the offender knows or has reason to know that the 1861
compound, mixture, preparation, or substance that is the drug 1862
involved contains a fentanyl-related compound, the offender is 1863
guilty of trafficking in a fentanyl-related compound and shall 1864
be punished under division (C) (9) of this section. 1865

(D) In addition to any prison term authorized or required 1866
by division (C) of this section and sections 2929.13 and 2929.14 1867
of the Revised Code, and in addition to any other sanction 1868
imposed for the offense under this section or sections 2929.11 1869
to 2929.18 of the Revised Code, the court that sentences an 1870
offender who is convicted of or pleads guilty to a violation of 1871

division (A) of this section may suspend the driver's or 1872
commercial driver's license or permit of the offender in 1873
accordance with division (G) of this section. However, if the 1874
offender pleaded guilty to or was convicted of a violation of 1875
section 4511.19 of the Revised Code or a substantially similar 1876
municipal ordinance or the law of another state or the United 1877
States arising out of the same set of circumstances as the 1878
violation, the court shall suspend the offender's driver's or 1879
commercial driver's license or permit in accordance with 1880
division (G) of this section. If applicable, the court also 1881
shall do the following: 1882

(1) If the violation of division (A) of this section is a 1883
felony of the first, second, or third degree, the court shall 1884
impose upon the offender the mandatory fine specified for the 1885
offense under division (B) (1) of section 2929.18 of the Revised 1886
Code unless, as specified in that division, the court determines 1887
that the offender is indigent. Except as otherwise provided in 1888
division (H) (1) of this section, a mandatory fine or any other 1889
fine imposed for a violation of this section is subject to 1890
division (F) of this section. If a person is charged with a 1891
violation of this section that is a felony of the first, second, 1892
or third degree, posts bail, and forfeits the bail, the clerk of 1893
the court shall pay the forfeited bail pursuant to divisions (D) 1894
(1) and (F) of this section, as if the forfeited bail was a fine 1895
imposed for a violation of this section. If any amount of the 1896
forfeited bail remains after that payment and if a fine is 1897
imposed under division (H) (1) of this section, the clerk of the 1898
court shall pay the remaining amount of the forfeited bail 1899
pursuant to divisions (H) (2) and (3) of this section, as if that 1900
remaining amount was a fine imposed under division (H) (1) of 1901
this section. 1902

(2) If the offender is a professionally licensed person, 1903
the court immediately shall comply with section 2925.38 of the 1904
Revised Code. 1905

(E) When a person is charged with the sale of or offer to 1906
sell a bulk amount or a multiple of a bulk amount of a 1907
controlled substance, the jury, or the court trying the accused, 1908
shall determine the amount of the controlled substance involved 1909
at the time of the offense and, if a guilty verdict is returned, 1910
shall return the findings as part of the verdict. In any such 1911
case, it is unnecessary to find and return the exact amount of 1912
the controlled substance involved, and it is sufficient if the 1913
finding and return is to the effect that the amount of the 1914
controlled substance involved is the requisite amount, or that 1915
the amount of the controlled substance involved is less than the 1916
requisite amount. 1917

(F) (1) Notwithstanding any contrary provision of section 1918
3719.21 of the Revised Code and except as provided in division 1919
(H) of this section, the clerk of the court shall pay any 1920
mandatory fine imposed pursuant to division (D) (1) of this 1921
section and any fine other than a mandatory fine that is imposed 1922
for a violation of this section pursuant to division (A) or (B) 1923
(5) of section 2929.18 of the Revised Code to the county, 1924
township, municipal corporation, park district, as created 1925
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1926
state law enforcement agencies in this state that primarily were 1927
responsible for or involved in making the arrest of, and in 1928
prosecuting, the offender. However, the clerk shall not pay a 1929
mandatory fine so imposed to a law enforcement agency unless the 1930
agency has adopted a written internal control policy under 1931
division (F) (2) of this section that addresses the use of the 1932
fine moneys that it receives. Each agency shall use the 1933

mandatory fines so paid to subsidize the agency's law 1934
enforcement efforts that pertain to drug offenses, in accordance 1935
with the written internal control policy adopted by the 1936
recipient agency under division (F) (2) of this section. 1937

(2) Prior to receiving any fine moneys under division (F) 1938
(1) of this section or division (B) of section 2925.42 of the 1939
Revised Code, a law enforcement agency shall adopt a written 1940
internal control policy that addresses the agency's use and 1941
disposition of all fine moneys so received and that provides for 1942
the keeping of detailed financial records of the receipts of 1943
those fine moneys, the general types of expenditures made out of 1944
those fine moneys, and the specific amount of each general type 1945
of expenditure. The policy shall not provide for or permit the 1946
identification of any specific expenditure that is made in an 1947
ongoing investigation. All financial records of the receipts of 1948
those fine moneys, the general types of expenditures made out of 1949
those fine moneys, and the specific amount of each general type 1950
of expenditure by an agency are public records open for 1951
inspection under section 149.43 of the Revised Code. 1952
Additionally, a written internal control policy adopted under 1953
this division is such a public record, and the agency that 1954
adopted it shall comply with it. 1955

(3) As used in division (F) of this section: 1956

(a) "Law enforcement agencies" includes, but is not 1957
limited to, the state board of pharmacy and the office of a 1958
prosecutor. 1959

(b) "Prosecutor" has the same meaning as in section 1960
2935.01 of the Revised Code. 1961

(G) (1) If the sentencing court suspends the offender's 1962

driver's or commercial driver's license or permit under division 1963
(D) of this section or any other provision of this chapter, the 1964
court shall suspend the license, by order, for not more than 1965
five years. If an offender's driver's or commercial driver's 1966
license or permit is suspended pursuant to this division, the 1967
offender, at any time after the expiration of two years from the 1968
day on which the offender's sentence was imposed or from the day 1969
on which the offender finally was released from a prison term 1970
under the sentence, whichever is later, may file a motion with 1971
the sentencing court requesting termination of the suspension; 1972
upon the filing of such a motion and the court's finding of good 1973
cause for the termination, the court may terminate the 1974
suspension. 1975

(2) Any offender who received a mandatory suspension of 1976
the offender's driver's or commercial driver's license or permit 1977
under this section prior to September 13, 2016, may file a 1978
motion with the sentencing court requesting the termination of 1979
the suspension. However, an offender who pleaded guilty to or 1980
was convicted of a violation of section 4511.19 of the Revised 1981
Code or a substantially similar municipal ordinance or law of 1982
another state or the United States that arose out of the same 1983
set of circumstances as the violation for which the offender's 1984
license or permit was suspended under this section shall not 1985
file such a motion. 1986

Upon the filing of a motion under division (G) (2) of this 1987
section, the sentencing court, in its discretion, may terminate 1988
the suspension. 1989

(H) (1) In addition to any prison term authorized or 1990
required by division (C) of this section and sections 2929.13 1991
and 2929.14 of the Revised Code, in addition to any other 1992

penalty or sanction imposed for the offense under this section 1993
or sections 2929.11 to 2929.18 of the Revised Code, and in 1994
addition to the forfeiture of property in connection with the 1995
offense as prescribed in Chapter 2981. of the Revised Code, the 1996
court that sentences an offender who is convicted of or pleads 1997
guilty to a violation of division (A) of this section may impose 1998
upon the offender an additional fine specified for the offense 1999
in division (B)(4) of section 2929.18 of the Revised Code. A 2000
fine imposed under division (H)(1) of this section is not 2001
subject to division (F) of this section and shall be used solely 2002
for the support of one or more eligible community addiction 2003
services providers in accordance with divisions (H)(2) and (3) 2004
of this section. 2005

(2) The court that imposes a fine under division (H)(1) of 2006
this section shall specify in the judgment that imposes the fine 2007
one or more eligible community addiction services providers for 2008
the support of which the fine money is to be used. No community 2009
addiction services provider shall receive or use money paid or 2010
collected in satisfaction of a fine imposed under division (H) 2011
(1) of this section unless the services provider is specified in 2012
the judgment that imposes the fine. No community addiction 2013
services provider shall be specified in the judgment unless the 2014
services provider is an eligible community addiction services 2015
provider and, except as otherwise provided in division (H)(2) of 2016
this section, unless the services provider is located in the 2017
county in which the court that imposes the fine is located or in 2018
a county that is immediately contiguous to the county in which 2019
that court is located. If no eligible community addiction 2020
services provider is located in any of those counties, the 2021
judgment may specify an eligible community addiction services 2022
provider that is located anywhere within this state. 2023

(3) Notwithstanding any contrary provision of section 2024
3719.21 of the Revised Code, the clerk of the court shall pay 2025
any fine imposed under division (H) (1) of this section to the 2026
eligible community addiction services provider specified 2027
pursuant to division (H) (2) of this section in the judgment. The 2028
eligible community addiction services provider that receives the 2029
fine moneys shall use the moneys only for the alcohol and drug 2030
addiction services identified in the application for 2031
certification of services under section 5119.36 of the Revised 2032
Code or in the application for a license under section 5119.37 2033
of the Revised Code filed with the department of mental health 2034
and addiction services by the community addiction services 2035
provider specified in the judgment. 2036

(4) Each community addiction services provider that 2037
receives in a calendar year any fine moneys under division (H) 2038
(3) of this section shall file an annual report covering that 2039
calendar year with the court of common pleas and the board of 2040
county commissioners of the county in which the services 2041
provider is located, with the court of common pleas and the 2042
board of county commissioners of each county from which the 2043
services provider received the moneys if that county is 2044
different from the county in which the services provider is 2045
located, and with the attorney general. The community addiction 2046
services provider shall file the report no later than the first 2047
day of March in the calendar year following the calendar year in 2048
which the services provider received the fine moneys. The report 2049
shall include statistics on the number of persons served by the 2050
community addiction services provider, identify the types of 2051
alcohol and drug addiction services provided to those persons, 2052
and include a specific accounting of the purposes for which the 2053
fine moneys received were used. No information contained in the 2054

report shall identify, or enable a person to determine the 2055
identity of, any person served by the community addiction 2056
services provider. Each report received by a court of common 2057
pleas, a board of county commissioners, or the attorney general 2058
is a public record open for inspection under section 149.43 of 2059
the Revised Code. 2060

(5) As used in divisions (H) (1) to (5) of this section: 2061

(a) "Community addiction services provider" and "alcohol 2062
and drug addiction services" have the same meanings as in 2063
section 5119.01 of the Revised Code. 2064

(b) "Eligible community addiction services provider" means 2065
a community addiction services provider, including a community 2066
addiction services provider that operates an opioid treatment 2067
program licensed under section 5119.37 of the Revised Code. 2068

(I) As used in this section, "drug" includes any substance 2069
that is represented to be a drug. 2070

(J) It is an affirmative defense to a charge of 2071
trafficking in a controlled substance analog under division (C) 2072
(8) of this section that the person charged with violating that 2073
offense sold or offered to sell, or prepared for shipment, 2074
shipped, transported, delivered, prepared for distribution, or 2075
distributed one of the following items that are excluded from 2076
the meaning of "controlled substance analog" under section 2077
3719.01 of the Revised Code: 2078

(1) A controlled substance; 2079

(2) Any substance for which there is an approved new drug 2080
application; 2081

(3) With respect to a particular person, any substance if 2082

an exemption is in effect for investigational use for that 2083
person pursuant to federal law to the extent that conduct with 2084
respect to that substance is pursuant to that exemption. 2085

Sec. 2925.11. (A) No person shall knowingly obtain, 2086
possess, or use a controlled substance or a controlled substance 2087
analog. 2088

(B) (1) This section does not apply to any of the 2089
following: 2090

(a) Manufacturers, licensed health professionals 2091
authorized to prescribe drugs, pharmacists, owners of 2092
pharmacies, and other persons whose conduct was in accordance 2093
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and~~ 2094
4741., and 4761. of the Revised Code; 2095

(b) If the offense involves an anabolic steroid, any 2096
person who is conducting or participating in a research project 2097
involving the use of an anabolic steroid if the project has been 2098
approved by the United States food and drug administration; 2099

(c) Any person who sells, offers for sale, prescribes, 2100
dispenses, or administers for livestock or other nonhuman 2101
species an anabolic steroid that is expressly intended for 2102
administration through implants to livestock or other nonhuman 2103
species and approved for that purpose under the "Federal Food, 2104
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2105
as amended, and is sold, offered for sale, prescribed, 2106
dispensed, or administered for that purpose in accordance with 2107
that act; 2108

(d) Any person who obtained the controlled substance 2109
pursuant to a prescription issued by a licensed health 2110
professional authorized to prescribe drugs if the prescription 2111

was issued for a legitimate medical purpose and not altered, 2112
forged, or obtained through deception or commission of a theft 2113
offense. 2114

As used in division (B) (1) (d) of this section, "deception" 2115
and "theft offense" have the same meanings as in section 2913.01 2116
of the Revised Code. 2117

(2) (a) As used in division (B) (2) of this section: 2118

(i) "Community addiction services provider" has the same 2119
meaning as in section 5119.01 of the Revised Code. 2120

(ii) "Community control sanction" and "drug treatment 2121
program" have the same meanings as in section 2929.01 of the 2122
Revised Code. 2123

(iii) "Health care facility" has the same meaning as in 2124
section 2919.16 of the Revised Code. 2125

(iv) "Minor drug possession offense" means a violation of 2126
this section that is a misdemeanor or a felony of the fifth 2127
degree. 2128

(v) "Post-release control sanction" has the same meaning 2129
as in section 2967.28 of the Revised Code. 2130

(vi) "Peace officer" has the same meaning as in section 2131
2935.01 of the Revised Code. 2132

(vii) "Public agency" has the same meaning as in section 2133
2930.01 of the Revised Code. 2134

(viii) "Qualified individual" means a person who is not on 2135
community control or post-release control and is a person acting 2136
in good faith who seeks or obtains medical assistance for 2137
another person who is experiencing a drug overdose, a person who 2138

experiences a drug overdose and who seeks medical assistance for 2139
that overdose, or a person who is the subject of another person 2140
seeking or obtaining medical assistance for that overdose as 2141
described in division (B) (2) (b) of this section. 2142

(ix) "Seek or obtain medical assistance" includes, but is 2143
not limited to making a 9-1-1 call, contacting in person or by 2144
telephone call an on-duty peace officer, or transporting or 2145
presenting a person to a health care facility. 2146

(b) Subject to division (B) (2) (f) of this section, a 2147
qualified individual shall not be arrested, charged, prosecuted, 2148
convicted, or penalized pursuant to this chapter for a minor 2149
drug possession offense if all of the following apply: 2150

(i) The evidence of the obtaining, possession, or use of 2151
the controlled substance or controlled substance analog that 2152
would be the basis of the offense was obtained as a result of 2153
the qualified individual seeking the medical assistance or 2154
experiencing an overdose and needing medical assistance. 2155

(ii) Subject to division (B) (2) (g) of this section, within 2156
thirty days after seeking or obtaining the medical assistance, 2157
the qualified individual seeks and obtains a screening and 2158
receives a referral for treatment from a community addiction 2159
services provider or a properly credentialed addiction treatment 2160
professional. 2161

(iii) Subject to division (B) (2) (g) of this section, the 2162
qualified individual who obtains a screening and receives a 2163
referral for treatment under division (B) (2) (b) (ii) of this 2164
section, upon the request of any prosecuting attorney, submits 2165
documentation to the prosecuting attorney that verifies that the 2166
qualified individual satisfied the requirements of that 2167

division. The documentation shall be limited to the date and 2168
time of the screening obtained and referral received. 2169

(c) If a person is found to be in violation of any 2170
community control sanction and if the violation is a result of 2171
either of the following, the court shall first consider ordering 2172
the person's participation or continued participation in a drug 2173
treatment program or mitigating the penalty specified in section 2174
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 2175
applicable, after which the court has the discretion either to 2176
order the person's participation or continued participation in a 2177
drug treatment program or to impose the penalty with the 2178
mitigating factor specified in any of those applicable sections: 2179

(i) Seeking or obtaining medical assistance in good faith 2180
for another person who is experiencing a drug overdose; 2181

(ii) Experiencing a drug overdose and seeking medical 2182
assistance for that overdose or being the subject of another 2183
person seeking or obtaining medical assistance for that overdose 2184
as described in division (B) (2) (b) of this section. 2185

(d) If a person is found to be in violation of any post- 2186
release control sanction and if the violation is a result of 2187
either of the following, the court or the parole board shall 2188
first consider ordering the person's participation or continued 2189
participation in a drug treatment program or mitigating the 2190
penalty specified in section 2929.141 or 2967.28 of the Revised 2191
Code, whichever is applicable, after which the court or the 2192
parole board has the discretion either to order the person's 2193
participation or continued participation in a drug treatment 2194
program or to impose the penalty with the mitigating factor 2195
specified in either of those applicable sections: 2196

(i) Seeking or obtaining medical assistance in good faith 2197
for another person who is experiencing a drug overdose; 2198

(ii) Experiencing a drug overdose and seeking medical 2199
assistance for that emergency or being the subject of another 2200
person seeking or obtaining medical assistance for that overdose 2201
as described in division (B) (2) (b) of this section. 2202

(e) Nothing in division (B) (2) (b) of this section shall be 2203
construed to do any of the following: 2204

(i) Limit the admissibility of any evidence in connection 2205
with the investigation or prosecution of a crime with regards to 2206
a defendant who does not qualify for the protections of division 2207
(B) (2) (b) of this section or with regards to any crime other 2208
than a minor drug possession offense committed by a person who 2209
qualifies for protection pursuant to division (B) (2) (b) of this 2210
section for a minor drug possession offense; 2211

(ii) Limit any seizure of evidence or contraband otherwise 2212
permitted by law; 2213

(iii) Limit or abridge the authority of a peace officer to 2214
detain or take into custody a person in the course of an 2215
investigation or to effectuate an arrest for any offense except 2216
as provided in that division; 2217

(iv) Limit, modify, or remove any immunity from liability 2218
available pursuant to law in effect prior to September 13, 2016, 2219
to any public agency or to an employee of any public agency. 2220

(f) Division (B) (2) (b) of this section does not apply to 2221
any person who twice previously has been granted an immunity 2222
under division (B) (2) (b) of this section. No person shall be 2223
granted an immunity under division (B) (2) (b) of this section 2224
more than two times. 2225

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

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

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

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs 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 the bulk amount but is less than five times the bulk amount, aggravated possession of drugs 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, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term a 2255
second degree felony mandatory prison term. 2256

(d) If the amount of the drug involved equals or exceeds 2257
fifty times the bulk amount but is less than one hundred times 2258
the bulk amount, aggravated possession of drugs is a felony of 2259
the first degree, and the court shall impose as a mandatory 2260
prison term a first degree felony mandatory prison term. 2261

(e) If the amount of the drug involved equals or exceeds 2262
one hundred times the bulk amount, aggravated possession of 2263
drugs is a felony of the first degree, the offender is a major 2264
drug offender, and the court shall impose as a mandatory prison 2265
term a maximum first degree felony mandatory prison term. 2266

(2) If the drug involved in the violation is a compound, 2267
mixture, preparation, or substance included in schedule III, IV, 2268
or V, whoever violates division (A) of this section is guilty of 2269
possession of drugs. The penalty for the offense shall be 2270
determined as follows: 2271

(a) Except as otherwise provided in division (C) (2) (b), 2272
(c), or (d) of this section, possession of drugs is a 2273
misdemeanor of the first degree or, if the offender previously 2274
has been convicted of a drug abuse offense, a felony of the 2275
fifth degree. 2276

(b) If the amount of the drug involved equals or exceeds 2277
the bulk amount but is less than five times the bulk amount, 2278
possession of drugs is a felony of the fourth degree, and 2279
division (C) of section 2929.13 of the Revised Code applies in 2280
determining whether to impose a prison term on the offender. 2281

(c) If the amount of the drug involved equals or exceeds 2282
five times the bulk amount but is less than fifty times the bulk 2283

amount, possession of drugs is a felony of the third degree, and 2284
there is a presumption for a prison term for the offense. 2285

(d) If the amount of the drug involved equals or exceeds 2286
fifty times the bulk amount, possession of drugs is a felony of 2287
the second degree, and the court shall impose upon the offender 2288
as a mandatory prison term a second degree felony mandatory 2289
prison term. 2290

(3) If the drug involved in the violation is marihuana or 2291
a compound, mixture, preparation, or substance containing 2292
marihuana other than hashish, whoever violates division (A) of 2293
this section is guilty of possession of marihuana. The penalty 2294
for the offense shall be determined as follows: 2295

(a) Except as otherwise provided in division (C) (3) (b), 2296
(c), (d), (e), (f), or (g) of this section, possession of 2297
marihuana is a minor misdemeanor. 2298

(b) If the amount of the drug involved equals or exceeds 2299
one hundred grams but is less than two hundred grams, possession 2300
of marihuana is a misdemeanor of the fourth degree. 2301

(c) If the amount of the drug involved equals or exceeds 2302
two hundred grams but is less than one thousand grams, 2303
possession of marihuana is a felony of the fifth degree, and 2304
division (B) of section 2929.13 of the Revised Code applies in 2305
determining whether to impose a prison term on the offender. 2306

(d) If the amount of the drug involved equals or exceeds 2307
one thousand grams but is less than five thousand grams, 2308
possession of marihuana is a felony of the third degree, and 2309
division (C) of section 2929.13 of the Revised Code applies in 2310
determining whether to impose a prison term on the offender. 2311

(e) If the amount of the drug involved equals or exceeds 2312

five thousand grams but is less than twenty thousand grams, 2313
possession of marihuana is a felony of the third degree, and 2314
there is a presumption that a prison term shall be imposed for 2315
the offense. 2316

(f) If the amount of the drug involved equals or exceeds 2317
twenty thousand grams but is less than forty thousand grams, 2318
possession of marihuana is a felony of the second degree, and 2319
the court shall impose as a mandatory prison term a second 2320
degree felony mandatory prison term of five, six, seven, or 2321
eight years. 2322

(g) If the amount of the drug involved equals or exceeds 2323
forty thousand grams, possession of marihuana is a felony of the 2324
second degree, and the court shall impose as a mandatory prison 2325
term a maximum second degree felony mandatory prison term. 2326

(4) If the drug involved in the violation is cocaine or a 2327
compound, mixture, preparation, or substance containing cocaine, 2328
whoever violates division (A) of this section is guilty of 2329
possession of cocaine. The penalty for the offense shall be 2330
determined as follows: 2331

(a) Except as otherwise provided in division (C) (4) (b), 2332
(c), (d), (e), or (f) of this section, possession of cocaine is 2333
a felony of the fifth degree, and division (B) of section 2334
2929.13 of the Revised Code applies in determining whether to 2335
impose a prison term on the offender. 2336

(b) If the amount of the drug involved equals or exceeds 2337
five grams but is less than ten grams of cocaine, possession of 2338
cocaine is a felony of the fourth degree, and division (B) of 2339
section 2929.13 of the Revised Code applies in determining 2340
whether to impose a prison term on the offender. 2341

(c) If the amount of the drug involved equals or exceeds 2342
ten grams but is less than twenty grams of cocaine, possession 2343
of cocaine is a felony of the third degree, and, except as 2344
otherwise provided in this division, there is a presumption for 2345
a prison term for the offense. If possession of cocaine is a 2346
felony of the third degree under this division and if the 2347
offender two or more times previously has been convicted of or 2348
pleaded guilty to a felony drug abuse offense, the court shall 2349
impose as a mandatory prison term one of the prison terms 2350
prescribed for a felony of the third degree. 2351

(d) If the amount of the drug involved equals or exceeds 2352
twenty grams but is less than twenty-seven grams of cocaine, 2353
possession of cocaine is a felony of the second degree, and the 2354
court shall impose as a mandatory prison term a second degree 2355
felony mandatory prison term. 2356

(e) If the amount of the drug involved equals or exceeds 2357
twenty-seven grams but is less than one hundred grams of 2358
cocaine, possession of cocaine is a felony of the first degree, 2359
and the court shall impose as a mandatory prison term a first 2360
degree felony mandatory prison term. 2361

(f) If the amount of the drug involved equals or exceeds 2362
one hundred grams of cocaine, possession of cocaine is a felony 2363
of the first degree, the offender is a major drug offender, and 2364
the court shall impose as a mandatory prison term a maximum 2365
first degree felony mandatory prison term. 2366

(5) If the drug involved in the violation is L.S.D., 2367
whoever violates division (A) of this section is guilty of 2368
possession of L.S.D. The penalty for the offense shall be 2369
determined as follows: 2370

(a) Except as otherwise provided in division (C) (5) (b), 2371
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2372
felony of the fifth degree, and division (B) of section 2929.13 2373
of the Revised Code applies in determining whether to impose a 2374
prison term on the offender. 2375

(b) If the amount of L.S.D. involved equals or exceeds ten 2376
unit doses but is less than fifty unit doses of L.S.D. in a 2377
solid form or equals or exceeds one gram but is less than five 2378
grams of L.S.D. in a liquid concentrate, liquid extract, or 2379
liquid distillate form, possession of L.S.D. is a felony of the 2380
fourth degree, and division (C) of section 2929.13 of the 2381
Revised Code applies in determining whether to impose a prison 2382
term on the offender. 2383

(c) If the amount of L.S.D. involved equals or exceeds 2384
fifty unit doses, but is less than two hundred fifty unit doses 2385
of L.S.D. in a solid form or equals or exceeds five grams but is 2386
less than twenty-five grams of L.S.D. in a liquid concentrate, 2387
liquid extract, or liquid distillate form, possession of L.S.D. 2388
is a felony of the third degree, and there is a presumption for 2389
a prison term for the offense. 2390

(d) If the amount of L.S.D. involved equals or exceeds two 2391
hundred fifty unit doses but is less than one thousand unit 2392
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2393
grams but is less than one hundred grams of L.S.D. in a liquid 2394
concentrate, liquid extract, or liquid distillate form, 2395
possession of L.S.D. is a felony of the second degree, and the 2396
court shall impose as a mandatory prison term a second degree 2397
felony mandatory prison term. 2398

(e) If the amount of L.S.D. involved equals or exceeds one 2399
thousand unit doses but is less than five thousand unit doses of 2400

L.S.D. in a solid form or equals or exceeds one hundred grams 2401
but is less than five hundred grams of L.S.D. in a liquid 2402
concentrate, liquid extract, or liquid distillate form, 2403
possession of L.S.D. is a felony of the first degree, and the 2404
court shall impose as a mandatory prison term a first degree 2405
felony mandatory prison term. 2406

(f) If the amount of L.S.D. involved equals or exceeds 2407
five thousand unit doses of L.S.D. in a solid form or equals or 2408
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2409
liquid extract, or liquid distillate form, possession of L.S.D. 2410
is a felony of the first degree, the offender is a major drug 2411
offender, and the court shall impose as a mandatory prison term 2412
a maximum first degree felony mandatory prison term. 2413

(6) If the drug involved in the violation is heroin or a 2414
compound, mixture, preparation, or substance containing heroin, 2415
whoever violates division (A) of this section is guilty of 2416
possession of heroin. The penalty for the offense shall be 2417
determined as follows: 2418

(a) Except as otherwise provided in division (C) (6) (b), 2419
(c), (d), (e), or (f) of this section, possession of heroin is a 2420
felony of the fifth degree, and division (B) of section 2929.13 2421
of the Revised Code applies in determining whether to impose a 2422
prison term on the offender. 2423

(b) If the amount of the drug involved equals or exceeds 2424
ten unit doses but is less than fifty unit doses or equals or 2425
exceeds one gram but is less than five grams, possession of 2426
heroin is a felony of the fourth degree, and division (C) of 2427
section 2929.13 of the Revised Code applies in determining 2428
whether to impose a prison term on the offender. 2429

(c) If the amount of the drug involved equals or exceeds 2430
fifty unit doses but is less than one hundred unit doses or 2431
equals or exceeds five grams but is less than ten grams, 2432
possession of heroin is a felony of the third degree, and there 2433
is a presumption for a prison term for the offense. 2434

(d) If the amount of the drug involved equals or exceeds 2435
one hundred unit doses but is less than five hundred unit doses 2436
or equals or exceeds ten grams but is less than fifty grams, 2437
possession of heroin is a felony of the second degree, and the 2438
court shall impose as a mandatory prison term a second degree 2439
felony mandatory prison term. 2440

(e) If the amount of the drug involved equals or exceeds 2441
five hundred unit doses but is less than one thousand unit doses 2442
or equals or exceeds fifty grams but is less than one hundred 2443
grams, possession of heroin is a felony of the first degree, and 2444
the court shall impose as a mandatory prison term a first degree 2445
felony mandatory prison term. 2446

(f) If the amount of the drug involved equals or exceeds 2447
one thousand unit doses or equals or exceeds one hundred grams, 2448
possession of heroin is a felony of the first degree, the 2449
offender is a major drug offender, and the court shall impose as 2450
a mandatory prison term a maximum first degree felony mandatory 2451
prison term. 2452

(7) If the drug involved in the violation is hashish or a 2453
compound, mixture, preparation, or substance containing hashish, 2454
whoever violates division (A) of this section is guilty of 2455
possession of hashish. The penalty for the offense shall be 2456
determined as follows: 2457

(a) Except as otherwise provided in division (C) (7) (b), 2458

(c), (d), (e), (f), or (g) of this section, possession of 2459
hashish is a minor misdemeanor. 2460

(b) If the amount of the drug involved equals or exceeds 2461
five grams but is less than ten grams of hashish in a solid form 2462
or equals or exceeds one gram but is less than two grams of 2463
hashish in a liquid concentrate, liquid extract, or liquid 2464
distillate form, possession of hashish is a misdemeanor of the 2465
fourth degree. 2466

(c) If the amount of the drug involved equals or exceeds 2467
ten grams but is less than fifty grams of hashish in a solid 2468
form or equals or exceeds two grams but is less than ten grams 2469
of hashish in a liquid concentrate, liquid extract, or liquid 2470
distillate form, possession of hashish is a felony of the fifth 2471
degree, and division (B) of section 2929.13 of the Revised Code 2472
applies in determining whether to impose a prison term on the 2473
offender. 2474

(d) If the amount of the drug involved equals or exceeds 2475
fifty grams but is less than two hundred fifty grams of hashish 2476
in a solid form or equals or exceeds ten grams but is less than 2477
fifty grams of hashish in a liquid concentrate, liquid extract, 2478
or liquid distillate form, possession of hashish is a felony of 2479
the third degree, and division (C) of section 2929.13 of the 2480
Revised Code applies in determining whether to impose a prison 2481
term on the offender. 2482

(e) If the amount of the drug involved equals or exceeds 2483
two hundred fifty grams but is less than one thousand grams of 2484
hashish in a solid form or equals or exceeds fifty grams but is 2485
less than two hundred grams of hashish in a liquid concentrate, 2486
liquid extract, or liquid distillate form, possession of hashish 2487
is a felony of the third degree, and there is a presumption that 2488

a prison term shall be imposed for the offense. 2489

(f) If the amount of the drug involved equals or exceeds 2490
one thousand grams but is less than two thousand grams of 2491
hashish in a solid form or equals or exceeds two hundred grams 2492
but is less than four hundred grams of hashish in a liquid 2493
concentrate, liquid extract, or liquid distillate form, 2494
possession of hashish is a felony of the second degree, and the 2495
court shall impose as a mandatory prison term a second degree 2496
felony mandatory prison term of five, six, seven, or eight 2497
years. 2498

(g) If the amount of the drug involved equals or exceeds 2499
two thousand grams of hashish in a solid form or equals or 2500
exceeds four hundred grams of hashish in a liquid concentrate, 2501
liquid extract, or liquid distillate form, possession of hashish 2502
is a felony of the second degree, and the court shall impose as 2503
a mandatory prison term a maximum second degree felony mandatory 2504
prison term. 2505

(8) If the drug involved is a controlled substance analog 2506
or compound, mixture, preparation, or substance that contains a 2507
controlled substance analog, whoever violates division (A) of 2508
this section is guilty of possession of a controlled substance 2509
analog. The penalty for the offense shall be determined as 2510
follows: 2511

(a) Except as otherwise provided in division (C) (8) (b), 2512
(c), (d), (e), or (f) of this section, possession of a 2513
controlled substance analog is a felony of the fifth degree, and 2514
division (B) of section 2929.13 of the Revised Code applies in 2515
determining whether to impose a prison term on the offender. 2516

(b) If the amount of the drug involved equals or exceeds 2517

ten grams but is less than twenty grams, possession of a 2518
controlled substance analog is a felony of the fourth degree, 2519
and there is a presumption for a prison term for the offense. 2520

(c) If the amount of the drug involved equals or exceeds 2521
twenty grams but is less than thirty grams, possession of a 2522
controlled substance analog is a felony of the third degree, and 2523
there is a presumption for a prison term for the offense. 2524

(d) If the amount of the drug involved equals or exceeds 2525
thirty grams but is less than forty grams, possession of a 2526
controlled substance analog is a felony of the second degree, 2527
and the court shall impose as a mandatory prison term a second 2528
degree felony mandatory prison term. 2529

(e) If the amount of the drug involved equals or exceeds 2530
forty grams but is less than fifty grams, possession of a 2531
controlled substance analog is a felony of the first degree, and 2532
the court shall impose as a mandatory prison term a first degree 2533
felony mandatory prison term. 2534

(f) If the amount of the drug involved equals or exceeds 2535
fifty grams, possession of a controlled substance analog is a 2536
felony of the first degree, the offender is a major drug 2537
offender, and the court shall impose as a mandatory prison term 2538
a maximum first degree felony mandatory prison term. 2539

(9) If the drug involved in the violation is a compound, 2540
mixture, preparation, or substance that is a combination of a 2541
fentanyl-related compound and marihuana, one of the following 2542
applies: 2543

(a) Except as otherwise provided in division (C) (9) (b) of 2544
this section, the offender is guilty of possession of marihuana 2545
and shall be punished as provided in division (C) (3) of this 2546

section. Except as otherwise provided in division (C) (9) (b) of 2547
this section, the offender is not guilty of possession of a 2548
fentanyl-related compound under division (C) (11) of this section 2549
and shall not be charged with, convicted of, or punished under 2550
division (C) (11) of this section for possession of a fentanyl- 2551
related compound. 2552

(b) If the offender knows or has reason to know that the 2553
compound, mixture, preparation, or substance that is the drug 2554
involved contains a fentanyl-related compound, the offender is 2555
guilty of possession of a fentanyl-related compound and shall be 2556
punished under division (C) (11) of this section. 2557

(10) If the drug involved in the violation is a compound, 2558
mixture, preparation, or substance that is a combination of a 2559
fentanyl-related compound and any schedule III, schedule IV, or 2560
schedule V controlled substance that is not a fentanyl-related 2561
compound, one of the following applies: 2562

(a) Except as otherwise provided in division (C) (10) (b) of 2563
this section, the offender is guilty of possession of drugs and 2564
shall be punished as provided in division (C) (2) of this 2565
section. Except as otherwise provided in division (C) (10) (b) of 2566
this section, the offender is not guilty of possession of a 2567
fentanyl-related compound under division (C) (11) of this section 2568
and shall not be charged with, convicted of, or punished under 2569
division (C) (11) of this section for possession of a fentanyl- 2570
related compound. 2571

(b) If the offender knows or has reason to know that the 2572
compound, mixture, preparation, or substance that is the drug 2573
involved contains a fentanyl-related compound, the offender is 2574
guilty of possession of a fentanyl-related compound and shall be 2575
punished under division (C) (11) of this section. 2576

(11) If the drug involved in the violation is a fentanyl- 2577
related compound and neither division (C) (9) (a) nor division (C) 2578
(10) (a) of this section applies to the drug involved, or is a 2579
compound, mixture, preparation, or substance that contains a 2580
fentanyl-related compound or is a combination of a fentanyl- 2581
related compound and any other controlled substance and neither 2582
division (C) (9) (a) nor division (C) (10) (a) of this section 2583
applies to the drug involved, whoever violates division (A) of 2584
this section is guilty of possession of a fentanyl-related 2585
compound. The penalty for the offense shall be determined as 2586
follows: 2587

(a) Except as otherwise provided in division (C) (11) (b), 2588
(c), (d), (e), (f), or (g) of this section, possession of a 2589
fentanyl-related compound is a felony of the fifth degree, and 2590
division (B) of section 2929.13 of the Revised Code applies in 2591
determining whether to impose a prison term on the offender. 2592

(b) If the amount of the drug involved equals or exceeds 2593
ten unit doses but is less than fifty unit doses or equals or 2594
exceeds one gram but is less than five grams, possession of a 2595
fentanyl-related compound is a felony of the fourth degree, and 2596
division (C) of section 2929.13 of the Revised Code applies in 2597
determining whether to impose a prison term on the offender. 2598

(c) If the amount of the drug involved equals or exceeds 2599
fifty unit doses but is less than one hundred unit doses or 2600
equals or exceeds five grams but is less than ten grams, 2601
possession of a fentanyl-related compound is a felony of the 2602
third degree, and there is a presumption for a prison term for 2603
the offense. 2604

(d) If the amount of the drug involved equals or exceeds 2605
one hundred unit doses but is less than two hundred unit doses 2606

or equals or exceeds ten grams but is less than twenty grams, 2607
possession of a fentanyl-related compound is a felony of the 2608
second degree, and the court shall impose as a mandatory prison 2609
term one of the prison terms prescribed for a felony of the 2610
second degree. 2611

(e) If the amount of the drug involved equals or exceeds 2612
two hundred unit doses but is less than five hundred unit doses 2613
or equals or exceeds twenty grams but is less than fifty grams, 2614
possession of a fentanyl-related compound is a felony of the 2615
first degree, and the court shall impose as a mandatory prison 2616
term one of the prison terms prescribed for a felony of the 2617
first degree. 2618

(f) If the amount of the drug involved equals or exceeds 2619
five hundred unit doses but is less than one thousand unit doses 2620
or equals or exceeds fifty grams but is less than one hundred 2621
grams, possession of a fentanyl-related compound is a felony of 2622
the first degree, and the court shall impose as a mandatory 2623
prison term the maximum prison term prescribed for a felony of 2624
the first degree. 2625

(g) If the amount of the drug involved equals or exceeds 2626
one thousand unit doses or equals or exceeds one hundred grams, 2627
possession of a fentanyl-related compound is a felony of the 2628
first degree, the offender is a major drug offender, and the 2629
court shall impose as a mandatory prison term the maximum prison 2630
term prescribed for a felony of the first degree. 2631

(D) Arrest or conviction for a minor misdemeanor violation 2632
of this section does not constitute a criminal record and need 2633
not be reported by the person so arrested or convicted in 2634
response to any inquiries about the person's criminal record, 2635
including any inquiries contained in any application for 2636

employment, license, or other right or privilege, or made in 2637
connection with the person's appearance as a witness. 2638

(E) In addition to any prison term or jail term authorized 2639
or required by division (C) of this section and sections 2640
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2641
Code and in addition to any other sanction that is imposed for 2642
the offense under this section, sections 2929.11 to 2929.18, or 2643
sections 2929.21 to 2929.28 of the Revised Code, the court that 2644
sentences an offender who is convicted of or pleads guilty to a 2645
violation of division (A) of this section may suspend the 2646
offender's driver's or commercial driver's license or permit for 2647
not more than five years. However, if the offender pleaded 2648
guilty to or was convicted of a violation of section 4511.19 of 2649
the Revised Code or a substantially similar municipal ordinance 2650
or the law of another state or the United States arising out of 2651
the same set of circumstances as the violation, the court shall 2652
suspend the offender's driver's or commercial driver's license 2653
or permit for not more than five years. If applicable, the court 2654
also shall do the following: 2655

(1) (a) If the violation is a felony of the first, second, 2656
or third degree, the court shall impose upon the offender the 2657
mandatory fine specified for the offense under division (B) (1) 2658
of section 2929.18 of the Revised Code unless, as specified in 2659
that division, the court determines that the offender is 2660
indigent. 2661

(b) Notwithstanding any contrary provision of section 2662
3719.21 of the Revised Code, the clerk of the court shall pay a 2663
mandatory fine or other fine imposed for a violation of this 2664
section pursuant to division (A) of section 2929.18 of the 2665
Revised Code in accordance with and subject to the requirements 2666

of division (F) of section 2925.03 of the Revised Code. The 2667
agency that receives the fine shall use the fine as specified in 2668
division (F) of section 2925.03 of the Revised Code. 2669

(c) If a person is charged with a violation of this 2670
section that is a felony of the first, second, or third degree, 2671
posts bail, and forfeits the bail, the clerk shall pay the 2672
forfeited bail pursuant to division (E) (1) (b) of this section as 2673
if it were a mandatory fine imposed under division (E) (1) (a) of 2674
this section. 2675

(2) If the offender is a professionally licensed person, 2676
in addition to any other sanction imposed for a violation of 2677
this section, the court immediately shall comply with section 2678
2925.38 of the Revised Code. 2679

(F) It is an affirmative defense, as provided in section 2680
2901.05 of the Revised Code, to a charge of a fourth degree 2681
felony violation under this section that the controlled 2682
substance that gave rise to the charge is in an amount, is in a 2683
form, is prepared, compounded, or mixed with substances that are 2684
not controlled substances in a manner, or is possessed under any 2685
other circumstances, that indicate that the substance was 2686
possessed solely for personal use. Notwithstanding any contrary 2687
provision of this section, if, in accordance with section 2688
2901.05 of the Revised Code, an accused who is charged with a 2689
fourth degree felony violation of division (C) (2), (4), (5), or 2690
(6) of this section sustains the burden of going forward with 2691
evidence of and establishes by a preponderance of the evidence 2692
the affirmative defense described in this division, the accused 2693
may be prosecuted for and may plead guilty to or be convicted of 2694
a misdemeanor violation of division (C) (2) of this section or a 2695
fifth degree felony violation of division (C) (4), (5), or (6) of 2696

this section respectively. 2697

(G) When a person is charged with possessing a bulk amount 2698
or multiple of a bulk amount, division (E) of section 2925.03 of 2699
the Revised Code applies regarding the determination of the 2700
amount of the controlled substance involved at the time of the 2701
offense. 2702

(H) It is an affirmative defense to a charge of possession 2703
of a controlled substance analog under division (C) (8) of this 2704
section that the person charged with violating that offense 2705
obtained, possessed, or used one of the following items that are 2706
excluded from the meaning of "controlled substance analog" under 2707
section 3719.01 of the Revised Code: 2708

(1) A controlled substance; 2709

(2) Any substance for which there is an approved new drug 2710
application; 2711

(3) With respect to a particular person, any substance if 2712
an exemption is in effect for investigational use for that 2713
person pursuant to federal law to the extent that conduct with 2714
respect to that substance is pursuant to that exemption. 2715

(I) Any offender who received a mandatory suspension of 2716
the offender's driver's or commercial driver's license or permit 2717
under this section prior to September 13, 2016, may file a 2718
motion with the sentencing court requesting the termination of 2719
the suspension. However, an offender who pleaded guilty to or 2720
was convicted of a violation of section 4511.19 of the Revised 2721
Code or a substantially similar municipal ordinance or law of 2722
another state or the United States that arose out of the same 2723
set of circumstances as the violation for which the offender's 2724
license or permit was suspended under this section shall not 2725

file such a motion. 2726

Upon the filing of a motion under division (I) of this 2727
section, the sentencing court, in its discretion, may terminate 2728
the suspension. 2729

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2730
possess, or use any instrument, article, or thing the customary 2731
and primary purpose of which is for the administration or use of 2732
a dangerous drug, other than marihuana, when the instrument 2733
involved is a hypodermic or syringe, whether or not of crude or 2734
extemporized manufacture or assembly, and the instrument, 2735
article, or thing involved has been used by the offender to 2736
unlawfully administer or use a dangerous drug, other than 2737
marihuana, or to prepare a dangerous drug, other than marihuana, 2738
for unlawful administration or use. 2739

(B) This section does not apply to manufacturers, licensed 2740
health professionals authorized to prescribe drugs, pharmacists, 2741
owners of pharmacies, and other persons whose conduct was in 2742
accordance with Chapters 3719., 4715., 4723., 4729., 4730., 2743
4731., ~~and 4741.~~, and 4761. of the Revised Code. 2744

(C) Whoever violates this section is guilty of possessing 2745
drug abuse instruments, a misdemeanor of the second degree. If 2746
the offender previously has been convicted of a drug abuse 2747
offense, a violation of this section is a misdemeanor of the 2748
first degree. 2749

(D) (1) In addition to any other sanction imposed upon an 2750
offender for a violation of this section, the court may suspend 2751
for not more than five years the offender's driver's or 2752
commercial driver's license or permit. However, if the offender 2753
pleaded guilty to or was convicted of a violation of section 2754

4511.19 of the Revised Code or a substantially similar municipal 2755
ordinance or the law of another state or the United States 2756
arising out of the same set of circumstances as the violation, 2757
the court shall suspend the offender's driver's or commercial 2758
driver's license or permit for not more than five years. If the 2759
offender is a professionally licensed person, in addition to any 2760
other sanction imposed for a violation of this section, the 2761
court immediately shall comply with section 2925.38 of the 2762
Revised Code. 2763

(2) Any offender who received a mandatory suspension of 2764
the offender's driver's or commercial driver's license or permit 2765
under this section prior to ~~the effective date of this amendment~~ 2766
September 13, 2016, may file a motion with the sentencing court 2767
requesting the termination of the suspension. However, an 2768
offender who pleaded guilty to or was convicted of a violation 2769
of section 4511.19 of the Revised Code or a substantially 2770
similar municipal ordinance or law of another state or the 2771
United States that arose out of the same set of circumstances as 2772
the violation for which the offender's license or permit was 2773
suspended under this section shall not file such a motion. 2774

Upon the filing of a motion under division (D) (2) of this 2775
section, the sentencing court, in its discretion, may terminate 2776
the suspension. 2777

Sec. 2925.14. (A) As used in this section, "drug 2778
paraphernalia" means any equipment, product, or material of any 2779
kind that is used by the offender, intended by the offender for 2780
use, or designed for use, in propagating, cultivating, growing, 2781
harvesting, manufacturing, compounding, converting, producing, 2782
processing, preparing, testing, analyzing, packaging, 2783
repackaging, storing, containing, concealing, injecting, 2784

ingesting, inhaling, or otherwise introducing into the human 2785
body, a controlled substance in violation of this chapter. "Drug 2786
paraphernalia" includes, but is not limited to, any of the 2787
following equipment, products, or materials that are used by the 2788
offender, intended by the offender for use, or designed by the 2789
offender for use, in any of the following manners: 2790

(1) A kit for propagating, cultivating, growing, or 2791
harvesting any species of a plant that is a controlled substance 2792
or from which a controlled substance can be derived; 2793

(2) A kit for manufacturing, compounding, converting, 2794
producing, processing, or preparing a controlled substance; 2795

(3) Any object, instrument, or device for manufacturing, 2796
compounding, converting, producing, processing, or preparing 2797
methamphetamine; 2798

(4) An isomerization device for increasing the potency of 2799
any species of a plant that is a controlled substance; 2800

(5) Testing equipment for identifying, or analyzing the 2801
strength, effectiveness, or purity of, a controlled substance; 2802

(6) A scale or balance for weighing or measuring a 2803
controlled substance; 2804

(7) A diluent or adulterant, such as quinine 2805
hydrochloride, mannitol, mannite, dextrose, or lactose, for 2806
cutting a controlled substance; 2807

(8) A separation gin or sifter for removing twigs and 2808
seeds from, or otherwise cleaning or refining, marihuana; 2809

(9) A blender, bowl, container, spoon, or mixing device 2810
for compounding a controlled substance; 2811

- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2812
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- (11) A container or device for storing or concealing a controlled substance; 2814
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 2816
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2819
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 2830
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2833
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- (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter; 2835
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- (3) The proximity of the equipment, product, or material to any controlled substance; 2839
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- (4) The existence of any residue of a controlled substance 2841
on the equipment, product, or material; 2842
- (5) Direct or circumstantial evidence of the intent of the 2843
owner, or of anyone in control, of the equipment, product, or 2844
material, to deliver it to any person whom the owner or person 2845
in control of the equipment, product, or material knows intends 2846
to use the object to facilitate a violation of any provision of 2847
this chapter. A finding that the owner, or anyone in control, of 2848
the equipment, product, or material, is not guilty of a 2849
violation of any other provision of this chapter does not 2850
prevent a finding that the equipment, product, or material was 2851
intended or designed by the offender for use as drug 2852
paraphernalia. 2853
- (6) Any oral or written instruction provided with the 2854
equipment, product, or material concerning its use; 2855
- (7) Any descriptive material accompanying the equipment, 2856
product, or material and explaining or depicting its use; 2857
- (8) National or local advertising concerning the use of 2858
the equipment, product, or material; 2859
- (9) The manner and circumstances in which the equipment, 2860
product, or material is displayed for sale; 2861
- (10) Direct or circumstantial evidence of the ratio of the 2862
sales of the equipment, product, or material to the total sales 2863
of the business enterprise; 2864
- (11) The existence and scope of legitimate uses of the 2865
equipment, product, or material in the community; 2866
- (12) Expert testimony concerning the use of the equipment, 2867
product, or material. 2868

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

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

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

(D) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., ~~and 4741.~~, and 4761. of the Revised Code. This section shall not be construed to prohibit the possession or use of a hypodermic as authorized by section 3719.172 of the Revised Code.

(2) Division (C) (1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2898
drug paraphernalia that was used, possessed, sold, or 2899
manufactured in a violation of this section shall be seized, 2900
after a conviction for that violation shall be forfeited, and 2901
upon forfeiture shall be disposed of pursuant to division (B) of 2902
section 2981.12 of the Revised Code. 2903

(F) (1) Whoever violates division (C) (1) of this section is 2904
guilty of illegal use or possession of drug paraphernalia, a 2905
misdemeanor of the fourth degree. 2906

(2) Except as provided in division (F) (3) of this section, 2907
whoever violates division (C) (2) of this section is guilty of 2908
dealing in drug paraphernalia, a misdemeanor of the second 2909
degree. 2910

(3) Whoever violates division (C) (2) of this section by 2911
selling drug paraphernalia to a juvenile is guilty of selling 2912
drug paraphernalia to juveniles, a misdemeanor of the first 2913
degree. 2914

(4) Whoever violates division (C) (3) of this section is 2915
guilty of illegal advertising of drug paraphernalia, a 2916
misdemeanor of the second degree. 2917

(G) (1) In addition to any other sanction imposed upon an 2918
offender for a violation of this section, the court may suspend 2919
for not more than five years the offender's driver's or 2920
commercial driver's license or permit. However, if the offender 2921
pleaded guilty to or was convicted of a violation of section 2922
4511.19 of the Revised Code or a substantially similar municipal 2923
ordinance or the law of another state or the United States 2924
arising out of the same set of circumstances as the violation, 2925
the court shall suspend the offender's driver's or commercial 2926

driver's license or permit for not more than five years. If the 2927
offender is a professionally licensed person, in addition to any 2928
other sanction imposed for a violation of this section, the 2929
court immediately shall comply with section 2925.38 of the 2930
Revised Code. 2931

(2) Any offender who received a mandatory suspension of 2932
the offender's driver's or commercial driver's license or permit 2933
under this section prior to ~~the effective date of this amendment~~ 2934
September 13, 2016, may file a motion with the sentencing court 2935
requesting the termination of the suspension. However, an 2936
offender who pleaded guilty to or was convicted of a violation 2937
of section 4511.19 of the Revised Code or a substantially 2938
similar municipal ordinance or law of another state or the 2939
United States that arose out of the same set of circumstances as 2940
the violation for which the offender's license or permit was 2941
suspended under this section shall not file such a motion. 2942

Upon the filing of a motion under division (G)(2) of this 2943
section, the sentencing court, in its discretion, may terminate 2944
the suspension. 2945

Sec. 2925.23. (A) No person shall knowingly make a false 2946
statement in any prescription, order, report, or record required 2947
by Chapter 3719. or 4729. of the Revised Code. 2948

(B) No person shall intentionally make, utter, or sell, or 2949
knowingly possess any of the following that is a false or 2950
forged: 2951

(1) Prescription; 2952

(2) Uncompleted preprinted prescription blank used for 2953
writing a prescription; 2954

(3) Official written order; 2955

(4) License for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2956 2957
(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.	2958 2959 2960 2961
(C) No person, by theft as defined in section 2913.02 of the Revised Code, shall acquire any of the following:	2962 2963
(1) A prescription;	2964
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2965 2966
(3) An official written order;	2967
(4) A blank official written order;	2968
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2969 2970 2971
(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.	2972 2973 2974 2975 2976
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2977 2978 2979
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose	2980 2981 2982

conduct is in accordance with Chapters 3719., 4715., 4723., 2983
4725., 4729., 4730., 4731., ~~and 4741.~~, and 4761. of the Revised 2984
Code. 2985

(F) Whoever violates this section is guilty of illegal 2986
processing of drug documents. If the offender violates division 2987
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 2988
section, illegal processing of drug documents is a felony of the 2989
fifth degree. If the offender violates division (A), division 2990
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2991
section, the penalty for illegal processing of drug documents 2992
shall be determined as follows: 2993

(1) If the drug involved is a compound, mixture, 2994
preparation, or substance included in schedule I or II, with the 2995
exception of marihuana, illegal processing of drug documents is 2996
a felony of the fourth degree, and division (C) of section 2997
2929.13 of the Revised Code applies in determining whether to 2998
impose a prison term on the offender. 2999

(2) If the drug involved is a dangerous drug or a 3000
compound, mixture, preparation, or substance included in 3001
schedule III, IV, or V or is marihuana, illegal processing of 3002
drug documents is a felony of the fifth degree, and division (C) 3003
of section 2929.13 of the Revised Code applies in determining 3004
whether to impose a prison term on the offender. 3005

(G) (1) In addition to any prison term authorized or 3006
required by division (F) of this section and sections 2929.13 3007
and 2929.14 of the Revised Code and in addition to any other 3008
sanction imposed for the offense under this section or sections 3009
2929.11 to 2929.18 of the Revised Code, the court that sentences 3010
an offender who is convicted of or pleads guilty to any 3011
violation of divisions (A) to (D) of this section may suspend 3012

for not more than five years the offender's driver's or 3013
commercial driver's license or permit. However, if the offender 3014
pleaded guilty to or was convicted of a violation of section 3015
4511.19 of the Revised Code or a substantially similar municipal 3016
ordinance or the law of another state or the United States 3017
arising out of the same set of circumstances as the violation, 3018
the court shall suspend the offender's driver's or commercial 3019
driver's license or permit for not more than five years. 3020

If the offender is a professionally licensed person, in 3021
addition to any other sanction imposed for a violation of this 3022
section, the court immediately shall comply with section 2925.38 3023
of the Revised Code. 3024

(2) Any offender who received a mandatory suspension of 3025
the offender's driver's or commercial driver's license or permit 3026
under this section prior to September 13, 2016, may file a 3027
motion with the sentencing court requesting the termination of 3028
the suspension. However, an offender who pleaded guilty to or 3029
was convicted of a violation of section 4511.19 of the Revised 3030
Code or a substantially similar municipal ordinance or law of 3031
another state or the United States that arose out of the same 3032
set of circumstances as the violation for which the offender's 3033
license or permit was suspended under this section shall not 3034
file such a motion. 3035

Upon the filing of a motion under division (G)(2) of this 3036
section, the sentencing court, in its discretion, may terminate 3037
the suspension. 3038

(H) Notwithstanding any contrary provision of section 3039
3719.21 of the Revised Code, the clerk of court shall pay a fine 3040
imposed for a violation of this section pursuant to division (A) 3041
of section 2929.18 of the Revised Code in accordance with and 3042

subject to the requirements of division (F) of section 2925.03 3043
of the Revised Code. The agency that receives the fine shall use 3044
the fine as specified in division (F) of section 2925.03 of the 3045
Revised Code. 3046

Sec. 2925.36. (A) No person shall knowingly furnish 3047
another a sample drug. 3048

(B) Division (A) of this section does not apply to 3049
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3050
licensed health professionals authorized to prescribe drugs, and 3051
other persons whose conduct is in accordance with Chapters 3052
3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and~~4741., and 3053
4761. of the Revised Code. 3054

(C) (1) Whoever violates this section is guilty of illegal 3055
dispensing of drug samples. 3056

(2) If the drug involved in the offense is a compound, 3057
mixture, preparation, or substance included in schedule I or II, 3058
with the exception of marihuana, the penalty for the offense 3059
shall be determined as follows: 3060

(a) Except as otherwise provided in division (C) (2) (b) of 3061
this section, illegal dispensing of drug samples is a felony of 3062
the fifth degree, and, subject to division (E) of this section, 3063
division (C) of section 2929.13 of the Revised Code applies in 3064
determining whether to impose a prison term on the offender. 3065

(b) If the offense was committed in the vicinity of a 3066
school or in the vicinity of a juvenile, illegal dispensing of 3067
drug samples is a felony of the fourth degree, and, subject to 3068
division (E) of this section, division (C) of section 2929.13 of 3069
the Revised Code applies in determining whether to impose a 3070
prison term on the offender. 3071

(3) If the drug involved in the offense is a dangerous 3072
drug or a compound, mixture, preparation, or substance included 3073
in schedule III, IV, or V, or is marihuana, the penalty for the 3074
offense shall be determined as follows: 3075

(a) Except as otherwise provided in division (C) (3) (b) of 3076
this section, illegal dispensing of drug samples is a 3077
misdemeanor of the second degree. 3078

(b) If the offense was committed in the vicinity of a 3079
school or in the vicinity of a juvenile, illegal dispensing of 3080
drug samples is a misdemeanor of the first degree. 3081

(D) (1) In addition to any prison term authorized or 3082
required by division (C) or (E) of this section and sections 3083
2929.13 and 2929.14 of the Revised Code and in addition to any 3084
other sanction imposed for the offense under this section or 3085
sections 2929.11 to 2929.18 of the Revised Code, the court that 3086
sentences an offender who is convicted of or pleads guilty to a 3087
violation of division (A) of this section may suspend for not 3088
more than five years the offender's driver's or commercial 3089
driver's license or permit. However, if the offender pleaded 3090
guilty to or was convicted of a violation of section 4511.19 of 3091
the Revised Code or a substantially similar municipal ordinance 3092
or the law of another state or the United States arising out of 3093
the same set of circumstances as the violation, the court shall 3094
suspend the offender's driver's or commercial driver's license 3095
or permit for not more than five years. 3096

If the offender is a professionally licensed person, in 3097
addition to any other sanction imposed for a violation of this 3098
section, the court immediately shall comply with section 2925.38 3099
of the Revised Code. 3100

(2) Any offender who received a mandatory suspension of 3101
the offender's driver's or commercial driver's license or permit 3102
under this section prior to September 13, 2016, may file a 3103
motion with the sentencing court requesting the termination of 3104
the suspension. However, an offender who pleaded guilty to or 3105
was convicted of a violation of section 4511.19 of the Revised 3106
Code or a substantially similar municipal ordinance or law of 3107
another state or the United States that arose out of the same 3108
set of circumstances as the violation for which the offender's 3109
license or permit was suspended under this section shall not 3110
file such a motion. 3111

Upon the filing of a motion under division (D) (2) of this 3112
section, the sentencing court, in its discretion, may terminate 3113
the suspension. 3114

(E) Notwithstanding the prison term authorized or required 3115
by division (C) of this section and sections 2929.13 and 2929.14 3116
of the Revised Code, if the violation of division (A) of this 3117
section involves the sale, offer to sell, or possession of a 3118
schedule I or II controlled substance, with the exception of 3119
marihuana, and if the court imposing sentence upon the offender 3120
finds that the offender as a result of the violation is a major 3121
drug offender and is guilty of a specification of the type 3122
described in division (A) of section 2941.1410 of the Revised 3123
Code, the court, in lieu of the prison term otherwise authorized 3124
or required, shall impose upon the offender the mandatory prison 3125
term specified in division (B) (3) (a) of section 2929.14 of the 3126
Revised Code. 3127

(F) Notwithstanding any contrary provision of section 3128
3719.21 of the Revised Code, the clerk of the court shall pay a 3129
fine imposed for a violation of this section pursuant to 3130

division (A) of section 2929.18 of the Revised Code in 3131
accordance with and subject to the requirements of division (F) 3132
of section 2925.03 of the Revised Code. The agency that receives 3133
the fine shall use the fine as specified in division (F) of 3134
section 2925.03 of the Revised Code. 3135

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58 3136
of the Revised Code: 3137

(1) "Consumer product" means any food or drink that is 3138
consumed or used by humans and any drug, including a drug that 3139
may be provided legally only pursuant to a prescription, that is 3140
intended to be consumed or used by humans. 3141

(2) "Terminal distributor of dangerous drugs" has the same 3142
meaning as in section 4729.01 of the Revised Code. 3143

(3) "Pseudoephedrine" means any material, compound, 3144
mixture, or preparation that contains any quantity of 3145
pseudoephedrine, any of its salts, optical isomers, or salts of 3146
optical isomers. 3147

(4) "Pseudoephedrine product" means a consumer product 3148
that contains pseudoephedrine. 3149

(5) "Retailer" means a place of business that offers 3150
consumer products for sale to the general public. 3151

(6) "Single-ingredient preparation" means a compound, 3152
mixture, preparation, or substance that contains a single active 3153
ingredient. 3154

(7) "Ephedrine" means any material, compound, mixture, or 3155
preparation that contains any quantity of ephedrine, any of its 3156
salts, optical isomers, or salts of optical isomers. 3157

(8) "Ephedrine product" means a consumer product that 3158

contains ephedrine. 3159

(B) (1) No individual shall knowingly purchase, receive, or 3160
otherwise acquire an amount of pseudoephedrine product or 3161
ephedrine product that is greater than either of the following 3162
unless the pseudoephedrine product or ephedrine product is 3163
dispensed by a pharmacist pursuant to a valid prescription 3164
issued by a licensed health professional authorized to prescribe 3165
drugs and the conduct of the pharmacist and the licensed health 3166
professional authorized to prescribe drugs is in accordance with 3167
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3168
4761. of the Revised Code: 3169

(a) Three and six tenths grams within a period of a single 3170
day; 3171

(b) Nine grams within a period of thirty consecutive days. 3172

The limits specified in divisions (B) (1) (a) and (b) of 3173
this section apply to the total amount of base pseudoephedrine 3174
or base ephedrine in the pseudoephedrine product or ephedrine 3175
product, respectively. The limits do not apply to the product's 3176
overall weight. 3177

(2) It is not a violation of division (B) (1) of this 3178
section for an individual to receive or accept more than an 3179
amount of pseudoephedrine product or ephedrine product specified 3180
in division (B) (1) (a) or (b) of this section if the individual 3181
is an employee of a retailer or terminal distributor of 3182
dangerous drugs, and the employee receives or accepts from the 3183
retailer or terminal distributor of dangerous drugs the 3184
pseudoephedrine product or ephedrine product in a sealed 3185
container in connection with manufacturing, warehousing, 3186
placement, stocking, bagging, loading, or unloading of the 3187

product. 3188

(C) (1) No individual under eighteen years of age shall 3189
knowingly purchase, receive, or otherwise acquire a 3190
pseudoephedrine product or ephedrine product unless the 3191
pseudoephedrine product or ephedrine product is dispensed by a 3192
pharmacist pursuant to a valid prescription issued by a licensed 3193
health professional authorized to prescribe drugs and the 3194
conduct of the pharmacist and the licensed health professional 3195
authorized to prescribe drugs is in accordance with Chapter 3196
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3197
the Revised Code. 3198

(2) Division (C) (1) of this section does not apply to an 3199
individual under eighteen years of age who purchases, receives, 3200
or otherwise acquires a pseudoephedrine product or ephedrine 3201
product from any of the following: 3202

(a) A licensed health professional authorized to prescribe 3203
drugs or pharmacist who dispenses, sells, or otherwise provides 3204
the pseudoephedrine product or ephedrine product to that 3205
individual and whose conduct is in accordance with Chapter 3206
3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.~~, or 4761. of 3207
the Revised Code; 3208

(b) A parent or guardian of that individual who provides 3209
the pseudoephedrine product or ephedrine product to the 3210
individual; 3211

(c) A person, as authorized by that individual's parent or 3212
guardian, who dispenses, sells, or otherwise provides the 3213
pseudoephedrine product or ephedrine product to the individual; 3214

(d) A retailer or terminal distributor of dangerous drugs 3215
who provides the pseudoephedrine product or ephedrine product to 3216

that individual if the individual is an employee of the retailer 3217
or terminal distributor of dangerous drugs and the individual 3218
receives or accepts from the retailer or terminal distributor of 3219
dangerous drugs the pseudoephedrine product or ephedrine product 3220
in a sealed container in connection with manufacturing, 3221
warehousing, placement, stocking, bagging, loading, or unloading 3222
of the product. 3223

(D) No individual under eighteen years of age shall 3224
knowingly show or give false information concerning the 3225
individual's name, age, or other identification for the purpose 3226
of purchasing, receiving, or otherwise acquiring a 3227
pseudoephedrine product or ephedrine product. 3228

(E) No individual shall knowingly fail to comply with the 3229
requirements of division (B) of section 3715.051 of the Revised 3230
Code. 3231

(F) Whoever violates division (B) (1) of this section is 3232
guilty of unlawful purchase of a pseudoephedrine product or 3233
ephedrine product, a misdemeanor of the first degree. 3234

(G) Whoever violates division (C) (1) of this section is 3235
guilty of underage purchase of a pseudoephedrine product or 3236
ephedrine product, a delinquent act that would be a misdemeanor 3237
of the fourth degree if it could be committed by an adult. 3238

(H) Whoever violates division (D) of this section is 3239
guilty of using false information to purchase a pseudoephedrine 3240
product or ephedrine product, a delinquent act that would be a 3241
misdemeanor of the first degree if it could be committed by an 3242
adult. 3243

(I) Whoever violates division (E) of this section is 3244
guilty of improper purchase of a pseudoephedrine product or 3245

ephedrine product, a misdemeanor of the fourth degree. 3246

Sec. 2925.56. (A) (1) Except as provided in division (A) (2) 3247
of this section, no retailer or terminal distributor of 3248
dangerous drugs or an employee of a retailer or terminal 3249
distributor of dangerous drugs shall knowingly sell, offer to 3250
sell, hold for sale, deliver, or otherwise provide to any 3251
individual an amount of pseudoephedrine product or ephedrine 3252
product that is greater than either of the following: 3253

(a) Three and six-tenths grams within a period of a single 3254
day; 3255

(b) Nine grams within a period of thirty consecutive days. 3256

The maximum amounts specified in divisions (A) (1) (a) and 3257
(b) of this section apply to the total amount of base 3258
pseudoephedrine or base ephedrine in the pseudoephedrine product 3259
or ephedrine product, respectively. The maximum amounts do not 3260
apply to the product's overall weight. 3261

(2) (a) Division (A) (1) of this section does not apply to 3262
any quantity of pseudoephedrine product or ephedrine product 3263
dispensed by a pharmacist pursuant to a valid prescription 3264
issued by a licensed health professional authorized to prescribe 3265
drugs if the conduct of the pharmacist and the licensed health 3266
professional authorized to prescribe drugs is in accordance with 3267
Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or~~ 4741., or 3268
4761. of the Revised Code. 3269

(b) It is not a violation of division (A) (1) of this 3270
section for a retailer, terminal distributor of dangerous drugs, 3271
or employee of either to provide to an individual more than an 3272
amount of pseudoephedrine product or ephedrine product specified 3273
in division (A) (1) (a) or (b) of this section under either of the 3274

following circumstances: 3275

(i) The individual is an employee of the retailer or 3276
terminal distributor of dangerous drugs, and the employee 3277
receives or accepts from the retailer, terminal distributor of 3278
dangerous drugs, or employee the pseudoephedrine product or 3279
ephedrine product in a sealed container in connection with 3280
manufacturing, warehousing, placement, stocking, bagging, 3281
loading, or unloading of the product; 3282

(ii) A stop-sale alert is generated after the submission 3283
of information to the national precursor log exchange under the 3284
conditions described in division (A) (2) of section 3715.052 of 3285
the Revised Code. 3286

(B) (1) Except as provided in division (B) (2) of this 3287
section, no retailer or terminal distributor of dangerous drugs 3288
or an employee of a retailer or terminal distributor of 3289
dangerous drugs shall sell, offer to sell, hold for sale, 3290
deliver, or otherwise provide a pseudoephedrine product or 3291
ephedrine product to an individual who is under eighteen years 3292
of age. 3293

(2) Division (B) (1) of this section does not apply to any 3294
of the following: 3295

(a) A licensed health professional authorized to prescribe 3296
drugs or pharmacist who dispenses, sells, or otherwise provides 3297
a pseudoephedrine product or ephedrine product to an individual 3298
under eighteen years of age and whose conduct is in accordance 3299
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., ~~or 4741.,~~ 3300
or 4761. of the Revised Code; 3301

(b) A parent or guardian of an individual under eighteen 3302
years of age who provides a pseudoephedrine product or ephedrine 3303

product to the individual; 3304

(c) A person who, as authorized by the individual's parent 3305
or guardian, dispenses, sells, or otherwise provides a 3306
pseudoephedrine product or ephedrine product to an individual 3307
under eighteen years of age; 3308

(d) The provision by a retailer, terminal distributor of 3309
dangerous drugs, or employee of either of a pseudoephedrine 3310
product or ephedrine product in a sealed container to an 3311
employee of the retailer or terminal distributor of dangerous 3312
drugs who is under eighteen years of age in connection with 3313
manufacturing, warehousing, placement, stocking, bagging, 3314
loading, or unloading of the product. 3315

(C) No retailer or terminal distributor of dangerous drugs 3316
shall fail to comply with the requirements of division (A) of 3317
section 3715.051 or division (A) (2) of section 3715.052 of the 3318
Revised Code. 3319

(D) No retailer or terminal distributor of dangerous drugs 3320
shall fail to comply with the requirements of division (A) (1) of 3321
section 3715.052 of the Revised Code. 3322

(E) Whoever violates division (A) (1) of this section is 3323
guilty of unlawfully selling a pseudoephedrine product or 3324
ephedrine product, a misdemeanor of the first degree. 3325

(F) Whoever violates division (B) (1) of this section is 3326
guilty of unlawfully selling a pseudoephedrine product or 3327
ephedrine product to a minor, a misdemeanor of the fourth 3328
degree. 3329

(G) Whoever violates division (C) of this section is 3330
guilty of improper sale of a pseudoephedrine product or 3331
ephedrine product, a misdemeanor of the second degree. 3332

(H) Whoever violates division (D) of this section is 3333
guilty of failing to submit information to the national 3334
precursor log exchange, a misdemeanor for which the offender 3335
shall be fined not more than one thousand dollars per violation. 3336

Sec. 2929.42. (A) The prosecutor in any case against any 3337
person licensed, certified, registered, or otherwise authorized 3338
to practice under Chapter 3719., 4715., 4723., 4729., 4730., 3339
4731., 4734., ~~or 4741.~~, or 4761. of the Revised Code shall 3340
notify the appropriate licensing board, on forms provided by the 3341
board, of any of the following regarding the person: 3342

(1) A plea of guilty to, or a conviction of, a felony, or 3343
a court order dismissing a felony charge on technical or 3344
procedural grounds; 3345

(2) A plea of guilty to, or a conviction of, a misdemeanor 3346
committed in the course of practice or in the course of 3347
business, or a court order dismissing such a misdemeanor charge 3348
on technical or procedural grounds; 3349

(3) A plea of guilty to, or a conviction of, a misdemeanor 3350
involving moral turpitude, or a court order dismissing such a 3351
charge on technical or procedural grounds. 3352

(B) The report required by division (A) of this section 3353
shall include the name and address of the person, the nature of 3354
the offense, and certified copies of court entries in the 3355
action. 3356

Sec. 3313.7110. (A) The board of education of each city, 3357
local, exempted village, or joint vocational school district may 3358
procure epinephrine autoinjectors for each school operated by 3359
the district to have on the school premises for use in emergency 3360
situations identified under division (C)(5) of this section by 3361

doing one of the following: 3362

(1) Having a licensed health professional authorized to 3363
prescribe drugs, acting in accordance with section 4723.483, 3364
4730.433, ~~or 4731.96,~~ or 4761.47 of the Revised Code, personally 3365
furnish the epinephrine autoinjectors to the school or school 3366
district or issue a prescription for them in the name of the 3367
school or district; 3368

(2) Having the district's superintendent obtain a 3369
prescriber-issued protocol that includes definitive orders for 3370
epinephrine autoinjectors and the dosages of epinephrine to be 3371
administered through them. 3372

A district board that elects to procure epinephrine 3373
autoinjectors under this section is encouraged to maintain, at 3374
all times, at least two epinephrine ~~injectors~~ autoinjectors at 3375
each school operated by the district. 3376

(B) A district board that elects to procure epinephrine 3377
autoinjectors under this section shall require the district's 3378
superintendent to adopt a policy governing their maintenance and 3379
use. Before adopting the policy, the superintendent shall 3380
consult with a licensed health professional authorized to 3381
prescribe drugs. 3382

(C) The policy adopted under division (B) of this section 3383
shall do all of the following: 3384

(1) Identify the one or more locations in each school 3385
operated by the district in which an epinephrine autoinjector 3386
must be stored; 3387

(2) Specify the conditions under which an epinephrine 3388
autoinjector must be stored, replaced, and disposed; 3389

(3) Specify the individuals employed by or under contract with the district board, in addition to a school nurse licensed under section 3319.221 of the Revised Code or an athletic trainer licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission

constitutes willful or wanton misconduct:	3419
(a) A school or school district;	3420
(b) A member of a district board of education;	3421
(c) A district or school employee or contractor;	3422
(d) A licensed health professional authorized to prescribe	3423
drugs who personally furnishes or prescribes epinephrine	3424
autoinjectors, consults with a superintendent, or issues a	3425
protocol pursuant to this section.	3426
(2) This section does not eliminate, limit, or reduce any	3427
other immunity or defense that a school or school district,	3428
member of a district board of education, district or school	3429
employee or contractor, or licensed health professional may be	3430
entitled to under Chapter 2744. or any other provision of the	3431
Revised Code or under the common law of this state.	3432
(E) A school district board of education may accept	3433
donations of epinephrine autoinjectors from a wholesale	3434
distributor of dangerous drugs or a manufacturer of dangerous	3435
drugs, as defined in section 4729.01 of the Revised Code, and	3436
may accept donations of money from any person to purchase	3437
epinephrine autoinjectors.	3438
(F) A district board that elects to procure epinephrine	3439
autoinjectors under this section shall report to the department	3440
of education each procurement and occurrence in which an	3441
epinephrine autoinjector is used from a school's supply of	3442
epinephrine autoinjectors.	3443
(G) As used in this section, "licensed health professional	3444
authorized to prescribe drugs" and "prescriber" have the same	3445
meanings as in section 4729.01 of the Revised Code.	3446

Sec. 3701.048. (A) As used in this section:	3447
(1) "Board of health" means the board of health of a city	3448
or general health district or the authority having the duties of	3449
a board of health under section 3709.05 of the Revised Code.	3450
(2) "Controlled substance" has the same meaning as in	3451
section 3719.01 of the Revised Code.	3452
(3) "Drug," "dangerous drug," and "licensed health	3453
professional authorized to prescribe drugs" have the same	3454
meanings as in section 4729.01 of the Revised Code.	3455
(4) "Registered volunteer" has the same meaning as in	3456
section 5502.281 of the Revised Code.	3457
(B) In consultation with the appropriate professional	3458
regulatory boards of this state, the director of health shall	3459
develop one or more protocols that authorize the following	3460
individuals to administer, deliver, or distribute drugs, other	3461
than schedule II and III controlled substances, during a period	3462
of time described in division (E) of this section,	3463
notwithstanding any statute or rule that otherwise prohibits or	3464
restricts the administration, delivery, or distribution of drugs	3465
by those individuals:	3466
(1) A physician authorized under Chapter 4731. of the	3467
Revised Code to practice medicine and surgery, osteopathic	3468
medicine and surgery, or podiatric medicine and surgery;	3469
(2) A physician assistant licensed under Chapter 4730. of	3470
the Revised Code;	3471
(3) A dentist or dental hygienist licensed under Chapter	3472
4715. of the Revised Code;	3473
(4) A registered nurse licensed under Chapter 4723. of the	3474

Revised Code, including an advanced practice registered nurse, 3475
as defined in section 4723.01 of the Revised Code; 3476

(5) A licensed practical nurse licensed under Chapter 3477
4723. of the Revised Code; 3478

(6) An optometrist licensed under Chapter 4725. of the 3479
Revised Code; 3480

(7) A pharmacist or pharmacy intern licensed under Chapter 3481
4729. of the Revised Code; 3482

(8) A respiratory care professional or advanced practice 3483
respiratory therapist licensed under Chapter 4761. of the 3484
Revised Code; 3485

(9) An emergency medical technician-basic, emergency 3486
medical technician-intermediate, or emergency medical 3487
technician-paramedic who holds a certificate to practice issued 3488
under Chapter 4765. of the Revised Code; 3489

(10) A veterinarian licensed under Chapter 4741. of the 3490
Revised Code. 3491

(C) In consultation with the executive director of the 3492
emergency management agency, the director of health shall 3493
develop one or more protocols that authorize employees of boards 3494
of health and registered volunteers to deliver or distribute 3495
drugs, other than schedule II and III controlled substances, 3496
during a period of time described in division (E) of this 3497
section, notwithstanding any statute or rule that otherwise 3498
prohibits or restricts the delivery or distribution of drugs by 3499
those individuals. 3500

(D) In consultation with the state board of pharmacy, the 3501
director of health shall develop one or more protocols that 3502

authorize pharmacists and pharmacy interns to dispense, during a 3503
period of time described in division (E) of this section, 3504
limited quantities of dangerous drugs, other than schedule II 3505
and III controlled substances, without a written, oral, or 3506
electronic prescription from a licensed health professional 3507
authorized to prescribe drugs or without a record of a 3508
prescription, notwithstanding any statute or rule that otherwise 3509
prohibits or restricts the dispensing of drugs without a 3510
prescription or record of a prescription. 3511

(E) On the governor's declaration of an emergency that 3512
affects the public health, the director of health may issue an 3513
order to implement one or more of the protocols developed 3514
pursuant to division (B), (C), or (D) of this section. At a 3515
minimum, the director's order shall identify the one or more 3516
protocols to be implemented and the period of time during which 3517
the one or more protocols are to be effective. 3518

(F) (1) An individual who administers, delivers, 3519
distributes, or dispenses a drug or dangerous drug in accordance 3520
with one or more of the protocols implemented under division (E) 3521
of this section is not liable for damages in any civil action 3522
unless the individual's acts or omissions in performing those 3523
activities constitute willful or wanton misconduct. 3524

(2) An individual who administers, delivers, distributes, 3525
or dispenses a drug or dangerous drug in accordance with one or 3526
more of the protocols implemented under division (E) of this 3527
section is not subject to criminal prosecution or professional 3528
disciplinary action under any chapter in Title XLVII of the 3529
Revised Code. 3530

Sec. 3701.74. (A) As used in this section and section 3531
3701.741 of the Revised Code: 3532

(1) "Ambulatory care facility" means a facility that 3533
provides medical, diagnostic, or surgical treatment to patients 3534
who do not require hospitalization, including a dialysis center, 3535
ambulatory surgical facility, cardiac catheterization facility, 3536
diagnostic imaging center, extracorporeal shock wave lithotripsy 3537
center, home health agency, inpatient hospice, birthing center, 3538
radiation therapy center, emergency facility, and an urgent care 3539
center. "Ambulatory care facility" does not include the private 3540
office of a physician or dentist, whether the office is for an 3541
individual or group practice. 3542

(2) "Chiropractor" means an individual licensed under 3543
Chapter 4734. of the Revised Code to practice chiropractic. 3544

(3) "Emergency facility" means a hospital emergency 3545
department or any other facility that provides emergency medical 3546
services. 3547

(4) "Health care practitioner" means all of the following: 3548

(a) A dentist or dental hygienist licensed under Chapter 3549
4715. of the Revised Code; 3550

(b) A registered or licensed practical nurse licensed 3551
under Chapter 4723. of the Revised Code; 3552

(c) An optometrist licensed under Chapter 4725. of the 3553
Revised Code; 3554

(d) A dispensing optician, spectacle dispensing optician, 3555
contact lens dispensing optician, or spectacle-contact lens 3556
dispensing optician licensed under Chapter 4725. of the Revised 3557
Code; 3558

(e) A pharmacist licensed under Chapter 4729. of the 3559
Revised Code; 3560

(f) A physician;	3561
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	3562 3563
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	3564 3565
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	3566 3567
(j) A chiropractor;	3568
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	3569 3570
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	3571 3572
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	3573 3574
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	3575 3576
(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	3577 3578 3579 3580 3581
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	3582 3583
(q) A respiratory care professional <u>or advanced practice</u> <u>respiratory therapist</u> licensed under Chapter 4761. of the Revised Code;	3584 3585 3586
(r) An emergency medical technician-basic, emergency	3587

medical technician-intermediate, or emergency medical 3588
technician-paramedic certified under Chapter 4765. of the 3589
Revised Code. 3590

(5) "Health care provider" means a hospital, ambulatory 3591
care facility, long-term care facility, pharmacy, emergency 3592
facility, or health care practitioner. 3593

(6) "Hospital" has the same meaning as in section 3727.01 3594
of the Revised Code. 3595

(7) "Long-term care facility" means a nursing home, 3596
residential care facility, or home for the aging, as those terms 3597
are defined in section 3721.01 of the Revised Code; a 3598
residential facility licensed under section 5119.34 of the 3599
Revised Code that provides accommodations, supervision, and 3600
personal care services for three to sixteen unrelated adults; a 3601
nursing facility, as defined in section 5165.01 of the Revised 3602
Code; a skilled nursing facility, as defined in section 5165.01 3603
of the Revised Code; and an intermediate care facility for 3604
individuals with intellectual disabilities, as defined in 3605
section 5124.01 of the Revised Code. 3606

(8) "Medical record" means data in any form that pertains 3607
to a patient's medical history, diagnosis, prognosis, or medical 3608
condition and that is generated and maintained by a health care 3609
provider in the process of the patient's health care treatment. 3610

(9) "Medical records company" means a person who stores, 3611
locates, or copies medical records for a health care provider, 3612
or is compensated for doing so by a health care provider, and 3613
charges a fee for providing medical records to a patient or 3614
patient's representative. 3615

(10) "Patient" means either of the following: 3616

(a) An individual who received health care treatment from a health care provider; 3617
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(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section. 3619
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(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division. 3622
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(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 3634
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 3636
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 3640
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(B) A patient, a patient's personal representative, or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care 3643
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provider a written request signed by the patient, personal 3646
representative, or authorized person dated not more than one 3647
year before the date on which it is submitted. The request shall 3648
indicate whether the copy is to be sent to the requestor, 3649
physician or chiropractor, or held for the requestor at the 3650
office of the health care provider. Within a reasonable time 3651
after receiving a request that meets the requirements of this 3652
division and includes sufficient information to identify the 3653
record requested, a health care provider that has the patient's 3654
medical records shall permit the patient to examine the record 3655
during regular business hours without charge or, on request, 3656
shall provide a copy of the record in accordance with section 3657
3701.741 of the Revised Code, except that if a physician, 3658
psychologist, licensed professional clinical counselor, licensed 3659
professional counselor, independent social worker, social 3660
worker, independent marriage and family therapist, marriage and 3661
family therapist, or chiropractor who has treated the patient 3662
determines for clearly stated treatment reasons that disclosure 3663
of the requested record is likely to have an adverse effect on 3664
the patient, the health care provider shall provide the record 3665
to a physician, psychologist, licensed professional clinical 3666
counselor, licensed professional counselor, independent social 3667
worker, social worker, independent marriage and family 3668
therapist, marriage and family therapist, or chiropractor 3669
designated by the patient. The health care provider shall take 3670
reasonable steps to establish the identity of the person making 3671
the request to examine or obtain a copy of the patient's record. 3672

(C) If a health care provider fails to furnish a medical 3673
record as required by division (B) of this section, the patient, 3674
personal representative, or authorized person who requested the 3675
record may bring a civil action to enforce the patient's right 3676

of access to the record. 3677

(D) (1) This section does not apply to medical records 3678
whose release is covered by section 173.20 or 3721.13 of the 3679
Revised Code, by Chapter 1347., 5119., or 5122. of the Revised 3680
Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug 3681
Abuse Patient Records," or by 42 C.F.R. 483.10. 3682

(2) Nothing in this section is intended to supersede the 3683
confidentiality provisions of sections 2305.24, 2305.25, 3684
2305.251, and 2305.252 of the Revised Code. 3685

Sec. 3715.872. (A) As used in this section, "health care 3686
professional" means any of the following who provide medical, 3687
dental, or other health-related diagnosis, care, or treatment: 3688

(1) Individuals authorized under Chapter 4731. of the 3689
Revised Code to practice medicine and surgery, osteopathic 3690
medicine and surgery, or podiatric medicine and surgery; 3691

(2) Registered nurses and licensed practical nurses 3692
licensed under Chapter 4723. of the Revised Code; 3693

(3) Physician assistants authorized to practice under 3694
Chapter 4730. of the Revised Code; 3695

(4) Dentists and dental hygienists licensed under Chapter 3696
4715. of the Revised Code; 3697

(5) Optometrists licensed under Chapter 4725. of the 3698
Revised Code; 3699

(6) Pharmacists licensed under Chapter 4729. of the 3700
Revised Code; 3701

(7) Advanced practice respiratory therapists licensed 3702
under Chapter 4761. of the Revised Code. 3703

(B) For matters related to donating, giving, accepting, or 3704
dispensing drugs under the drug repository program, all of the 3705
following apply: 3706

(1) Any person, including a pharmacy, drug manufacturer, 3707
or health care facility, or any government entity that donates 3708
or gives drugs to the drug repository program shall not be 3709
subject to liability in tort or other civil action for injury, 3710
death, or loss to person or property. 3711

(2) A pharmacy, hospital, or nonprofit clinic that accepts 3712
or dispenses drugs under the program shall not be subject to 3713
liability in tort or other civil action for injury, death, or 3714
loss to person or property, unless an action or omission of the 3715
pharmacy, hospital, or nonprofit clinic constitutes willful and 3716
wanton misconduct. 3717

(3) A health care professional who accepts or dispenses 3718
drugs under the program on behalf of a pharmacy, hospital, or 3719
nonprofit clinic, and the pharmacy, hospital, or nonprofit 3720
clinic that employs or otherwise uses the services of the health 3721
care professional, shall not be subject to liability in tort or 3722
other civil action for injury, death, or loss to person or 3723
property, unless an action or omission of the health care 3724
professional, pharmacy, hospital, or nonprofit clinic 3725
constitutes willful and wanton misconduct. 3726

(4) The state board of pharmacy and the director of health 3727
shall not be subject to liability in tort or other civil action 3728
for injury, death, or loss to person or property, unless an 3729
action or omission of the board or director constitutes willful 3730
and wanton misconduct. 3731

(C) In addition to the immunity granted under division (B) 3732

(1) of this section, any person, including a pharmacy, drug 3733
manufacturer, or health care facility, and any government entity 3734
that donates or gives drugs to the program shall not be subject 3735
to criminal prosecution for the donation, giving, acceptance, or 3736
dispensing of drugs under the program, unless an action or 3737
omission of the person or government entity does not comply with 3738
the provisions of this chapter or the rules adopted under it. 3739

(D) In the case of a drug manufacturer, the immunities 3740
granted under divisions (B) (1) and (C) of this section apply 3741
with respect to any drug manufactured by the drug manufacturer 3742
that is donated or given by any person or government entity 3743
under the program, including but not limited to liability for 3744
failure to transfer or communicate product or consumer 3745
information or the expiration date of the drug donated or given. 3746

Sec. 3719.06. (A) (1) A licensed health professional 3747
authorized to prescribe drugs, if acting in the course of 3748
professional practice, in accordance with the laws regulating 3749
the professional's practice, and in accordance with rules 3750
adopted by the state board of pharmacy, may, except as provided 3751
in division (A) (2) ~~or~~, (3), or (4) of this section, do the 3752
following: 3753

(a) Prescribe schedule II, III, IV, and V controlled 3754
substances; 3755

(b) Administer or personally furnish to patients schedule 3756
II, III, IV, and V controlled substances; 3757

(c) Cause schedule II, III, IV, and V controlled 3758
substances to be administered under the prescriber's direction 3759
and supervision. 3760

(2) A licensed health professional authorized to prescribe 3761

drugs who is a clinical nurse specialist, certified nurse- 3762
midwife, or certified nurse practitioner is subject to both of 3763
the following: 3764

(a) A schedule II controlled substance may be prescribed 3765
only in accordance with division (C) of section 4723.481 of the 3766
Revised Code. 3767

(b) No schedule II controlled substance shall be 3768
personally furnished to any patient. 3769

(3) A licensed health professional authorized to prescribe 3770
drugs who is a physician assistant is subject to all of the 3771
following: 3772

(a) A controlled substance may be prescribed or personally 3773
furnished only if it is included in the physician-delegated 3774
prescriptive authority granted to the physician assistant in 3775
accordance with Chapter 4730. of the Revised Code. 3776

(b) A schedule II controlled substance may be prescribed 3777
only in accordance with division (B) (4) of section 4730.41 and 3778
section 4730.411 of the Revised Code. 3779

(c) No schedule II controlled substance shall be 3780
personally furnished to any patient. 3781

(4) A licensed health professional authorized to prescribe 3782
drugs who is an advanced practice respiratory therapist is 3783
subject to all of the following: 3784

(a) A controlled substance may be prescribed or personally 3785
furnished only if it is included in the physician-delegated 3786
prescriptive authority granted to the advanced practice 3787
respiratory therapist in accordance with Chapter 4761. of the 3788
Revised Code. 3789

(b) A schedule II controlled substance may be prescribed 3790
only in accordance with division (B)(4) of section 4761.44 and 3791
section 4761.441 of the Revised Code. 3792

(c) No schedule II controlled substance shall be 3793
personally furnished to any patient. 3794

(B) No licensed health professional authorized to 3795
prescribe drugs shall prescribe, administer, or personally 3796
furnish a schedule III anabolic steroid for the purpose of human 3797
muscle building or enhancing human athletic performance and no 3798
pharmacist shall dispense a schedule III anabolic steroid for 3799
either purpose, unless it has been approved for that purpose 3800
under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 3801
(1938), 21 U.S.C.A. 301, as amended. 3802

(C) Each written or electronic prescription for a 3803
controlled substance shall be properly executed, dated, and 3804
signed by the prescriber on the day when issued and shall bear 3805
the full name and address of the person for whom, or the owner 3806
of the animal for which, the controlled substance is prescribed 3807
and the full name, address, and registry number under the 3808
federal drug abuse control laws of the prescriber. If the 3809
prescription is for an animal, it shall state the species of the 3810
animal for which the controlled substance is prescribed. 3811

Sec. 3719.121. (A) Except as otherwise provided in section 3812
4723.28, 4723.35, 4730.25, 4731.22, 4734.39, ~~or~~ 4734.41, or 3813
4761.09 of the Revised Code, the license, certificate, or 3814
registration of any dentist, chiropractor, physician, 3815
podiatrist, registered nurse, advanced practice registered 3816
nurse, licensed practical nurse, physician assistant, advanced 3817
practice respiratory therapist, pharmacist, pharmacy intern, 3818
pharmacy technician trainee, registered pharmacy technician, 3819

certified pharmacy technician, optometrist, or veterinarian who 3820
is or becomes addicted to the use of controlled substances shall 3821
be suspended by the board that authorized the person's license, 3822
certificate, or registration until the person offers 3823
satisfactory proof to the board that the person no longer is 3824
addicted to the use of controlled substances. 3825

(B) If the board under which a person has been issued a 3826
license, certificate, or evidence of registration determines 3827
that there is clear and convincing evidence that continuation of 3828
the person's professional practice or method of administering, 3829
prescribing, preparing, distributing, dispensing, or personally 3830
furnishing controlled substances or other dangerous drugs 3831
presents a danger of immediate and serious harm to others, the 3832
board may suspend the person's license, certificate, or 3833
registration without a hearing. Except as otherwise provided in 3834
sections 4715.30, 4723.281, 4729.16, 4730.25, 4731.22, ~~and~~ 3835
4734.36, and 4761.09 of the Revised Code, the board shall follow 3836
the procedure for suspension without a prior hearing in section 3837
119.07 of the Revised Code. The suspension shall remain in 3838
effect, unless removed by the board, until the board's final 3839
adjudication order becomes effective, except that if the board 3840
does not issue its final adjudication order within ninety days 3841
after the hearing, the suspension shall be void on the ninety- 3842
first day after the hearing. 3843

(C) On receiving notification pursuant to section 2929.42 3844
or 3719.12 of the Revised Code, the board under which a person 3845
has been issued a license, certificate, or evidence of 3846
registration immediately shall suspend the license, certificate, 3847
or registration of that person on a plea of guilty to, a finding 3848
by a jury or court of the person's guilt of, or conviction of a 3849
felony drug abuse offense; a finding by a court of the person's 3850

eligibility for intervention in lieu of conviction; a plea of 3851
guilty to, or a finding by a jury or court of the person's guilt 3852
of, or the person's conviction of an offense in another 3853
jurisdiction that is essentially the same as a felony drug abuse 3854
offense; or a finding by a court of the person's eligibility for 3855
treatment or intervention in lieu of conviction in another 3856
jurisdiction. The board shall notify the holder of the license, 3857
certificate, or registration of the suspension, which shall 3858
remain in effect until the board holds an adjudicatory hearing 3859
under Chapter 119. of the Revised Code. 3860

Sec. 3719.13. Prescriptions, orders, and records, required 3861
by Chapter 3719. of the Revised Code, and stocks of dangerous 3862
drugs and controlled substances, shall be open for inspection 3863
only to federal, state, county, and municipal officers, and 3864
employees of the state board of pharmacy whose duty it is to 3865
enforce the laws of this state or of the United States relating 3866
to controlled substances. Such prescriptions, orders, records, 3867
and stocks shall be open for inspection by employees of the 3868
state medical board for purposes of enforcing Chapters 4730.~~and~~ 3869
4731., and 4761. of the Revised Code, employees of the board of 3870
nursing for purposes of enforcing Chapter 4723. of the Revised 3871
Code, and employees of the department of mental health and 3872
addiction services for purposes of section 5119.37 of the 3873
Revised Code. No person having knowledge of any such 3874
prescription, order, or record shall divulge such knowledge, 3875
except in connection with a prosecution or proceeding in court 3876
or before a licensing or registration board or officer, to which 3877
prosecution or proceeding the person to whom such prescriptions, 3878
orders, or records relate is a party. 3879

Sec. 3719.81. (A) As used in this section, "sample drug" 3880
has the same meaning as in section 2925.01 of the Revised Code. 3881

(B) A person may furnish another a sample drug, if all of 3882
the following apply: 3883

(1) The sample drug is furnished free of charge by a 3884
manufacturer, manufacturer's representative, or wholesale dealer 3885
in pharmaceuticals to a licensed health professional authorized 3886
to prescribe drugs, or is furnished free of charge by such a 3887
professional to a patient for use as medication; 3888

(2) The sample drug is in the original container in which 3889
it was placed by the manufacturer, and the container is plainly 3890
marked as a sample; 3891

(3) Prior to its being furnished, the sample drug has been 3892
stored under the proper conditions to prevent its deterioration 3893
or contamination; 3894

(4) If the sample drug is of a type which deteriorates 3895
with time, the sample container is plainly marked with the date 3896
beyond which the sample drug is unsafe to use, and the date has 3897
not expired on the sample furnished. Compliance with the 3898
labeling requirements of the "Federal Food, Drug, and Cosmetic 3899
Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, shall 3900
be deemed compliance with this section. 3901

(5) The sample drug is distributed, stored, or discarded 3902
in such a way that the sample drug may not be acquired or used 3903
by any unauthorized person, or by any person, including a child, 3904
for whom it may present a health or safety hazard. 3905

(C) Division (B) of this section does not do any of the 3906
following: 3907

(1) Apply to or restrict the furnishing of any sample of a 3908
nonnarcotic substance if the substance may, under the "Federal 3909
Food, Drug, and Cosmetic Act" and under the laws of this state, 3910

otherwise be lawfully sold over the counter without a 3911
prescription; 3912

(2) Authorize a licensed health professional authorized to 3913
prescribe drugs who is a clinical nurse specialist, certified 3914
nurse-midwife, certified nurse practitioner, optometrist, ~~or~~ 3915
physician assistant, or advanced practice respiratory therapist 3916
to furnish a sample drug that is not a drug the professional is 3917
authorized to prescribe. 3918

(3) Prohibit a licensed health professional authorized to 3919
prescribe drugs, manufacturer of dangerous drugs, wholesale 3920
distributor of dangerous drugs, or representative of a 3921
manufacturer of dangerous drugs from furnishing a sample drug to 3922
a charitable pharmacy in accordance with section 3719.811 of the 3923
Revised Code. 3924

(4) Prohibit a pharmacist working, whether or not for 3925
compensation, in a charitable pharmacy from dispensing a sample 3926
drug to a person in accordance with section 3719.811 of the 3927
Revised Code. 3928

(D) The state board of pharmacy shall, in accordance with 3929
Chapter 119. of the Revised Code, adopt rules as necessary to 3930
give effect to this section. 3931

Sec. 3728.03. (A) A qualified entity may acquire and 3932
maintain a supply of epinephrine autoinjectors pursuant to 3933
either of the following: 3934

(1) The autoinjectors are personally furnished by a 3935
prescriber, or obtained pursuant to a prescription issued by a 3936
prescriber, in accordance with section 4723.483, 4730.433, ~~or~~ 3937
4731.96, or 4761.47 of the Revised Code. 3938

(2) The autoinjectors are dispensed by a pharmacist or 3939

pharmacy intern in accordance with a protocol as authorized 3940
under section 4729.47 of the Revised Code. 3941

(B) Epinephrine autoinjectors acquired pursuant to this 3942
section shall be stored in a location readily accessible in an 3943
emergency and maintained in accordance with the manufacturer's 3944
instructions and any additional requirements that may be 3945
established by the department of health under section 3728.11 of 3946
the Revised Code. 3947

(C) A qualified entity that acquires epinephrine 3948
autoinjectors pursuant to this section shall designate one or 3949
more individuals who are employees or agents of the entity and 3950
have successfully completed anaphylaxis training in accordance 3951
with section 3728.04 of the Revised Code to be responsible for 3952
oversight of the epinephrine autoinjectors, including storage, 3953
maintenance, and control. The qualified entity may authorize 3954
those individuals and other individuals who have successfully 3955
completed the anaphylaxis training to administer epinephrine. 3956

Sec. 4729.01. As used in this chapter: 3957

(A) "Pharmacy," except when used in a context that refers 3958
to the practice of pharmacy, means any area, room, rooms, place 3959
of business, department, or portion of any of the foregoing 3960
where the practice of pharmacy is conducted. 3961

(B) "Practice of pharmacy" means providing pharmacist care 3962
requiring specialized knowledge, judgment, and skill derived 3963
from the principles of biological, chemical, behavioral, social, 3964
pharmaceutical, and clinical sciences. As used in this division, 3965
"pharmacist care" includes the following: 3966

(1) Interpreting prescriptions; 3967

(2) Dispensing drugs and drug therapy related devices; 3968

(3) Compounding drugs;	3969
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	3970 3971 3972 3973 3974
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	3975 3976 3977
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	3978 3979 3980 3981 3982
(7) Advising an individual and the health care professionals treating an individual with regard to the individual's drug therapy;	3983 3984 3985
(8) Acting pursuant to a consult agreement, if an agreement has been established;	3986 3987
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	3988 3989
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	3990 3991
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	3992 3993 3994
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	3995 3996

(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	3997 3998
(3) As an incident to research, teaching activities, or chemical analysis;	3999 4000
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	4001 4002 4003
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	4004 4005 4006 4007 4008
(a) At the time the request is made, the drug is not commercially available regardless of the reason that the drug is not available, including the absence of a manufacturer for the drug or the lack of a readily available supply of the drug from a manufacturer.	4009 4010 4011 4012 4013
(b) A limited quantity of the drug is compounded and provided to the professional.	4014 4015
(c) The drug is compounded and provided to the professional as an occasional exception to the normal practice of dispensing drugs pursuant to patient-specific prescriptions.	4016 4017 4018
(D) "Consult agreement" means an agreement that has been entered into under section 4729.39 of the Revised Code.	4019 4020
(E) "Drug" means:	4021
(1) Any article recognized in the United States pharmacopoeia and national formulary, or any supplement to them, intended for use in the diagnosis, cure, mitigation, treatment,	4022 4023 4024

- or prevention of disease in humans or animals; 4025
- (2) Any other article intended for use in the diagnosis, 4026
cure, mitigation, treatment, or prevention of disease in humans 4027
or animals; 4028
- (3) Any article, other than food, intended to affect the 4029
structure or any function of the body of humans or animals; 4030
- (4) Any article intended for use as a component of any 4031
article specified in division (E) (1), (2), or (3) of this 4032
section; but does not include devices or their components, 4033
parts, or accessories. 4034
- "Drug" does not include "hemp" or a "hemp product" as 4035
those terms are defined in section 928.01 of the Revised Code. 4036
- (F) "Dangerous drug" means any of the following: 4037
- (1) Any drug to which either of the following applies: 4038
- (a) Under the "Federal Food, Drug, and Cosmetic Act," 52 4039
Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is 4040
required to bear a label containing the legend "Caution: Federal 4041
law prohibits dispensing without prescription" or "Caution: 4042
Federal law restricts this drug to use by or on the order of a 4043
licensed veterinarian" or any similar restrictive statement, or 4044
the drug may be dispensed only upon a prescription; 4045
- (b) Under Chapter 3715. or 3719. of the Revised Code, the 4046
drug may be dispensed only upon a prescription. 4047
- (2) Any drug that contains a schedule V controlled 4048
substance and that is exempt from Chapter 3719. of the Revised 4049
Code or to which that chapter does not apply; 4050
- (3) Any drug intended for administration by injection into 4051

the human body other than through a natural orifice of the human body; 4052
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(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code. 4054
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(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code. 4056
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(H) "Prescription" means all of the following: 4058

(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs; 4059
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(2) For purposes of sections 2925.61, 4723.484, 4730.434, and 4731.94 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 4063
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(3) For purposes of section 4729.44 of the Revised Code, a written, electronic, or oral order for naloxone issued to and in the name of either of the following: 4069
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(a) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose; 4072
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(b) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose. 4074
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(4) For purposes of sections 4723.4810, 4729.282, 4730.432, and 4731.93 of the Revised Code, a written, electronic, or oral order for a drug to treat chlamydia, 4077
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gonorrhoea, or trichomoniasis issued to and in the name of a 4080
patient who is not the intended user of the drug but is the 4081
sexual partner of the intended user; 4082

(5) For purposes of sections 3313.7110, 3313.7111, 4083
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4084
4731.96, 4761.47, and 5101.76 of the Revised Code, a written, 4085
electronic, or oral order for an epinephrine autoinjector issued 4086
to and in the name of a school, school district, or camp; 4087

(6) For purposes of Chapter 3728. and sections 4723.483, 4088
4729.88, 4730.433, ~~and~~ 4731.96, and 4761.47 of the Revised Code, 4089
a written, electronic, or oral order for an epinephrine 4090
autoinjector issued to and in the name of a qualified entity, as 4091
defined in section 3728.01 of the Revised Code. 4092

(I) "Licensed health professional authorized to prescribe 4093
drugs" or "prescriber" means an individual who is authorized by 4094
law to prescribe drugs or dangerous drugs or drug therapy 4095
related devices in the course of the individual's professional 4096
practice, including only the following: 4097

(1) A dentist licensed under Chapter 4715. of the Revised 4098
Code; 4099

(2) A clinical nurse specialist, certified nurse-midwife, 4100
or certified nurse practitioner who holds a current, valid 4101
license issued under Chapter 4723. of the Revised Code to 4102
practice nursing as an advanced practice registered nurse; 4103

(3) A certified registered nurse anesthetist who holds a 4104
current, valid license issued under Chapter 4723. of the Revised 4105
Code to practice nursing as an advanced practice registered 4106
nurse, but only to the extent of the nurse's authority under 4107
sections 4723.43 and 4723.434 of the Revised Code; 4108

(4) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(5) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(6) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(7) A veterinarian licensed under Chapter 4741. of the Revised Code;

(8) An advanced practice respiratory therapist who holds a license to practice as an advanced practice respiratory therapist issued under Chapter 4761. of the Revised Code and has been granted physician-delegated prescriptive authority.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement, or both.

(K) "Wholesale sale" and "sale at wholesale" mean any sale in which the purpose of the purchaser is to resell the article purchased or received by the purchaser.

(L) "Retail sale" and "sale at retail" mean any sale other than a wholesale sale or sale at wholesale.

(M) "Retail seller" means any person that sells any dangerous drug to consumers without assuming control over and responsibility for its administration. Mere advice or instructions regarding administration do not constitute control or establish responsibility.

(N) "Price information" means the price charged for a prescription for a particular drug product and, in an easily understandable manner, all of the following:

(1) The proprietary name of the drug product;

(2) The established (generic) name of the drug product;

(3) The strength of the drug product if the product contains a single active ingredient or if the drug product contains more than one active ingredient and a relevant strength can be associated with the product without indicating each active ingredient. The established name and quantity of each active ingredient are required if such a relevant strength cannot be so associated with a drug product containing more than one ingredient.

(4) The dosage form;

(5) The price charged for a specific quantity of the drug product. The stated price shall include all charges to the consumer, including, but not limited to, the cost of the drug product, professional fees, handling fees, if any, and a statement identifying professional services routinely furnished by the pharmacy. Any mailing fees and delivery fees may be stated separately without repetition. The information shall not be false or misleading.

(O) "Wholesale distributor of dangerous drugs" or "wholesale distributor" means a person engaged in the sale of

dangerous drugs at wholesale and includes any agent or employee 4166
of such a person authorized by the person to engage in the sale 4167
of dangerous drugs at wholesale. 4168

(P) "Manufacturer of dangerous drugs" or "manufacturer" 4169
means a person, other than a pharmacist or prescriber, who 4170
manufactures dangerous drugs and who is engaged in the sale of 4171
those dangerous drugs. 4172

(Q) "Terminal distributor of dangerous drugs" or "terminal 4173
distributor" means a person who is engaged in the sale of 4174
dangerous drugs at retail, or any person, other than a 4175
manufacturer, repackager, outsourcing facility, third-party 4176
logistics provider, wholesale distributor, or pharmacist, who 4177
has possession, custody, or control of dangerous drugs for any 4178
purpose other than for that person's own use and consumption. 4179
"Terminal distributor" includes pharmacies, hospitals, nursing 4180
homes, and laboratories and all other persons who procure 4181
dangerous drugs for sale or other distribution by or under the 4182
supervision of a pharmacist, licensed health professional 4183
authorized to prescribe drugs, or other person authorized by the 4184
state board of pharmacy. 4185

(R) "Promote to the public" means disseminating a 4186
representation to the public in any manner or by any means, 4187
other than by labeling, for the purpose of inducing, or that is 4188
likely to induce, directly or indirectly, the purchase of a 4189
dangerous drug at retail. 4190

(S) "Person" includes any individual, partnership, 4191
association, limited liability company, or corporation, the 4192
state, any political subdivision of the state, and any district, 4193
department, or agency of the state or its political 4194
subdivisions. 4195

(T) "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.

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

(V) "Pain management clinic" has the same meaning as in section 4731.054 of the Revised Code.

(W) "Investigational drug or product" means a drug or product that has successfully completed phase one of the United States food and drug administration clinical trials and remains under clinical trial, but has not been approved for general use by the United States food and drug administration. "Investigational drug or product" does not include controlled substances in schedule I, as defined in section 3719.01 of the Revised Code.

(X) "Product," when used in reference to an investigational drug or product, means a biological product, other than a drug, that is made from a natural human, animal, or microorganism source and is intended to treat a disease or medical condition.

(Y) "Third-party logistics provider" means a person that provides or coordinates warehousing or other logistics services pertaining to dangerous drugs including distribution, on behalf of a manufacturer, wholesale distributor, or terminal distributor of dangerous drugs, but does not take ownership of the drugs or have responsibility to direct the sale or disposition of the drugs.

(Z) "Repackager of dangerous drugs" or "repackager" means

a person that repacks and relabels dangerous drugs for sale or distribution. 4225
4226

(AA) "Outsourcing facility" means a facility that is 4227
engaged in the compounding and sale of sterile drugs and is 4228
registered as an outsourcing facility with the United States 4229
food and drug administration. 4230

(BB) "Laboratory" means a laboratory licensed under this 4231
chapter as a terminal distributor of dangerous drugs and 4232
entrusted to have custody of any of the following drugs and to 4233
use the drugs for scientific and clinical purposes and for 4234
purposes of instruction: dangerous drugs that are not controlled 4235
substances, as defined in section 3719.01 of the Revised Code; 4236
dangerous drugs that are controlled substances, as defined in 4237
that section; and controlled substances in schedule I, as 4238
defined in that section. 4239

Sec. 4729.51. (A) No person other than a licensed 4240
manufacturer of dangerous drugs, outsourcing facility, third- 4241
party logistics provider, repackager of dangerous drugs, or 4242
wholesale distributor of dangerous drugs shall possess for sale, 4243
sell, distribute, or deliver, at wholesale, dangerous drugs or 4244
investigational drugs or products, except as follows: 4245

(1) A licensed terminal distributor of dangerous drugs 4246
that is a pharmacy may make occasional sales of dangerous drugs 4247
or investigational drugs or products at wholesale. 4248

(2) A licensed terminal distributor of dangerous drugs 4249
having more than one licensed location may transfer or deliver 4250
dangerous drugs from one licensed location to another licensed 4251
location owned by the terminal distributor if the license issued 4252
for each location is in effect at the time of the transfer or 4253

delivery.	4254
(3) A licensed terminal distributor of dangerous drugs	4255
that is not a pharmacy may make occasional sales of the	4256
following at wholesale:	4257
(a) Naloxone;	4258
(b) Dangerous drugs if the drugs being sold are in	4259
shortage, as defined in rules adopted under section 4729.26 of	4260
the Revised Code;	4261
(c) Dangerous drugs other than those described in	4262
divisions (A) (3) (a) and (b) of this section or investigational	4263
drugs or products if authorized by rules adopted under section	4264
4729.26 of the Revised Code.	4265
(B) No licensed manufacturer, outsourcing facility, third-	4266
party logistics provider, repackager, or wholesale distributor	4267
shall possess for sale, sell, or distribute, at wholesale,	4268
dangerous drugs or investigational drugs or products to any	4269
person other than the following:	4270
(1) Subject to division (D) of this section, a licensed	4271
terminal distributor of dangerous drugs;	4272
(2) Subject to division (C) of this section, any person	4273
exempt from licensure as a terminal distributor of dangerous	4274
drugs under section 4729.541 of the Revised Code;	4275
(3) A licensed manufacturer, outsourcing facility, third-	4276
party logistics provider, repackager, or wholesale distributor;	4277
(4) A terminal distributor, manufacturer, outsourcing	4278
facility, third-party logistics provider, repackager, or	4279
wholesale distributor that is located in another state, is not	4280
engaged in the sale of dangerous drugs within this state, and is	4281

actively licensed to engage in the sale of dangerous drugs by 4282
the state in which the distributor conducts business. 4283

(C) No licensed manufacturer, outsourcing facility, third- 4284
party logistics provider, repackager, or wholesale distributor 4285
shall possess for sale, sell, or distribute, at wholesale, 4286
dangerous drugs or investigational drugs or products to either 4287
of the following: 4288

(1) A prescriber who is employed by either of the 4289
following: 4290

(a) A pain management clinic that is not licensed as a 4291
terminal distributor of dangerous drugs with a pain management 4292
clinic classification issued under section 4729.552 of the 4293
Revised Code; 4294

(b) A facility, clinic, or other location that provides 4295
office-based opioid treatment but is not licensed as a terminal 4296
distributor of dangerous drugs with an office-based opioid 4297
treatment classification issued under section 4729.553 of the 4298
Revised Code if such a license is required by that section. 4299

(2) A business entity described in division (A) (2) or (3) 4300
of section 4729.541 of the Revised Code that is, or is 4301
operating, either of the following: 4302

(a) A pain management clinic without a license as a 4303
terminal distributor of dangerous drugs with a pain management 4304
clinic classification issued under section 4729.552 of the 4305
Revised Code; 4306

(b) A facility, clinic, or other location that provides 4307
office-based opioid treatment without a license as a terminal 4308
distributor of dangerous drugs with an office-based opioid 4309
treatment classification issued under section 4729.553 of the 4310

Revised Code if such a license is required by that section. 4311

(D) No licensed manufacturer, outsourcing facility, third-party logistics provider, repackager, or wholesale distributor shall possess dangerous drugs or investigational drugs or products for sale at wholesale, or sell or distribute such drugs at wholesale, to a licensed terminal distributor of dangerous drugs, except as follows: 4312

(1) In the case of a terminal distributor with a category II license, only dangerous drugs in category II, as defined in division (A)(1) of section 4729.54 of the Revised Code; 4313

(2) In the case of a terminal distributor with a category III license, dangerous drugs in category II and category III, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code; 4314

(3) In the case of a terminal distributor with a limited category II or III license, only the dangerous drugs specified in the license. 4315

(E)(1) Except as provided in division (E)(2) of this section, no person shall do any of the following: 4316

(a) Sell or distribute, at retail, dangerous drugs; 4317

(b) Possess for sale, at retail, dangerous drugs; 4318

(c) Possess dangerous drugs. 4319

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do not apply to any of the following: 4320

(i) A licensed terminal distributor of dangerous drugs; 4321

(ii) A person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 4322

3719., 4715., 4723., 4725., 4729., 4730., 4731., ~~and 4741.~~, and 4338
4761. of the Revised Code; 4339

(iii) Any of the persons identified in divisions (A) (1) to 4340
(5) and (13) of section 4729.541 of the Revised Code, but only 4341
to the extent specified in that section. 4342

(b) Division (E) (1) (c) of this section does not apply to 4343
any of the following: 4344

(i) A licensed manufacturer, outsourcing facility, third- 4345
party logistics provider, repackager, or wholesale distributor; 4346

(ii) Any of the persons identified in divisions (A) (6) to 4347
(12) of section 4729.541 of the Revised Code, but only to the 4348
extent specified in that section. 4349

(F) No licensed terminal distributor of dangerous drugs or 4350
person that is exempt from licensure under section 4729.541 of 4351
the Revised Code shall purchase dangerous drugs or 4352
investigational drugs or products from any person other than a 4353
licensed manufacturer, outsourcing facility, third-party 4354
logistics provider, repackager, or wholesale distributor, except 4355
as follows: 4356

(1) A licensed terminal distributor of dangerous drugs or 4357
person that is exempt from licensure under section 4729.541 of 4358
the Revised Code may make occasional purchases of dangerous 4359
drugs or investigational drugs or products that are sold in 4360
accordance with division (A) (1) or (3) of this section. 4361

(2) A licensed terminal distributor of dangerous drugs 4362
having more than one licensed location may transfer or deliver 4363
dangerous drugs or investigational drugs or products from one 4364
licensed location to another licensed location if the license 4365
issued for each location is in effect at the time of the 4366

transfer or delivery. 4367

(G) No licensed terminal distributor of dangerous drugs 4368
shall engage in the retail sale or other distribution of 4369
dangerous drugs or investigational drugs or products or maintain 4370
possession, custody, or control of dangerous drugs or 4371
investigational drugs or products for any purpose other than the 4372
distributor's personal use or consumption, at any establishment 4373
or place other than that or those described in the license 4374
issued by the state board of pharmacy to such terminal 4375
distributor. 4376

(H) Nothing in this section shall be construed to 4377
interfere with the performance of official duties by any law 4378
enforcement official authorized by municipal, county, state, or 4379
federal law to collect samples of any drug, regardless of its 4380
nature or in whose possession it may be. 4381

(I) Notwithstanding anything to the contrary in this 4382
section, the board of education of a city, local, exempted 4383
village, or joint vocational school district may distribute 4384
epinephrine autoinjectors for use in accordance with section 4385
3313.7110 of the Revised Code and may distribute inhalers for 4386
use in accordance with section 3313.7113 of the Revised Code. 4387

Sec. 4729.88. Notwithstanding any provision of this 4388
chapter or rule adopted by the state board of pharmacy, a 4389
pharmacist may dispense epinephrine autoinjectors pursuant to a 4390
prescription issued under section 4723.483, 4730.433, ~~or~~ 4391
4731.96, or 4761.47 of the Revised Code. 4392

A pharmacist who in good faith dispenses epinephrine 4393
autoinjectors under this section is not liable for or subject to 4394
any of the following for any action or omission of an entity to 4395

which an epinephrine autoinjector is dispensed: damages in any 4396
civil action, prosecution in any criminal proceeding, or 4397
professional disciplinary action. 4398

Sec. 4731.22. (A) The state medical board, by an 4399
affirmative vote of not fewer than six of its members, may 4400
limit, revoke, or suspend a license or certificate to practice 4401
or certificate to recommend, refuse to grant a license or 4402
certificate, refuse to renew a license or certificate, refuse to 4403
reinstate a license or certificate, or reprimand or place on 4404
probation the holder of a license or certificate if the 4405
individual applying for or holding the license or certificate is 4406
found by the board to have committed fraud during the 4407
administration of the examination for a license or certificate 4408
to practice or to have committed fraud, misrepresentation, or 4409
deception in applying for, renewing, or securing any license or 4410
certificate to practice or certificate to recommend issued by 4411
the board. 4412

(B) The board, by an affirmative vote of not fewer than 4413
six members, shall, to the extent permitted by law, limit, 4414
revoke, or suspend a license or certificate to practice or 4415
certificate to recommend, refuse to issue a license or 4416
certificate, refuse to renew a license or certificate, refuse to 4417
reinstate a license or certificate, or reprimand or place on 4418
probation the holder of a license or certificate for one or more 4419
of the following reasons: 4420

(1) Permitting one's name or one's license or certificate 4421
to practice to be used by a person, group, or corporation when 4422
the individual concerned is not actually directing the treatment 4423
given; 4424

(2) Failure to maintain minimal standards applicable to 4425

the selection or administration of drugs, or failure to employ 4426
acceptable scientific methods in the selection of drugs or other 4427
modalities for treatment of disease; 4428

(3) Except as provided in section 4731.97 of the Revised 4429
Code, selling, giving away, personally furnishing, prescribing, 4430
or administering drugs for other than legal and legitimate 4431
therapeutic purposes or a plea of guilty to, a judicial finding 4432
of guilt of, or a judicial finding of eligibility for 4433
intervention in lieu of conviction of, a violation of any 4434
federal or state law regulating the possession, distribution, or 4435
use of any drug; 4436

(4) Willfully betraying a professional confidence. 4437

For purposes of this division, "willfully betraying a 4438
professional confidence" does not include providing any 4439
information, documents, or reports under sections 307.621 to 4440
307.629 of the Revised Code to a child fatality review board; 4441
does not include providing any information, documents, or 4442
reports to the director of health pursuant to guidelines 4443
established under section 3701.70 of the Revised Code; does not 4444
include written notice to a mental health professional under 4445
section 4731.62 of the Revised Code; and does not include the 4446
making of a report of an employee's use of a drug of abuse, or a 4447
report of a condition of an employee other than one involving 4448
the use of a drug of abuse, to the employer of the employee as 4449
described in division (B) of section 2305.33 of the Revised 4450
Code. Nothing in this division affects the immunity from civil 4451
liability conferred by section 2305.33 or 4731.62 of the Revised 4452
Code upon a physician who makes a report in accordance with 4453
section 2305.33 or notifies a mental health professional in 4454
accordance with section 4731.62 of the Revised Code. As used in 4455

this division, "employee," "employer," and "physician" have the 4456
same meanings as in section 2305.33 of the Revised Code. 4457

(5) Making a false, fraudulent, deceptive, or misleading 4458
statement in the solicitation of or advertising for patients; in 4459
relation to the practice of medicine and surgery, osteopathic 4460
medicine and surgery, podiatric medicine and surgery, or a 4461
limited branch of medicine; or in securing or attempting to 4462
secure any license or certificate to practice issued by the 4463
board. 4464

As used in this division, "false, fraudulent, deceptive, 4465
or misleading statement" means a statement that includes a 4466
misrepresentation of fact, is likely to mislead or deceive 4467
because of a failure to disclose material facts, is intended or 4468
is likely to create false or unjustified expectations of 4469
favorable results, or includes representations or implications 4470
that in reasonable probability will cause an ordinarily prudent 4471
person to misunderstand or be deceived. 4472

(6) A departure from, or the failure to conform to, 4473
minimal standards of care of similar practitioners under the 4474
same or similar circumstances, whether or not actual injury to a 4475
patient is established; 4476

(7) Representing, with the purpose of obtaining 4477
compensation or other advantage as personal gain or for any 4478
other person, that an incurable disease or injury, or other 4479
incurable condition, can be permanently cured; 4480

(8) The obtaining of, or attempting to obtain, money or 4481
anything of value by fraudulent misrepresentations in the course 4482
of practice; 4483

(9) A plea of guilty to, a judicial finding of guilt of, 4484

or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 4485
4486

(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 4487
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4489

(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 4490
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(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 4494
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 4497
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(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 4500
4501
4502

(15) Violation of the conditions of limitation placed by the board upon a license or certificate to practice; 4503
4504

(16) Failure to pay license renewal fees specified in this chapter; 4505
4506

(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business; 4507
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4509
4510
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(18) Subject to section 4731.226 of the Revised Code, 4512

violation of any provision of a code of ethics of the American 4513
medical association, the American osteopathic association, the 4514
American podiatric medical association, or any other national 4515
professional organizations that the board specifies by rule. The 4516
state medical board shall obtain and keep on file current copies 4517
of the codes of ethics of the various national professional 4518
organizations. The individual whose license or certificate is 4519
being suspended or revoked shall not be found to have violated 4520
any provision of a code of ethics of an organization not 4521
appropriate to the individual's profession. 4522

For purposes of this division, a "provision of a code of 4523
ethics of a national professional organization" does not include 4524
any provision that would preclude the making of a report by a 4525
physician of an employee's use of a drug of abuse, or of a 4526
condition of an employee other than one involving the use of a 4527
drug of abuse, to the employer of the employee as described in 4528
division (B) of section 2305.33 of the Revised Code. Nothing in 4529
this division affects the immunity from civil liability 4530
conferred by that section upon a physician who makes either type 4531
of report in accordance with division (B) of that section. As 4532
used in this division, "employee," "employer," and "physician" 4533
have the same meanings as in section 2305.33 of the Revised 4534
Code. 4535

(19) Inability to practice according to acceptable and 4536
prevailing standards of care by reason of mental illness or 4537
physical illness, including, but not limited to, physical 4538
deterioration that adversely affects cognitive, motor, or 4539
perceptive skills. 4540

In enforcing this division, the board, upon a showing of a 4541
possible violation, may compel any individual authorized to 4542

practice by this chapter or who has submitted an application 4543
pursuant to this chapter to submit to a mental examination, 4544
physical examination, including an HIV test, or both a mental 4545
and a physical examination. The expense of the examination is 4546
the responsibility of the individual compelled to be examined. 4547
Failure to submit to a mental or physical examination or consent 4548
to an HIV test ordered by the board constitutes an admission of 4549
the allegations against the individual unless the failure is due 4550
to circumstances beyond the individual's control, and a default 4551
and final order may be entered without the taking of testimony 4552
or presentation of evidence. If the board finds an individual 4553
unable to practice because of the reasons set forth in this 4554
division, the board shall require the individual to submit to 4555
care, counseling, or treatment by physicians approved or 4556
designated by the board, as a condition for initial, continued, 4557
reinstated, or renewed authority to practice. An individual 4558
affected under this division shall be afforded an opportunity to 4559
demonstrate to the board the ability to resume practice in 4560
compliance with acceptable and prevailing standards under the 4561
provisions of the individual's license or certificate. For the 4562
purpose of this division, any individual who applies for or 4563
receives a license or certificate to practice under this chapter 4564
accepts the privilege of practicing in this state and, by so 4565
doing, shall be deemed to have given consent to submit to a 4566
mental or physical examination when directed to do so in writing 4567
by the board, and to have waived all objections to the 4568
admissibility of testimony or examination reports that 4569
constitute a privileged communication. 4570

(20) Except as provided in division (F)(1)(b) of section 4571
4731.282 of the Revised Code or when civil penalties are imposed 4572
under section 4731.225 of the Revised Code, and subject to 4573

section 4731.226 of the Revised Code, violating or attempting to 4574
violate, directly or indirectly, or assisting in or abetting the 4575
violation of, or conspiring to violate, any provisions of this 4576
chapter or any rule promulgated by the board. 4577

This division does not apply to a violation or attempted 4578
violation of, assisting in or abetting the violation of, or a 4579
conspiracy to violate, any provision of this chapter or any rule 4580
adopted by the board that would preclude the making of a report 4581
by a physician of an employee's use of a drug of abuse, or of a 4582
condition of an employee other than one involving the use of a 4583
drug of abuse, to the employer of the employee as described in 4584
division (B) of section 2305.33 of the Revised Code. Nothing in 4585
this division affects the immunity from civil liability 4586
conferred by that section upon a physician who makes either type 4587
of report in accordance with division (B) of that section. As 4588
used in this division, "employee," "employer," and "physician" 4589
have the same meanings as in section 2305.33 of the Revised 4590
Code. 4591

(21) The violation of section 3701.79 of the Revised Code 4592
or of any abortion rule adopted by the director of health 4593
pursuant to section 3701.341 of the Revised Code; 4594

(22) Any of the following actions taken by an agency 4595
responsible for authorizing, certifying, or regulating an 4596
individual to practice a health care occupation or provide 4597
health care services in this state or another jurisdiction, for 4598
any reason other than the nonpayment of fees: the limitation, 4599
revocation, or suspension of an individual's license to 4600
practice; acceptance of an individual's license surrender; 4601
denial of a license; refusal to renew or reinstate a license; 4602
imposition of probation; or issuance of an order of censure or 4603

other reprimand; 4604

(23) The violation of section 2919.12 of the Revised Code 4605
or the performance or inducement of an abortion upon a pregnant 4606
woman with actual knowledge that the conditions specified in 4607
division (B) of section 2317.56 of the Revised Code have not 4608
been satisfied or with a heedless indifference as to whether 4609
those conditions have been satisfied, unless an affirmative 4610
defense as specified in division (H) (2) of that section would 4611
apply in a civil action authorized by division (H) (1) of that 4612
section; 4613

(24) The revocation, suspension, restriction, reduction, 4614
or termination of clinical privileges by the United States 4615
department of defense or department of veterans affairs or the 4616
termination or suspension of a certificate of registration to 4617
prescribe drugs by the drug enforcement administration of the 4618
United States department of justice; 4619

(25) Termination or suspension from participation in the 4620
medicare or medicaid programs by the department of health and 4621
human services or other responsible agency; 4622

(26) Impairment of ability to practice according to 4623
acceptable and prevailing standards of care because of habitual 4624
or excessive use or abuse of drugs, alcohol, or other substances 4625
that impair ability to practice. 4626

For the purposes of this division, any individual 4627
authorized to practice by this chapter accepts the privilege of 4628
practicing in this state subject to supervision by the board. By 4629
filing an application for or holding a license or certificate to 4630
practice under this chapter, an individual shall be deemed to 4631
have given consent to submit to a mental or physical examination 4632

when ordered to do so by the board in writing, and to have 4633
waived all objections to the admissibility of testimony or 4634
examination reports that constitute privileged communications. 4635

If it has reason to believe that any individual authorized 4636
to practice by this chapter or any applicant for licensure or 4637
certification to practice suffers such impairment, the board may 4638
compel the individual to submit to a mental or physical 4639
examination, or both. The expense of the examination is the 4640
responsibility of the individual compelled to be examined. Any 4641
mental or physical examination required under this division 4642
shall be undertaken by a treatment provider or physician who is 4643
qualified to conduct the examination and who is chosen by the 4644
board. 4645

Failure to submit to a mental or physical examination 4646
ordered by the board constitutes an admission of the allegations 4647
against the individual unless the failure is due to 4648
circumstances beyond the individual's control, and a default and 4649
final order may be entered without the taking of testimony or 4650
presentation of evidence. If the board determines that the 4651
individual's ability to practice is impaired, the board shall 4652
suspend the individual's license or certificate or deny the 4653
individual's application and shall require the individual, as a 4654
condition for initial, continued, reinstated, or renewed 4655
licensure or certification to practice, to submit to treatment. 4656

Before being eligible to apply for reinstatement of a 4657
license or certificate suspended under this division, the 4658
impaired practitioner shall demonstrate to the board the ability 4659
to resume practice in compliance with acceptable and prevailing 4660
standards of care under the provisions of the practitioner's 4661
license or certificate. The demonstration shall include, but 4662

shall not be limited to, the following: 4663

(a) Certification from a treatment provider approved under 4664
section 4731.25 of the Revised Code that the individual has 4665
successfully completed any required inpatient treatment; 4666

(b) Evidence of continuing full compliance with an 4667
aftercare contract or consent agreement; 4668

(c) Two written reports indicating that the individual's 4669
ability to practice has been assessed and that the individual 4670
has been found capable of practicing according to acceptable and 4671
prevailing standards of care. The reports shall be made by 4672
individuals or providers approved by the board for making the 4673
assessments and shall describe the basis for their 4674
determination. 4675

The board may reinstate a license or certificate suspended 4676
under this division after that demonstration and after the 4677
individual has entered into a written consent agreement. 4678

When the impaired practitioner resumes practice, the board 4679
shall require continued monitoring of the individual. The 4680
monitoring shall include, but not be limited to, compliance with 4681
the written consent agreement entered into before reinstatement 4682
or with conditions imposed by board order after a hearing, and, 4683
upon termination of the consent agreement, submission to the 4684
board for at least two years of annual written progress reports 4685
made under penalty of perjury stating whether the individual has 4686
maintained sobriety. 4687

(27) A second or subsequent violation of section 4731.66 4688
or 4731.69 of the Revised Code; 4689

(28) Except as provided in division (N) of this section: 4690

(a) Waiving the payment of all or any part of a deductible 4691
or copayment that a patient, pursuant to a health insurance or 4692
health care policy, contract, or plan that covers the 4693
individual's services, otherwise would be required to pay if the 4694
waiver is used as an enticement to a patient or group of 4695
patients to receive health care services from that individual; 4696

(b) Advertising that the individual will waive the payment 4697
of all or any part of a deductible or copayment that a patient, 4698
pursuant to a health insurance or health care policy, contract, 4699
or plan that covers the individual's services, otherwise would 4700
be required to pay. 4701

(29) Failure to use universal blood and body fluid 4702
precautions established by rules adopted under section 4731.051 4703
of the Revised Code; 4704

(30) Failure to provide notice to, and receive 4705
acknowledgment of the notice from, a patient when required by 4706
section 4731.143 of the Revised Code prior to providing 4707
nonemergency professional services, or failure to maintain that 4708
notice in the patient's medical record; 4709

(31) Failure of a physician supervising a physician 4710
assistant to maintain supervision in accordance with the 4711
requirements of Chapter 4730. of the Revised Code and the rules 4712
adopted under that chapter; 4713

(32) Failure of a physician or podiatrist to enter into a 4714
standard care arrangement with a clinical nurse specialist, 4715
certified nurse-midwife, or certified nurse practitioner with 4716
whom the physician or podiatrist is in collaboration pursuant to 4717
section 4731.27 of the Revised Code or failure to fulfill the 4718
responsibilities of collaboration after entering into a standard 4719

care arrangement;	4720
(33) Failure to comply with the terms of a consult	4721
agreement entered into with a pharmacist pursuant to section	4722
4729.39 of the Revised Code;	4723
(34) Failure to cooperate in an investigation conducted by	4724
the board under division (F) of this section, including failure	4725
to comply with a subpoena or order issued by the board or	4726
failure to answer truthfully a question presented by the board	4727
in an investigative interview, an investigative office	4728
conference, at a deposition, or in written interrogatories,	4729
except that failure to cooperate with an investigation shall not	4730
constitute grounds for discipline under this section if a court	4731
of competent jurisdiction has issued an order that either	4732
quashes a subpoena or permits the individual to withhold the	4733
testimony or evidence in issue;	4734
(35) Failure to supervise an oriental medicine	4735
practitioner or acupuncturist in accordance with Chapter 4762.	4736
of the Revised Code and the board's rules for providing that	4737
supervision;	4738
(36) Failure to supervise an anesthesiologist assistant in	4739
accordance with Chapter 4760. of the Revised Code and the	4740
board's rules for supervision of an anesthesiologist assistant;	4741
(37) Assisting suicide, as defined in section 3795.01 of	4742
the Revised Code;	4743
(38) Failure to comply with the requirements of section	4744
2317.561 of the Revised Code;	4745
(39) Failure to supervise a radiologist assistant in	4746
accordance with Chapter 4774. of the Revised Code and the	4747
board's rules for supervision of radiologist assistants;	4748

(40) Performing or inducing an abortion at an office or 4749
facility with knowledge that the office or facility fails to 4750
post the notice required under section 3701.791 of the Revised 4751
Code; 4752

(41) Failure to comply with the standards and procedures 4753
established in rules under section 4731.054 of the Revised Code 4754
for the operation of or the provision of care at a pain 4755
management clinic; 4756

(42) Failure to comply with the standards and procedures 4757
established in rules under section 4731.054 of the Revised Code 4758
for providing supervision, direction, and control of individuals 4759
at a pain management clinic; 4760

(43) Failure to comply with the requirements of section 4761
4729.79 or 4731.055 of the Revised Code, unless the state board 4762
of pharmacy no longer maintains a drug database pursuant to 4763
section 4729.75 of the Revised Code; 4764

(44) Failure to comply with the requirements of section 4765
2919.171, 2919.202, or 2919.203 of the Revised Code or failure 4766
to submit to the department of health in accordance with a court 4767
order a complete report as described in section 2919.171 or 4768
2919.202 of the Revised Code; 4769

(45) Practicing at a facility that is subject to licensure 4770
as a category III terminal distributor of dangerous drugs with a 4771
pain management clinic classification unless the person 4772
operating the facility has obtained and maintains the license 4773
with the classification; 4774

(46) Owning a facility that is subject to licensure as a 4775
category III terminal distributor of dangerous drugs with a pain 4776
management clinic classification unless the facility is licensed 4777

with the classification;	4778
(47) Failure to comply with any of the requirements	4779
regarding making or maintaining medical records or documents	4780
described in division (A) of section 2919.192, division (C) of	4781
section 2919.193, division (B) of section 2919.195, or division	4782
(A) of section 2919.196 of the Revised Code;	4783
(48) Failure to comply with the requirements in section	4784
3719.061 of the Revised Code before issuing for a minor a	4785
prescription for an opioid analgesic, as defined in section	4786
3719.01 of the Revised Code;	4787
(49) Failure to comply with the requirements of section	4788
4731.30 of the Revised Code or rules adopted under section	4789
4731.301 of the Revised Code when recommending treatment with	4790
medical marijuana;	4791
(50) Practicing at a facility, clinic, or other location	4792
that is subject to licensure as a category III terminal	4793
distributor of dangerous drugs with an office-based opioid	4794
treatment classification unless the person operating that place	4795
has obtained and maintains the license with the classification;	4796
(51) Owning a facility, clinic, or other location that is	4797
subject to licensure as a category III terminal distributor of	4798
dangerous drugs with an office-based opioid treatment	4799
classification unless that place is licensed with the	4800
classification;	4801
(52) A pattern of continuous or repeated violations of	4802
division (E) (2) or (3) of section 3963.02 of the Revised Code;	4803
<u>(53) Failure of a physician supervising an advanced</u>	4804
<u>practice respiratory therapist to maintain supervision in</u>	4805
<u>accordance with the requirements of Chapter 4761. of the Revised</u>	4806

Code and the rules adopted under that chapter. 4807

(C) Disciplinary actions taken by the board under 4808
divisions (A) and (B) of this section shall be taken pursuant to 4809
an adjudication under Chapter 119. of the Revised Code, except 4810
that in lieu of an adjudication, the board may enter into a 4811
consent agreement with an individual to resolve an allegation of 4812
a violation of this chapter or any rule adopted under it. A 4813
consent agreement, when ratified by an affirmative vote of not 4814
fewer than six members of the board, shall constitute the 4815
findings and order of the board with respect to the matter 4816
addressed in the agreement. If the board refuses to ratify a 4817
consent agreement, the admissions and findings contained in the 4818
consent agreement shall be of no force or effect. 4819

A telephone conference call may be utilized for 4820
ratification of a consent agreement that revokes or suspends an 4821
individual's license or certificate to practice or certificate 4822
to recommend. The telephone conference call shall be considered 4823
a special meeting under division (F) of section 121.22 of the 4824
Revised Code. 4825

If the board takes disciplinary action against an 4826
individual under division (B) of this section for a second or 4827
subsequent plea of guilty to, or judicial finding of guilt of, a 4828
violation of section 2919.123 of the Revised Code, the 4829
disciplinary action shall consist of a suspension of the 4830
individual's license or certificate to practice for a period of 4831
at least one year or, if determined appropriate by the board, a 4832
more serious sanction involving the individual's license or 4833
certificate to practice. Any consent agreement entered into 4834
under this division with an individual that pertains to a second 4835
or subsequent plea of guilty to, or judicial finding of guilt 4836

of, a violation of that section shall provide for a suspension 4837
of the individual's license or certificate to practice for a 4838
period of at least one year or, if determined appropriate by the 4839
board, a more serious sanction involving the individual's 4840
license or certificate to practice. 4841

(D) For purposes of divisions (B) (10), (12), and (14) of 4842
this section, the commission of the act may be established by a 4843
finding by the board, pursuant to an adjudication under Chapter 4844
119. of the Revised Code, that the individual committed the act. 4845
The board does not have jurisdiction under those divisions if 4846
the trial court renders a final judgment in the individual's 4847
favor and that judgment is based upon an adjudication on the 4848
merits. The board has jurisdiction under those divisions if the 4849
trial court issues an order of dismissal upon technical or 4850
procedural grounds. 4851

(E) The sealing of conviction records by any court shall 4852
have no effect upon a prior board order entered under this 4853
section or upon the board's jurisdiction to take action under 4854
this section if, based upon a plea of guilty, a judicial finding 4855
of guilt, or a judicial finding of eligibility for intervention 4856
in lieu of conviction, the board issued a notice of opportunity 4857
for a hearing prior to the court's order to seal the records. 4858
The board shall not be required to seal, destroy, redact, or 4859
otherwise modify its records to reflect the court's sealing of 4860
conviction records. 4861

(F) (1) The board shall investigate evidence that appears 4862
to show that a person has violated any provision of this chapter 4863
or any rule adopted under it. Any person may report to the board 4864
in a signed writing any information that the person may have 4865
that appears to show a violation of any provision of this 4866

chapter or any rule adopted under it. In the absence of bad 4867
faith, any person who reports information of that nature or who 4868
testifies before the board in any adjudication conducted under 4869
Chapter 119. of the Revised Code shall not be liable in damages 4870
in a civil action as a result of the report or testimony. Each 4871
complaint or allegation of a violation received by the board 4872
shall be assigned a case number and shall be recorded by the 4873
board. 4874

(2) Investigations of alleged violations of this chapter 4875
or any rule adopted under it shall be supervised by the 4876
supervising member elected by the board in accordance with 4877
section 4731.02 of the Revised Code and by the secretary as 4878
provided in section 4731.39 of the Revised Code. The president 4879
may designate another member of the board to supervise the 4880
investigation in place of the supervising member. No member of 4881
the board who supervises the investigation of a case shall 4882
participate in further adjudication of the case. 4883

(3) In investigating a possible violation of this chapter 4884
or any rule adopted under this chapter, or in conducting an 4885
inspection under division (E) of section 4731.054 of the Revised 4886
Code, the board may question witnesses, conduct interviews, 4887
administer oaths, order the taking of depositions, inspect and 4888
copy any books, accounts, papers, records, or documents, issue 4889
subpoenas, and compel the attendance of witnesses and production 4890
of books, accounts, papers, records, documents, and testimony, 4891
except that a subpoena for patient record information shall not 4892
be issued without consultation with the attorney general's 4893
office and approval of the secretary and supervising member of 4894
the board. 4895

(a) Before issuance of a subpoena for patient record 4896

information, the secretary and supervising member shall 4897
determine whether there is probable cause to believe that the 4898
complaint filed alleges a violation of this chapter or any rule 4899
adopted under it and that the records sought are relevant to the 4900
alleged violation and material to the investigation. The 4901
subpoena may apply only to records that cover a reasonable 4902
period of time surrounding the alleged violation. 4903

(b) On failure to comply with any subpoena issued by the 4904
board and after reasonable notice to the person being 4905
subpoenaed, the board may move for an order compelling the 4906
production of persons or records pursuant to the Rules of Civil 4907
Procedure. 4908

(c) A subpoena issued by the board may be served by a 4909
sheriff, the sheriff's deputy, or a board employee or agent 4910
designated by the board. Service of a subpoena issued by the 4911
board may be made by delivering a copy of the subpoena to the 4912
person named therein, reading it to the person, or leaving it at 4913
the person's usual place of residence, usual place of business, 4914
or address on file with the board. When serving a subpoena to an 4915
applicant for or the holder of a license or certificate issued 4916
under this chapter, service of the subpoena may be made by 4917
certified mail, return receipt requested, and the subpoena shall 4918
be deemed served on the date delivery is made or the date the 4919
person refuses to accept delivery. If the person being served 4920
refuses to accept the subpoena or is not located, service may be 4921
made to an attorney who notifies the board that the attorney is 4922
representing the person. 4923

(d) A sheriff's deputy who serves a subpoena shall receive 4924
the same fees as a sheriff. Each witness who appears before the 4925
board in obedience to a subpoena shall receive the fees and 4926

mileage provided for under section 119.094 of the Revised Code. 4927

(4) All hearings, investigations, and inspections of the 4928
board shall be considered civil actions for the purposes of 4929
section 2305.252 of the Revised Code. 4930

(5) A report required to be submitted to the board under 4931
this chapter, a complaint, or information received by the board 4932
pursuant to an investigation or pursuant to an inspection under 4933
division (E) of section 4731.054 of the Revised Code is 4934
confidential and not subject to discovery in any civil action. 4935

The board shall conduct all investigations or inspections 4936
and proceedings in a manner that protects the confidentiality of 4937
patients and persons who file complaints with the board. The 4938
board shall not make public the names or any other identifying 4939
information about patients or complainants unless proper consent 4940
is given or, in the case of a patient, a waiver of the patient 4941
privilege exists under division (B) of section 2317.02 of the 4942
Revised Code, except that consent or a waiver of that nature is 4943
not required if the board possesses reliable and substantial 4944
evidence that no bona fide physician-patient relationship 4945
exists. 4946

The board may share any information it receives pursuant 4947
to an investigation or inspection, including patient records and 4948
patient record information, with law enforcement agencies, other 4949
licensing boards, and other governmental agencies that are 4950
prosecuting, adjudicating, or investigating alleged violations 4951
of statutes or administrative rules. An agency or board that 4952
receives the information shall comply with the same requirements 4953
regarding confidentiality as those with which the state medical 4954
board must comply, notwithstanding any conflicting provision of 4955
the Revised Code or procedure of the agency or board that 4956

applies when it is dealing with other information in its 4957
possession. In a judicial proceeding, the information may be 4958
admitted into evidence only in accordance with the Rules of 4959
Evidence, but the court shall require that appropriate measures 4960
are taken to ensure that confidentiality is maintained with 4961
respect to any part of the information that contains names or 4962
other identifying information about patients or complainants 4963
whose confidentiality was protected by the state medical board 4964
when the information was in the board's possession. Measures to 4965
ensure confidentiality that may be taken by the court include 4966
sealing its records or deleting specific information from its 4967
records. 4968

(6) On a quarterly basis, the board shall prepare a report 4969
that documents the disposition of all cases during the preceding 4970
three months. The report shall contain the following information 4971
for each case with which the board has completed its activities: 4972

(a) The case number assigned to the complaint or alleged 4973
violation; 4974

(b) The type of license or certificate to practice, if 4975
any, held by the individual against whom the complaint is 4976
directed; 4977

(c) A description of the allegations contained in the 4978
complaint; 4979

(d) The disposition of the case. 4980

The report shall state how many cases are still pending 4981
and shall be prepared in a manner that protects the identity of 4982
each person involved in each case. The report shall be a public 4983
record under section 149.43 of the Revised Code. 4984

(G) If the secretary and supervising member determine both 4985

of the following, they may recommend that the board suspend an 4986
individual's license or certificate to practice or certificate 4987
to recommend without a prior hearing: 4988

(1) That there is clear and convincing evidence that an 4989
individual has violated division (B) of this section; 4990

(2) That the individual's continued practice presents a 4991
danger of immediate and serious harm to the public. 4992

Written allegations shall be prepared for consideration by 4993
the board. The board, upon review of those allegations and by an 4994
affirmative vote of not fewer than six of its members, excluding 4995
the secretary and supervising member, may suspend a license or 4996
certificate without a prior hearing. A telephone conference call 4997
may be utilized for reviewing the allegations and taking the 4998
vote on the summary suspension. 4999

The board shall issue a written order of suspension by 5000
certified mail or in person in accordance with section 119.07 of 5001
the Revised Code. The order shall not be subject to suspension 5002
by the court during pendency of any appeal filed under section 5003
119.12 of the Revised Code. If the individual subject to the 5004
summary suspension requests an adjudicatory hearing by the 5005
board, the date set for the hearing shall be within fifteen 5006
days, but not earlier than seven days, after the individual 5007
requests the hearing, unless otherwise agreed to by both the 5008
board and the individual. 5009

Any summary suspension imposed under this division shall 5010
remain in effect, unless reversed on appeal, until a final 5011
adjudicative order issued by the board pursuant to this section 5012
and Chapter 119. of the Revised Code becomes effective. The 5013
board shall issue its final adjudicative order within seventy- 5014

five days after completion of its hearing. A failure to issue 5015
the order within seventy-five days shall result in dissolution 5016
of the summary suspension order but shall not invalidate any 5017
subsequent, final adjudicative order. 5018

(H) If the board takes action under division (B) (9), (11), 5019
or (13) of this section and the judicial finding of guilt, 5020
guilty plea, or judicial finding of eligibility for intervention 5021
in lieu of conviction is overturned on appeal, upon exhaustion 5022
of the criminal appeal, a petition for reconsideration of the 5023
order may be filed with the board along with appropriate court 5024
documents. Upon receipt of a petition of that nature and 5025
supporting court documents, the board shall reinstate the 5026
individual's license or certificate to practice. The board may 5027
then hold an adjudication under Chapter 119. of the Revised Code 5028
to determine whether the individual committed the act in 5029
question. Notice of an opportunity for a hearing shall be given 5030
in accordance with Chapter 119. of the Revised Code. If the 5031
board finds, pursuant to an adjudication held under this 5032
division, that the individual committed the act or if no hearing 5033
is requested, the board may order any of the sanctions 5034
identified under division (B) of this section. 5035

(I) The license or certificate to practice issued to an 5036
individual under this chapter and the individual's practice in 5037
this state are automatically suspended as of the date of the 5038
individual's second or subsequent plea of guilty to, or judicial 5039
finding of guilt of, a violation of section 2919.123 of the 5040
Revised Code. In addition, the license or certificate to 5041
practice or certificate to recommend issued to an individual 5042
under this chapter and the individual's practice in this state 5043
are automatically suspended as of the date the individual pleads 5044
guilty to, is found by a judge or jury to be guilty of, or is 5045

subject to a judicial finding of eligibility for intervention in 5046
lieu of conviction in this state or treatment or intervention in 5047
lieu of conviction in another jurisdiction for any of the 5048
following criminal offenses in this state or a substantially 5049
equivalent criminal offense in another jurisdiction: aggravated 5050
murder, murder, voluntary manslaughter, felonious assault, 5051
kidnapping, rape, sexual battery, gross sexual imposition, 5052
aggravated arson, aggravated robbery, or aggravated burglary. 5053
Continued practice after suspension shall be considered 5054
practicing without a license or certificate. 5055

The board shall notify the individual subject to the 5056
suspension by certified mail or in person in accordance with 5057
section 119.07 of the Revised Code. If an individual whose 5058
license or certificate is automatically suspended under this 5059
division fails to make a timely request for an adjudication 5060
under Chapter 119. of the Revised Code, the board shall do 5061
whichever of the following is applicable: 5062

(1) If the automatic suspension under this division is for 5063
a second or subsequent plea of guilty to, or judicial finding of 5064
guilt of, a violation of section 2919.123 of the Revised Code, 5065
the board shall enter an order suspending the individual's 5066
license or certificate to practice for a period of at least one 5067
year or, if determined appropriate by the board, imposing a more 5068
serious sanction involving the individual's license or 5069
certificate to practice. 5070

(2) In all circumstances in which division (I)(1) of this 5071
section does not apply, enter a final order permanently revoking 5072
the individual's license or certificate to practice. 5073

(J) If the board is required by Chapter 119. of the 5074
Revised Code to give notice of an opportunity for a hearing and 5075

if the individual subject to the notice does not timely request 5076
a hearing in accordance with section 119.07 of the Revised Code, 5077
the board is not required to hold a hearing, but may adopt, by 5078
an affirmative vote of not fewer than six of its members, a 5079
final order that contains the board's findings. In that final 5080
order, the board may order any of the sanctions identified under 5081
division (A) or (B) of this section. 5082

(K) Any action taken by the board under division (B) of 5083
this section resulting in a suspension from practice shall be 5084
accompanied by a written statement of the conditions under which 5085
the individual's license or certificate to practice may be 5086
reinstated. The board shall adopt rules governing conditions to 5087
be imposed for reinstatement. Reinstatement of a license or 5088
certificate suspended pursuant to division (B) of this section 5089
requires an affirmative vote of not fewer than six members of 5090
the board. 5091

(L) When the board refuses to grant or issue a license or 5092
certificate to practice to an applicant, revokes an individual's 5093
license or certificate to practice, refuses to renew an 5094
individual's license or certificate to practice, or refuses to 5095
reinstatement an individual's license or certificate to practice, 5096
the board may specify that its action is permanent. An 5097
individual subject to a permanent action taken by the board is 5098
forever thereafter ineligible to hold a license or certificate 5099
to practice and the board shall not accept an application for 5100
reinstatement of the license or certificate or for issuance of a 5101
new license or certificate. 5102

(M) Notwithstanding any other provision of the Revised 5103
Code, all of the following apply: 5104

(1) The surrender of a license or certificate issued under 5105

this chapter shall not be effective unless or until accepted by 5106
the board. A telephone conference call may be utilized for 5107
acceptance of the surrender of an individual's license or 5108
certificate to practice. The telephone conference call shall be 5109
considered a special meeting under division (F) of section 5110
121.22 of the Revised Code. Reinstatement of a license or 5111
certificate surrendered to the board requires an affirmative 5112
vote of not fewer than six members of the board. 5113

(2) An application for a license or certificate made under 5114
the provisions of this chapter may not be withdrawn without 5115
approval of the board. 5116

(3) Failure by an individual to renew a license or 5117
certificate to practice in accordance with this chapter or a 5118
certificate to recommend in accordance with rules adopted under 5119
section 4731.301 of the Revised Code shall not remove or limit 5120
the board's jurisdiction to take any disciplinary action under 5121
this section against the individual. 5122

(4) At the request of the board, a license or certificate 5123
holder shall immediately surrender to the board a license or 5124
certificate that the board has suspended, revoked, or 5125
permanently revoked. 5126

(N) Sanctions shall not be imposed under division (B) (28) 5127
of this section against any person who waives deductibles and 5128
copayments as follows: 5129

(1) In compliance with the health benefit plan that 5130
expressly allows such a practice. Waiver of the deductibles or 5131
copayments shall be made only with the full knowledge and 5132
consent of the plan purchaser, payer, and third-party 5133
administrator. Documentation of the consent shall be made 5134

available to the board upon request. 5135

(2) For professional services rendered to any other person 5136
authorized to practice pursuant to this chapter, to the extent 5137
allowed by this chapter and rules adopted by the board. 5138

(O) Under the board's investigative duties described in 5139
this section and subject to division (F) of this section, the 5140
board shall develop and implement a quality intervention program 5141
designed to improve through remedial education the clinical and 5142
communication skills of individuals authorized under this 5143
chapter to practice medicine and surgery, osteopathic medicine 5144
and surgery, and podiatric medicine and surgery. In developing 5145
and implementing the quality intervention program, the board may 5146
do all of the following: 5147

(1) Offer in appropriate cases as determined by the board 5148
an educational and assessment program pursuant to an 5149
investigation the board conducts under this section; 5150

(2) Select providers of educational and assessment 5151
services, including a quality intervention program panel of case 5152
reviewers; 5153

(3) Make referrals to educational and assessment service 5154
providers and approve individual educational programs 5155
recommended by those providers. The board shall monitor the 5156
progress of each individual undertaking a recommended individual 5157
educational program. 5158

(4) Determine what constitutes successful completion of an 5159
individual educational program and require further monitoring of 5160
the individual who completed the program or other action that 5161
the board determines to be appropriate; 5162

(5) Adopt rules in accordance with Chapter 119. of the 5163

Revised Code to further implement the quality intervention program. 5164
5165

An individual who participates in an individual educational program pursuant to this division shall pay the financial obligations arising from that educational program. 5166
5167
5168

Sec. 4731.251. (A) As used in this section and in sections 4731.252 and 4731.253 of the Revised Code: 5169
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(1) "Impaired" or "impairment" has the same meaning as in division (B) (5) of section 4730.25, division (B) (26) of section 4731.22, division (A) (18) of section 4759.07, division (B) (6) of section 4760.13, division (A) (18) of section 4761.09, division (B) (6) of section 4762.13, division (B) (6) of section 4774.13, or division (B) (6) of section 4778.14 of the Revised Code. 5171
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(2) "Practitioner" means any of the following: 5177

(a) An individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; 5178
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(b) An individual licensed under Chapter 4730. of the Revised Code to practice as a physician assistant; 5181
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(c) An individual authorized under Chapter 4759. of the Revised Code to practice as a dietitian; 5183
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(d) An individual authorized under Chapter 4760. of the Revised Code to practice as an anesthesiologist assistant; 5185
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(e) An individual authorized under Chapter 4761. of the Revised Code to practice respiratory care or to practice as an advanced practice respiratory therapist; 5187
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(f) An individual authorized under Chapter 4762. of the 5190

Revised Code to practice as an acupuncturist or oriental medicine practitioner;	5191 5192
(g) An individual authorized under Chapter 4774. of the Revised Code to practice as a radiologist assistant;	5193 5194
(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.	5195 5196
(B) The state medical board shall establish a confidential program for treatment of impaired practitioners, which shall be known as the one-bite program. The board shall contract with one organization to conduct the program and perform monitoring services.	5197 5198 5199 5200 5201
To be qualified to contract with the board under this section, an organization must meet all of the following requirements:	5202 5203 5204
(1) Be sponsored by one or more professional associations or societies of practitioners;	5205 5206
(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;	5207 5208 5209
(3) Contract with or employ to serve as the organization's medical director an individual who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;	5210 5211 5212 5213 5214
(4) Contract with or employ one or more of the following as necessary for the organization's operation:	5215 5216
(a) An individual licensed under Chapter 4758. of the Revised Code as an independent chemical dependency counselor-	5217 5218

clinical supervisor, independent chemical dependency counselor,	5219
chemical dependency counselor III, or chemical dependency	5220
counselor II;	5221
(b) An individual licensed under Chapter 4757. of the	5222
Revised Code as an independent social worker, social worker,	5223
licensed professional clinical counselor, or licensed	5224
professional counselor;	5225
(c) An individual licensed under Chapter 4732. of the	5226
Revised Code as a psychologist.	5227
(C) The monitoring organization shall do all of the	5228
following pursuant to the contract:	5229
(1) Receive any report of suspected impairment, including	5230
a report made under division (B) (2) of section 4730.32, division	5231
(B) (2) of section 4731.224, section 4759.13, division (B) (2) of	5232
section 4760.16, section 4761.19, division (B) (2) of section	5233
4762.16, division (B) (2) of section 4774.16, or section 4778.17	5234
of the Revised Code;	5235
(2) Notify a practitioner who is the subject of a report	5236
received under division (C) (1) of this section that the report	5237
has been made and that the practitioner may be eligible to	5238
participate in the program conducted under this section;	5239
(3) Determine whether a practitioner reported to the	5240
monitoring organization is eligible to participate in the	5241
program and notify the practitioner of the determination;	5242
(4) In the case of a practitioner reported by a treatment	5243
provider, notify the treatment provider of the eligibility	5244
determination;	5245
(5) Report to the board any practitioner who is determined	5246

ineligible to participate in the program;	5247
(6) Refer an eligible practitioner who chooses to	5248
participate in the program for evaluation by a treatment	5249
provider approved by the board under section 4731.25 of the	5250
Revised Code, unless the report received by the monitoring	5251
organization was made by an approved treatment provider and the	5252
practitioner has already been evaluated by the treatment	5253
provider;	5254
(7) Monitor the evaluation of an eligible practitioner;	5255
(8) Refer an eligible practitioner who chooses to	5256
participate in the program to a treatment provider approved by	5257
the board under section 4731.25 of the Revised Code;	5258
(9) Establish, in consultation with the treatment provider	5259
to which a practitioner is referred, the terms and conditions	5260
with which the practitioner must comply for continued	5261
participation in and successful completion of the program;	5262
(10) Report to the board any practitioner who does not	5263
complete evaluation or treatment or does not comply with any of	5264
the terms and conditions established by the monitoring	5265
organization and the treatment provider;	5266
(11) Perform any other activities specified in the	5267
contract with the board or that the monitoring organization	5268
considers necessary to comply with this section and sections	5269
4731.252 and 4731.253 of the Revised Code.	5270
(D) The monitoring organization shall not disclose to the	5271
board the name of a practitioner or any records relating to a	5272
practitioner, unless any of the following occurs:	5273
(1) The practitioner is determined to be ineligible to	5274

participate in the program.	5275
(2) The practitioner requests the disclosure.	5276
(3) The practitioner is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring.	5277 5278 5279
(4) The practitioner presents an imminent danger to the public or to the practitioner, as a result of the practitioner's impairment.	5280 5281 5282
(5) The practitioner has relapsed or the practitioner's impairment has not been substantially alleviated by participation in the program.	5283 5284 5285
(E) (1) The monitoring organization shall develop procedures governing each of the following:	5286 5287
(a) Receiving reports of practitioner impairment;	5288
(b) Notifying practitioners of reports and eligibility determinations;	5289 5290
(c) Referring eligible practitioners for evaluation or treatment;	5291 5292
(d) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;	5293 5294
(e) Establishing individualized terms and conditions with which eligible practitioners must comply for continued participation in and successful completion of the program.	5295 5296 5297
(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:	5298 5299
(a) Providing reports to the board on a periodic basis on the total number of practitioners participating in the program,	5300 5301

without disclosing the names or records of any program 5302
participants other than those about whom reports are required by 5303
this section; 5304

(b) Reporting to the board any practitioner who due to 5305
impairment presents an imminent danger to the public or to the 5306
practitioner; 5307

(c) Reporting to the board any practitioner who is 5308
unwilling or unable to complete or comply with any part of the 5309
program, including evaluation, treatment, or monitoring; 5310

(d) Reporting to the board any practitioner whose 5311
impairment was not substantially alleviated by participation in 5312
the program or who has relapsed. 5313

(F) The board may adopt any rules it considers necessary 5314
to implement this section and sections 4731.252 and 4731.253 of 5315
the Revised Code, including rules regarding the monitoring 5316
organization and treatment providers that provide treatment to 5317
practitioners referred by the monitoring organization. Any such 5318
rules shall be adopted in accordance with Chapter 119. of the 5319
Revised Code. 5320

Sec. 4755.48. (A) No person shall employ fraud or 5321
deception in applying for or securing a license to practice 5322
physical therapy or to be a physical therapist assistant. 5323

(B) No person shall practice or in any way imply or claim 5324
to the public by words, actions, or the use of letters as 5325
described in division (C) of this section to be able to practice 5326
physical therapy or to provide physical therapy services, 5327
including practice as a physical therapist assistant, unless the 5328
person holds a valid license under sections 4755.40 to 4755.56 5329
of the Revised Code or except for submission of claims as 5330

provided in section 4755.56 of the Revised Code. 5331

(C) No person shall use the words or letters, physical 5332
therapist, physical therapy, physical therapy services, 5333
physiotherapist, physiotherapy, physiotherapy services, licensed 5334
physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., 5335
D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical 5336
therapist assistant, physical therapy technician, licensed 5337
physical therapist assistant, L.P.T.A., R.P.T.A., or any other 5338
letters, words, abbreviations, or insignia, indicating or 5339
implying that the person is a physical therapist or physical 5340
therapist assistant without a valid license under sections 5341
4755.40 to 4755.56 of the Revised Code. 5342

(D) No person who practices physical therapy or assists in 5343
the provision of physical therapy treatments under the 5344
supervision of a physical therapist shall fail to display the 5345
person's current license granted under sections 4755.40 to 5346
4755.56 of the Revised Code in a conspicuous location in the 5347
place where the person spends the major part of the person's 5348
time so engaged. 5349

(E) Nothing in sections 4755.40 to 4755.56 of the Revised 5350
Code shall affect or interfere with the performance of the 5351
duties of any physical therapist or physical therapist assistant 5352
in active service in the army, navy, coast guard, marine corps, 5353
air force, public health service, or marine hospital service of 5354
the United States, while so serving. 5355

(F) Nothing in sections 4755.40 to 4755.56 of the Revised 5356
Code shall prevent or restrict the activities or services of a 5357
person pursuing a course of study leading to a degree in 5358
physical therapy in an accredited or approved educational 5359
program if the activities or services constitute a part of a 5360

supervised course of study and the person is designated by a title that clearly indicates the person's status as a student.

(G) (1) Subject to division (G) (2) of this section, nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of any person who holds a current, unrestricted license to practice physical therapy in another state when that person, pursuant to contract or employment with an athletic team located in the state in which the person holds the license, provides physical therapy to any of the following while the team is traveling to or from or participating in a sporting event in this state:

(a) A member of the athletic team;

(b) A member of the athletic team's coaching, communications, equipment, or sports medicine staff;

(c) A member of a band or cheerleading squad accompanying the athletic team;

(d) The athletic team's mascot.

(2) In providing physical therapy pursuant to division (G) (1) of this section, the person shall not do either of the following:

(a) Provide physical therapy at a health care facility;

(b) Provide physical therapy for more than sixty days in a calendar year.

(H) (1) Except as provided in division (H) (2) of this section and subject to division (I) of this section, no person shall practice physical therapy other than on the prescription of, or the referral of a patient by, a person who is licensed in this or another state to do at least one of the following:

(a) Practice medicine and surgery, chiropractic,	5389
dentistry, osteopathic medicine and surgery, podiatric medicine	5390
and surgery;	5391
(b) Practice as a physician assistant;	5392
(c) Practice nursing as an advanced practice registered	5393
nurse;	5394
<u>(d) Practice as an advanced practice respiratory</u>	5395
<u>therapist.</u>	5396
(2) The prohibition in division (H) (1) of this section on	5397
practicing physical therapy other than on the prescription of,	5398
or the referral of a patient by, any of the persons described in	5399
that division does not apply if either of the following applies	5400
to the person:	5401
(a) The person holds a master's or doctorate degree from a	5402
professional physical therapy program that is accredited by a	5403
national physical therapy accreditation agency recognized by the	5404
United States department of education.	5405
(b) On or before December 31, 2004, the person has	5406
completed at least two years of practical experience as a	5407
licensed physical therapist.	5408
(I) To be authorized to prescribe physical therapy or	5409
refer a patient to a physical therapist for physical therapy, a	5410
person described in division (H) (1) of this section must be in	5411
good standing with the relevant licensing board in this state or	5412
the state in which the person is licensed and must act only	5413
within the person's scope of practice.	5414
(J) In the prosecution of any person for violation of	5415
division (B) or (C) of this section, it is not necessary to	5416

allege or prove want of a valid license to practice physical 5417
therapy or to practice as a physical therapist assistant, but 5418
such matters shall be a matter of defense to be established by 5419
the accused. 5420

Sec. 4761.01. As used in this chapter: 5421

(A) "Respiratory care" means rendering or offering to 5422
render to individuals, groups, organizations, or the public any 5423
service involving the evaluation of cardiopulmonary function, 5424
the treatment of cardiopulmonary impairment, the assessment of 5425
treatment effectiveness, and the care of patients with 5426
deficiencies and abnormalities associated with the 5427
cardiopulmonary system. The practice of respiratory care 5428
includes: 5429

(1) Obtaining, analyzing, testing, measuring, and 5430
monitoring blood and gas samples in the determination of 5431
cardiopulmonary parameters and related physiologic data, 5432
including flows, pressures, and volumes, and the use of 5433
equipment employed for this purpose; 5434

(2) Administering, monitoring, recording the results of, 5435
and instructing in the use of medical gases, aerosols, and 5436
bronchopulmonary hygiene techniques, including drainage, 5437
aspiration, and sampling, and applying, maintaining, and 5438
instructing in the use of artificial airways, ventilators, and 5439
other life support equipment employed in the treatment of 5440
cardiopulmonary impairment and provided in collaboration with 5441
other licensed health care professionals responsible for 5442
providing care; 5443

(3) Performing cardiopulmonary resuscitation and 5444
respiratory rehabilitation techniques; 5445

(4) Administering medications for the testing or treatment of cardiopulmonary impairment.	5446 5447
(B) "Respiratory care professional" means a person who is licensed under this chapter to practice the full range of services described in division (A) of this section.	5448 5449 5450
(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	5451 5452 5453
(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse.	5454 5455 5456
(E) "Hospital" means a facility that meets the operating standards of <u>is registered with the department of health under section 3727.02-3701.07</u> of the Revised Code.	5457 5458 5459
(F) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	5460 5461
(G) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.	5462 5463
(H) "Physician assistant" means an individual who holds a valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.	5464 5465 5466
(I) <u>"Advanced practice respiratory therapist" means an individual who holds a current, valid license issued under this chapter that authorizes the practice of respiratory care as an advanced practice respiratory therapist.</u>	5467 5468 5469 5470
(J) <u>"Practice of respiratory care as an advanced practice respiratory therapist" means providing to individuals and groups care that requires knowledge and skill obtained from advanced</u>	5471 5472 5473

formal education, training, and clinical experience. Such care 5474
includes the performance of services delegated by a supervising 5475
physician in the diagnosis and treatment of patients with 5476
cardiopulmonary diseases or conditions, including prescribing, 5477
ordering, procuring, personally furnishing, and administering 5478
drugs and medical devices. 5479

(K) "Health care facility" means any of the following: 5480

(1) A hospital; 5481

(2) A health care facility licensed by the department of 5482
health under section 3702.30 of the Revised Code; 5483

(3) Any other facility designated by the state medical 5484
board in rules adopted pursuant to division (B) of section 5485
4761.36 of the Revised Code. 5486

Sec. 4761.03. (A) The state medical board shall regulate 5487
the practice of respiratory care in this state and the persons 5488
to whom the board issues licenses and limited permits under this 5489
chapter. Rules adopted under this chapter that deal with the 5490
provision of respiratory care in a hospital, other than rules 5491
regulating the issuance of licenses or limited permits, shall be 5492
consistent with the conditions for participation under medicare, 5493
Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 5494
42 U.S.C.A. 1395, as amended, and with the respiratory care 5495
accreditation standards of the joint commission or the American 5496
osteopathic association. 5497

(B) The board shall adopt, and may rescind or amend, rules 5498
in accordance with Chapter 119. of the Revised Code to carry out 5499
the purposes of this chapter, including rules prescribing the 5500
following: 5501

(1) The form and manner for filing applications under 5502

sections 4761.05 and 4761.06 of the Revised Code;	5503
(2) Standards for the approval of examinations and reexaminations administered by national organizations for licensure, license renewal, and license reinstatement;	5504 5505 5506
(3) Standards for the approval of educational programs required to qualify for licensure and approval of continuing education programs required for license renewal;	5507 5508 5509
(4) Continuing education courses and the number of hour requirements necessary for license renewal under section 4761.06 of the Revised Code, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country;	5510 5511 5512 5513 5514 5515 5516
(5) Procedures for the issuance and renewal of licenses and limited permits, including the duties that may be fulfilled by the board's executive director and other board employees;	5517 5518 5519
(6) Procedures for the limitation, suspension, and revocation of licenses and limited permits, the refusal to issue, renew, or reinstate licenses and limited permits, and the imposition of a reprimand or probation under section 4761.09 of the Revised Code;	5520 5521 5522 5523 5524
(7) Standards of ethical conduct for the practice of respiratory care;	5525 5526
(8) The respiratory care tasks that may be performed by an individual practicing as a polysomnographic technologist pursuant to division (B) (3) of section 4761.10 of the Revised Code;	5527 5528 5529 5530

(9) Requirements for criminal records checks of applicants 5531
under section 4776.03 of the Revised Code. 5532

(C) The board shall determine the sufficiency of an 5533
applicant's qualifications for admission to the licensing 5534
examination or a reexamination, and for the issuance or renewal 5535
of a license or limited permit. 5536

(D) The board shall determine the respiratory care 5537
educational programs that are acceptable for fulfilling the 5538
requirements of division (A) of section 4761.04 of the Revised 5539
Code. 5540

(E) (1) The board shall investigate evidence that appears 5541
to show that a person has violated any provision of this chapter 5542
or any rule adopted under it. Any person may report to the board 5543
in a signed writing any information that the person may have 5544
that appears to show a violation of any provision of this 5545
chapter or any rule adopted under it. In the absence of bad 5546
faith, any person who reports information of that nature or who 5547
testifies before the board in any adjudication conducted under 5548
Chapter 119. of the Revised Code shall not be liable in damages 5549
in a civil action as a result of the report or testimony. Each 5550
complaint or allegation of a violation received by the board 5551
shall be assigned a case number and shall be recorded by the 5552
board. 5553

(2) Investigations of alleged violations of this chapter 5554
or any rule adopted under it shall be supervised by the 5555
supervising member elected by the board in accordance with 5556
section 4731.02 of the Revised Code and by the secretary as 5557
provided in section 4761.012 of the Revised Code. The president 5558
may designate another member of the board to supervise the 5559
investigation in place of the supervising member. No member of 5560

the board who supervises the investigation of a case shall 5561
participate in further adjudication of the case. 5562

(3) In investigating a possible violation of this chapter 5563
or any rule adopted under it, the board may issue subpoenas, 5564
administer oaths, question witnesses, conduct interviews, order 5565
the taking of depositions, inspect and copy any books, accounts, 5566
papers, records, or documents, and compel the attendance of 5567
witnesses and production of books, accounts, papers, records, 5568
documents, and testimony, except that a subpoena for patient 5569
record information shall not be issued without consultation with 5570
the attorney general's office and approval of the secretary and 5571
supervising member of the board. 5572

Before issuance of a subpoena for patient record 5573
information, the secretary and supervising member shall 5574
determine whether there is probable cause to believe that the 5575
complaint filed alleges a violation of this chapter or any rule 5576
adopted under it and that the records sought are relevant to the 5577
alleged violation and material to the investigation. The 5578
subpoena may apply only to records that cover a reasonable 5579
period of time surrounding the alleged violation. 5580

On failure to comply with any subpoena issued by the board 5581
and after reasonable notice to the person being subpoenaed, the 5582
board may move for an order compelling the production of persons 5583
or records pursuant to the Rules of Civil Procedure. 5584

A subpoena issued by the board may be served by a sheriff, 5585
the sheriff's deputy, or a board employee or agent designated by 5586
the board. Service of a subpoena issued by the board may be made 5587
by delivering a copy of the subpoena to the person named 5588
therein, reading it to the person, or leaving it at the person's 5589
usual place of residence, usual place of business, or address on 5590

file with the board. When serving a subpoena to an applicant for 5591
or the holder of a license or limited permit issued under this 5592
chapter, service of the subpoena may be made by certified mail, 5593
return receipt requested, and the subpoena shall be deemed 5594
served on the date delivery is made or the date the person 5595
refuses to accept delivery. If the person being served refuses 5596
to accept the subpoena or is not located, service may be made to 5597
an attorney who notifies the board that the attorney is 5598
representing the person. 5599

A sheriff's deputy who serves a subpoena shall receive the 5600
same fees as a sheriff. Each witness who appears before the 5601
board in obedience to a subpoena shall receive the fees and 5602
mileage provided for under section 119.094 of the Revised Code. 5603

(4) In an investigation involving the practice or 5604
supervision of an advanced practice respiratory therapist 5605
pursuant to the policies of a health care facility, the board 5606
may require that the health care facility provide any 5607
information the board considers necessary to identify either or 5608
both of the following: 5609

(a) The facility's policies for the practice of advanced 5610
practice respiratory therapists within the facility; 5611

(b) The services that the facility has authorized a 5612
particular advanced practice respiratory therapist to provide 5613
for the facility. 5614

(5) All hearings, investigations, and inspections of the 5615
board shall be considered civil actions for the purposes of 5616
section 2305.252 of the Revised Code. 5617

~~(5)~~ (6) A report required to be submitted to the board 5618
under this chapter, a complaint, or information received by the 5619

board pursuant to an investigation is confidential and not 5620
subject to discovery in any civil action. 5621

The board shall conduct all investigations or inspections 5622
and proceedings in a manner that protects the confidentiality of 5623
patients and persons who file complaints with the board. The 5624
board shall not make public the names or any other identifying 5625
information about patients or complainants unless proper consent 5626
is given. 5627

The board may share any information it receives pursuant 5628
to an investigation or inspection, including patient records and 5629
patient record information, with law enforcement agencies, other 5630
licensing boards, and other governmental agencies that are 5631
prosecuting, adjudicating, or investigating alleged violations 5632
of statutes or administrative rules. An agency or board that 5633
receives the information shall comply with the same requirements 5634
regarding confidentiality as those with which the state medical 5635
board must comply, notwithstanding any conflicting provision of 5636
the Revised Code or procedure of the agency or board that 5637
applies when it is dealing with other information in its 5638
possession. In a judicial proceeding, the information may be 5639
admitted into evidence only in accordance with the Rules of 5640
Evidence, but the court shall require that appropriate measures 5641
are taken to ensure that confidentiality is maintained with 5642
respect to any part of the information that contains names or 5643
other identifying information about patients or complainants 5644
whose confidentiality was protected by the state medical board 5645
when the information was in the board's possession. Measures to 5646
ensure confidentiality that may be taken by the court include 5647
sealing its records or deleting specific information from its 5648
records. 5649

~~(6)-(7)~~ The board shall develop requirements for and provide appropriate initial and continuing training for investigators employed by the board to carry out its duties under this chapter. The training and continuing education may include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(8) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged violation;

(b) The type of license or limited permit, if any, held by the individual against whom the complaint is directed;

(c) A description of the allegations contained in the complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.

(F) The board shall keep records of its proceedings and do other things as are necessary and proper to carry out and enforce the provisions of this chapter.

(G) The board shall maintain and publish on its internet web site all of the following:

(1) The requirements for the issuance of licenses and limited permits under this chapter and rules adopted by the board;

(2) A list of the names and locations of the institutions that each year granted degrees or certificates of completion in respiratory care.

Sec. 4761.032. (A) The state medical board shall appoint a respiratory care advisory council for the purpose of advising the board on issues relating to the practice of respiratory care. The advisory council shall consist of not more than ~~seven~~ nine individuals knowledgeable in the area of respiratory care. When the council is developing or revising policy and procedures for physician-delegated prescriptive authority for advanced practice respiratory therapists, the council shall include the additional member specified in division (A) (5) of this section.

A majority of the council members shall be individuals licensed under this chapter who are actively engaged in the practice of respiratory care. The board shall include all of the following on the council:

(1) One physician who is a member of the state medical board;

(2) One physician who has clinical training and experience in pulmonary disease, and one physician who is a supervising physician of an advanced practice respiratory therapist.

The Ohio state medical association, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing the physician members described in division (A) (2) of this section.

(3) One advanced practice respiratory therapist;

(4) One individual who is not affiliated with any health care profession, who shall be appointed to represent the interest of consumers. 5707
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The Ohio society for respiratory care, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing any member of the council other than the members described in divisions (A) (1), (2), and (5) of this section. 5710
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(5) One additional member, appointed to serve only when the council is developing or revising policy and procedures for physician-delegated prescriptive authority for advanced practice respiratory therapists, shall be a pharmacist. The member shall be appointed from a list of five clinical pharmacists recommended by the Ohio pharmacists association or appointed from the pharmacist members of the state board of pharmacy, preferably from among the members who are clinical pharmacists. 5715
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The pharmacist member shall have voting privileges only for purposes of developing or revising policy and procedures for physician-delegated prescriptive authority for advanced practice respiratory therapists. Presence of the pharmacist member shall not be required for the transaction of any other business. 5723
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~~The Ohio state medical association, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing the physician member described in division (A) (2) of this section.~~ 5728
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~~The Ohio society for respiratory care, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing any member of the council other than the physician members described in divisions~~ 5732
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~~(A) (1) and (2) of this section.~~ 5736

(B) Not later than ninety days after January 21, 2018, the 5737
board shall make initial appointments to the council. Initial 5738
members shall serve terms of office of one, two, or three years, 5739
as selected by the board. Thereafter, terms of office shall be 5740
for three years, with each term ending on the same day of the 5741
same month as the term that it succeeds. A council member shall 5742
continue in office subsequent to the expiration date of the 5743
member's term until a successor is appointed and takes office, 5744
or until a period of sixty days has elapsed, whichever occurs 5745
first. Each council member shall hold office from the date of 5746
appointment until the end of the term for which the member was 5747
appointed. 5748

(C) Members shall serve without compensation, but shall be 5749
reimbursed for actual and necessary expenses incurred in 5750
performing their official duties. 5751

(D) The council shall meet at least four times each year 5752
and at such other times as may be necessary to carry out its 5753
responsibilities. 5754

(E) The council may submit to the board recommendations 5755
concerning all of the following: 5756

(1) Requirements for issuing a license to practice as a 5757
respiratory care professional or as an advanced practice 5758
respiratory therapist and requirements for issuing a permit to 5759
practice as a limited permit holder, including the educational 5760
and experience requirements that must be met to receive the 5761
license or permit; 5762

(2) Existing and proposed rules pertaining to ~~the practice~~ 5763
~~of respiratory care and~~ the administration and enforcement of 5764

this chapter, including rules pertaining to the practice of 5765
respiratory care by respiratory care professionals, the practice 5766
of holders of limited permits issued under this chapter, the 5767
practice of respiratory care as advanced practice respiratory 5768
therapists, and the supervisory relationship between advanced 5769
practice respiratory therapists and supervising physicians; 5770

(3) Standards for the approval of educational programs 5771
required to qualify for licensure and continuing education 5772
programs for licensure renewal; 5773

(4) Standards for the approval of examinations and re- 5774
examinations administered by national organizations for 5775
licensure, license renewal, and license reinstatement; 5776

(5) Policies related to the issuance and renewal of 5777
licenses and limited permits; 5778

~~(5)-(6) Fees for the issuance and renewal of a license to~~ 5779
~~practice respiratory care as a licensee or as a~~ 5780
~~licenses and~~
limited permit holder permits; 5781

~~(6)-(7) Standards of practice and ethical conduct in the~~ 5782
practice of respiratory care; 5783

~~(7)-(8) The safe and effective practice of respiratory~~ 5784
care, including scope of practice and minimal standards of care; 5785

(9) Any issue the board asks the council to consider. 5786

(F) In addition to the matters that are required to be 5787
reviewed under division (E) of this section, the council may 5788
review, and may submit to the board recommendations concerning, 5789
quality assurance activities to be performed by a supervising 5790
physician and advanced practice respiratory therapist under a 5791
quality assurance system established pursuant to division (F) of 5792

section 4761.39 of the Revised Code. 5793

(G) The board shall take into consideration all 5794
recommendations submitted by the council. Not later than ninety 5795
days after receiving a recommendation from the council, the 5796
board shall approve or disapprove the recommendation and notify 5797
the council of its decision. If a recommendation is disapproved, 5798
the board shall inform the council of its reasons for making 5799
that decision. The council may resubmit the recommendation after 5800
addressing the concerns expressed by the board and modifying the 5801
disapproved recommendation accordingly. Not later than ninety 5802
days after receiving a resubmitted recommendation, the board 5803
shall approve or disapprove the recommendation. There is no 5804
limit on the number of times the council may resubmit a 5805
recommendation for consideration by the board. 5806

(H) (1) Except as provided in division (H) (2) of this 5807
section, the board may not take action regarding a matter that 5808
is subject to the council's review under division (E) or (F) of 5809
this section unless the council has made a recommendation to the 5810
board concerning the matter. 5811

(2) If the board submits to the council a request for a 5812
recommendation regarding a matter that is subject to the 5813
council's review under division (E) or (F) of this section, and 5814
the council does not provide a recommendation before the sixty- 5815
first day after the request is submitted, the board may take 5816
action regarding the matter without a recommendation. 5817

(I) The board may permit meetings of the council to 5818
include the use of interactive videoconferencing, 5819
teleconferencing, or both if all of the following requirements 5820
are met: 5821

- (1) The meeting location is open and accessible to the public. 5822
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- (2) Each council member is permitted to choose whether the member attends in person or through the use of the meeting's videoconferencing or teleconferencing. 5824
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- (3) Any meeting related materials available before the meeting are sent to each council member by electronic mail, facsimile, or United States mail, or are hand-delivered. 5827
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- (4) If interactive videoconferencing is used, there is a clear video and audio connection that enables all participants at the meeting location to see and hear each council member. 5830
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- (5) If teleconferencing is used, there is a clear audio connection that enables all participants at the meeting location to hear each council member. 5833
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- (6) A roll call vote is recorded for each vote taken. 5836
- (7) The meeting minutes specify for each member whether the member attended by videoconference, teleconference, or in person. 5837
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- Sec. 4761.033.** In addition to rules that are specifically required or authorized by this chapter to be adopted, the state medical board may, subject to division (G) of section 4761.032 of the Revised Code, adopt any other rules necessary to govern the practice of advanced practice respiratory therapists, the supervisory relationship between advanced practice respiratory therapists and supervising physicians, and the administration and enforcement of this chapter. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code. 5840
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Sec. 4761.06. (A) Each license to practice respiratory 5850
care shall expire on the date that is two years after the date 5851
of issuance and may be renewed for additional two-year periods. 5852
Each limited permit to practice respiratory care shall be 5853
renewed annually. Each person seeking to renew a license or 5854
limited permit to practice respiratory care shall apply to the 5855
state medical board in a manner prescribed by the board. 5856
Licenses and limited permits shall be renewed in accordance with 5857
the standard renewal procedure of Chapter 4745. of the Revised 5858
Code. The board shall renew a license if the holder pays the 5859
license renewal fee prescribed under section 4761.07 of the 5860
Revised Code and certifies that the holder has completed the 5861
continuing education or reexamination requirements of division 5862
(B) of this section. 5863

At least one month before a license expires, the board 5864
shall provide to the license holder a renewal notice. Failure of 5865
any license holder to receive a notice of renewal from the board 5866
shall not excuse the holder from the requirements contained in 5867
this section. Each license holder shall give notice to the board 5868
of a change in the holder's residence address, business address, 5869
or electronic mail address not later than thirty days after the 5870
change occurs. 5871

The board shall renew a limited permit if the holder pays 5872
the limited permit renewal fee prescribed under section 4761.07 5873
of the Revised Code and does either of the following: 5874

(1) If the limited permit was issued on the basis of 5875
division (B) (1) (a) of section 4761.05 of the Revised Code, 5876
certifies that the holder is enrolled and in good standing in an 5877
educational program that meets the requirements of division (A) 5878
(2) of section 4761.04 of the Revised Code or has graduated from 5879

such a program; 5880

(2) If the limited permit was issued on the basis of 5881
division (B) (1) (b) of section 4761.05 of the Revised Code, 5882
certifies that the applicant is employed as a provider of 5883
respiratory care under the supervision of a respiratory care 5884
professional. 5885

(B) On or before the annual renewal date, the holder of a 5886
limited permit issued under division (B) (1) (b) of section 5887
4761.05 of the Revised Code shall certify to the board that the 5888
holder has satisfactorily completed the number of hours of 5889
continuing education required by the board, which shall not be 5890
less than three nor more than ten hours of continuing education 5891
acceptable to the board. 5892

~~On~~ Subject to division (C) of section 4761.32 of the 5893
Revised Code, on or before the date a license expires, a license 5894
holder shall certify to the board that the license holder has 5895
satisfactorily completed the number of hours of continuing 5896
education required by the board, which shall be not less than 5897
six nor more than twenty hours of continuing education 5898
acceptable to the board, or has passed a reexamination in 5899
accordance with the board's renewal requirements. 5900

(C) (1) A license to practice respiratory care that is not 5901
renewed on or before its expiration date is automatically 5902
suspended on its expiration date. Continued practice after 5903
suspension shall be considered as practicing in violation of 5904
section 4761.10 of the Revised Code. 5905

(2) If a license has been suspended pursuant to division 5906
(C) (1) of this section for two years or less, it may be 5907
reinstated. The board shall reinstate the license upon the 5908

applicant's submission of a complete renewal application and 5909
payment of a reinstatement fee of one hundred dollars. 5910

If a license has been suspended pursuant to division (C) 5911
(1) of this section for more than two years, it may be restored. 5912
Subject to section 4761.061 of the Revised Code, the board may 5913
restore the license upon an applicant's submission of a complete 5914
restoration application and a restoration fee of one hundred 5915
twenty-five dollars and compliance with sections 4776.01 to 5916
4776.04 of the Revised Code. The board shall not restore a 5917
license unless the board, in its discretion, decides that the 5918
results of the criminal records check do not make the applicant 5919
ineligible for a license issued pursuant to division (A) of this 5920
section. 5921

(D) (1) The board may require a random sample of limited 5922
permit holders to submit materials documenting that the holder 5923
has completed the number of hours of continuing education as 5924
described in division (B) of this section. 5925

(2) The board may require a random sample of license 5926
holders to submit materials documenting that the holder has 5927
completed the number of hours of continuing education as 5928
described in division (B) of this section or has passed a 5929
reexamination. 5930

(3) Division (D) (1) or (2) of this section does not limit 5931
the board's authority to conduct investigations pursuant to 5932
section 4731.22 of the Revised Code. 5933

(E) (1) If, through a random sample conducted under 5934
division (D) of this section or any other means, the board finds 5935
that an individual who certified passing the reexamination or 5936
completion of the number of hours and type of continuing 5937

education required to renew, reinstate, or restore a limited 5938
permit or license did not pass the reexamination or complete the 5939
requisite continuing education, the board may do either of the 5940
following: 5941

(a) Take disciplinary action against the individual under 5942
section 4761.09 of the Revised Code, impose a civil penalty, or 5943
both; 5944

(b) Permit the individual to agree in writing to pass the 5945
reexamination or complete the continuing education and pay a 5946
civil penalty. 5947

(2) The board's finding in any disciplinary action taken 5948
under division (E) (1) (a) of this section shall be made pursuant 5949
to an adjudication under Chapter 119. of the Revised Code and by 5950
an affirmative vote of not fewer than six of its members. 5951

(3) A civil penalty imposed under division (E) (1) (a) of 5952
this section or paid under division (E) (1) (b) of this section 5953
shall be in an amount specified by the board of not more than 5954
five thousand dollars. The board shall deposit civil penalties 5955
in accordance with section 4731.24 of the Revised Code. 5956

Sec. 4761.061. (A) This section applies to both of the 5957
following: 5958

(1) An applicant seeking restoration of a license issued 5959
under this chapter that has been in a suspended or inactive 5960
state for any cause for more than two years; 5961

(2) An applicant seeking issuance of a license pursuant to 5962
this chapter who for more than two years has not been engaged in 5963
the practice of respiratory care or advanced practice 5964
respiratory care as either of the following: 5965

(a) An active practitioner;	5966
(b) A student in an educational program as described in section 4761.04 <u>or 4761.30</u> of the Revised Code.	5967 5968
(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:	5969 5970 5971 5972 5973
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	5974 5975 5976
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	5977 5978
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care;	5979 5980 5981 5982 5983
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	5984 5985
(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;	5986 5987 5988 5989
(6) Restricting or limiting the extent, scope, or type of practice of the applicant.	5990 5991
The board shall consider the moral background and the activities of the applicant during the period of suspension or	5992 5993

inactivity. The board shall not issue or restore a license under 5994
this section unless the applicant complies with sections 4776.01 5995
to 4776.04 of the Revised Code. 5996

Sec. 4761.07. (A) The state medical board shall charge any 5997
license applicant or holder who is to take an examination 5998
required under division (A) (3) of section 4761.04 or a 5999
reexamination required under division (B) of section 4761.06 of 6000
the Revised Code for license renewal or under section 4761.09 of 6001
the Revised Code for license reinstatement, a nonrefundable 6002
examination fee, not to exceed the amount necessary to cover the 6003
expense of administering the examination. The license applicant 6004
or holder shall pay the fee at the time of application for 6005
licensure or renewal. 6006

(B) The board shall establish the following additional 6007
nonrefundable fees and penalty: 6008

(1) An initial license to practice respiratory care fee of 6009
seventy-five dollars; 6010

(2) A biennial license to practice respiratory care 6011
renewal fee of seventy-five dollars; 6012

(3) A limited permit fee of twenty dollars; 6013

(4) A limited permit renewal fee of ten dollars; 6014

(5) An initial license to practice respiratory care as an 6015
advanced practice respiratory therapist fee of one hundred fifty 6016
dollars; 6017

(6) A biennial license to practice respiratory care as an 6018
advanced practice respiratory therapist renewal fee of one 6019
hundred thirty-five dollars; 6020

(7) A duplicate license or limited permit fee of thirty- 6021

five dollars; 6022

~~(6)~~ (8) In the case of a person holding a license issued 6023
under this chapter, a license verification fee of fifty dollars. 6024

(C) Notwithstanding division (B) (4) of this section, after 6025
the third renewal of a limited permit that meets the exception 6026
in division (B) (3) of section 4761.05 of the Revised Code, the 6027
limited permit renewal fee shall be thirty-five dollars. 6028

(D) All fees received by the board shall be deposited into 6029
the state treasury to the credit of the state medical board 6030
operating fund pursuant to section 4731.24 of the Revised Code. 6031

Sec. 4761.09. (A) The state medical board, by an 6032
affirmative vote of not fewer than six members, shall, to the 6033
extent permitted by law, limit, revoke, or suspend an 6034
individual's license or limited permit, refuse to issue a 6035
license or limited permit to an individual, refuse to renew a 6036
license or limited permit, refuse to reinstate a license or 6037
limited permit, or reprimand or place on probation the holder of 6038
a license or limited permit for one or more of the following 6039
reasons: 6040

(1) A plea of guilty to, a judicial finding of guilt of, 6041
or a judicial finding of eligibility for intervention in lieu of 6042
conviction for, a felony; 6043

(2) Commission of an act that constitutes a felony in this 6044
state, regardless of the jurisdiction in which the act was 6045
committed; 6046

(3) A plea of guilty to, a judicial finding of guilt of, 6047
or a judicial finding of eligibility for intervention in lieu of 6048
conviction for, a misdemeanor committed in the course of 6049
practice; 6050

(4) Commission of an act in the course of practice that 6051
constitutes a misdemeanor in this state, regardless of the 6052
jurisdiction in which the act was committed; 6053

(5) A plea of guilty to, a judicial finding of guilt of, 6054
or a judicial finding of eligibility for intervention in lieu of 6055
conviction for, a misdemeanor involving moral turpitude; 6056

(6) Commission of an act involving moral turpitude that 6057
constitutes a misdemeanor in this state, regardless of the 6058
jurisdiction in which the act was committed; 6059

(7) Except when civil penalties are imposed under section 6060
4761.091 of the Revised Code, violating or attempting to 6061
violate, directly or indirectly, or assisting in or abetting the 6062
violation of, or conspiring to violate, any provision of this 6063
chapter or the rules adopted by the board; 6064

(8) Making a false, fraudulent, deceptive, or misleading 6065
statement in ~~the~~ soliciting or advertising for employment; in 6066
connection with any solicitation of or advertising for patients; 6067
in relation to the practice of respiratory care or advanced 6068
practice respiratory care; or in securing or attempting to 6069
secure any license or permit issued by the board under this 6070
chapter. 6071

As used in division (A) (8) of this section, "false, 6072
fraudulent, deceptive, or misleading statement" means a 6073
statement that includes a misrepresentation of fact, is likely 6074
to mislead or deceive because of a failure to disclose material 6075
facts, is intended or is likely to create false or unjustified 6076
expectations of favorable results, or includes representations 6077
or implications that in reasonable probability will cause an 6078
ordinarily prudent person to misunderstand or be deceived. 6079

- (9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;
- (10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;
- (11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care or advanced practice respiratory care;
- (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;
- (13) Violation of the conditions of limitation placed by the board upon a license or permit;
- (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;
- (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other

reprimand; 6109

(16) The revocation, suspension, restriction, reduction, 6110
or termination of practice privileges by the United States 6111
department of defense or department of veterans affairs; 6112

(17) Termination or suspension from participation in the 6113
medicare or medicaid programs by the department of health and 6114
human services or other responsible agency for any act or acts 6115
that also would constitute a violation of division (A) (10), 6116
(12), or (14) of this section; 6117

(18) Impairment of ability to practice according to 6118
acceptable and prevailing standards of care because of habitual 6119
or excessive use or abuse of drugs, alcohol, or other substances 6120
that impair ability to practice; 6121

(19) Failure to cooperate in an investigation conducted by 6122
the board under division (E) of section 4761.03 of the Revised 6123
Code, including failure to comply with a subpoena or order 6124
issued by the board or failure to answer truthfully a question 6125
presented by the board in an investigative interview, an 6126
investigative office conference, at a deposition, or in written 6127
interrogatories, except that failure to cooperate with an 6128
investigation shall not constitute grounds for discipline under 6129
this section if a court of competent jurisdiction has issued an 6130
order that either quashes a subpoena or permits the individual 6131
to withhold the testimony or evidence in issue; 6132

(20) Practicing in an area of respiratory care or advanced 6133
practice respiratory care for which the person is clearly 6134
untrained or incompetent or practicing in a manner that 6135
conflicts with section 4761.17 or 4761.36 of the Revised Code; 6136

(21) Employing, directing, or supervising a person who is 6137

not authorized to practice respiratory care under this chapter 6138
in the performance of respiratory care procedures; 6139

(22) Misrepresenting educational attainments or authorized 6140
functions for the purpose of obtaining some benefit related to 6141
the practice of respiratory care or advanced practice 6142
respiratory care; 6143

(23) Assisting suicide, as defined in section 3795.01 of 6144
the Revised Code; 6145

(24) Representing, with the purpose of obtaining 6146
compensation or other advantage as personal gain or for any 6147
other person, that an incurable disease or injury, or other 6148
incurable condition, can be permanently cured; 6149

(25) Failure to comply with the requirements of this 6150
chapter, Chapter 4731. of the Revised Code, or any rules adopted 6151
by the board; 6152

(26) Violating or attempting to violate, directly or 6153
indirectly, or assisting in or abetting the violation of, or 6154
conspiring to violate, any provision of this chapter, Chapter 6155
4731. of the Revised Code, or the rules adopted by the board; 6156

(27) Failure to practice in accordance with the 6157
supervising physician's supervision agreement with the advanced 6158
practice respiratory therapist, including, if applicable, the 6159
policies of the health care facility in which the supervising 6160
physician and advanced practice respiratory therapist are 6161
practicing; 6162

(28) Administering drugs for purposes other than those 6163
authorized under this chapter; 6164

(29) A plea of guilty to, a judicial finding of guilt of, 6165

or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 6166
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(30) Willfully betraying a professional confidence; 6170

(31) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 6171
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(32) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 6174
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(33) Failure to comply with section 4761.442 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 6176
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(34) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 6180
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(35) Having the individual's qualification to practice advanced practice respiratory care from an organization that is recognized by the board expire, lapse, or otherwise fail to be active. 6184
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Disciplinary actions taken by the board under division (A) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of 6188
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the board, shall constitute the findings and order of the board 6195
with respect to the matter addressed in the agreement. If the 6196
board refuses to ratify a consent agreement, the admissions and 6197
findings contained in the consent agreement shall be of no 6198
effect. 6199

A telephone conference call may be utilized for 6200
ratification of a consent agreement that revokes or suspends an 6201
individual's license or permit. The telephone conference call 6202
shall be considered a special meeting under division (F) of 6203
section 121.22 of the Revised Code. 6204

(B) Any action taken by the board under division (A) of 6205
this section resulting in a suspension from practice shall be 6206
accompanied by a written statement of the conditions under which 6207
the individual's license or permit may be reinstated. The board 6208
shall adopt rules governing conditions to be imposed for 6209
reinstatement. Reinstatement of a license or permit suspended 6210
pursuant to division (A) of this section requires an affirmative 6211
vote of not fewer than six members of the board. 6212

(C) When the board refuses to grant or issue a license or 6213
permit to an applicant, revokes an individual's license or 6214
permit, refuses to renew an individual's license or permit, or 6215
refuses to reinstate an individual's license or permit, the 6216
board may specify that its action is permanent. An individual 6217
subject to a permanent action taken by the board is forever 6218
thereafter ineligible to hold a license or permit and the board 6219
shall not accept an application for reinstatement of the license 6220
or permit or for issuance of a new license or permit. 6221

(D) If the board is required by Chapter 119. of the 6222
Revised Code to give notice of an opportunity for a hearing and 6223
if the individual subject to the notice does not timely request 6224

a hearing in accordance with section 119.07 of the Revised Code, 6225
the board is not required to hold a hearing, but may adopt, by 6226
an affirmative vote of not fewer than six of its members, a 6227
final order that contains the board's findings. In the final 6228
order, the board may order any of the sanctions identified under 6229
division (A) of this section. 6230

(E) In enforcing division (A)(14) of this section, the 6231
board, upon a showing of a possible violation, may compel any 6232
individual authorized to practice by this chapter or who has 6233
submitted an application pursuant to this chapter to submit to a 6234
mental examination, physical examination, including an HIV test, 6235
or both a mental and a physical examination. The expense of the 6236
examination is the responsibility of the individual compelled to 6237
be examined. Failure to submit to a mental or physical 6238
examination or consent to an HIV test ordered by the board 6239
constitutes an admission of the allegations against the 6240
individual unless the failure is due to circumstances beyond the 6241
individual's control, and a default and final order may be 6242
entered without the taking of testimony or presentation of 6243
evidence. If the board finds an individual unable to practice 6244
because of the reasons set forth in division (A)(14) of this 6245
section, the board shall require the individual to submit to 6246
care, counseling, or treatment by physicians approved or 6247
designated by the board, as a condition for initial, continued, 6248
reinstated, or renewed authority to practice. An individual 6249
affected under this division shall be afforded an opportunity to 6250
demonstrate to the board the ability to resume practice in 6251
compliance with acceptable and prevailing standards under the 6252
provisions of the individual's license or permit. For the 6253
purpose of division (A)(14) of this section, any individual who 6254
applies for or receives a license or permit to practice under 6255

this chapter accepts the privilege of practicing in this state 6256
and, by so doing, shall be deemed to have given consent to 6257
submit to a mental or physical examination when directed to do 6258
so in writing by the board, and to have waived all objections to 6259
the admissibility of testimony or examination reports that 6260
constitute a privileged communication. 6261

(F) For the purposes of division (A) (18) of this section, 6262
any individual authorized to practice by this chapter accepts 6263
the privilege of practicing in this state subject to supervision 6264
by the board. By filing an application for or holding a license 6265
or permit under this chapter, an individual shall be deemed to 6266
have given consent to submit to a mental or physical examination 6267
when ordered to do so by the board in writing, and to have 6268
waived all objections to the admissibility of testimony or 6269
examination reports that constitute privileged communications. 6270

If it has reason to believe that any individual authorized 6271
to practice by this chapter or any applicant for a license or 6272
permit suffers such impairment, the board may compel the 6273
individual to submit to a mental or physical examination, or 6274
both. The expense of the examination is the responsibility of 6275
the individual compelled to be examined. Any mental or physical 6276
examination required under this division shall be undertaken by 6277
a treatment provider or physician who is qualified to conduct 6278
the examination and who is chosen by the board. 6279

Failure to submit to a mental or physical examination 6280
ordered by the board constitutes an admission of the allegations 6281
against the individual unless the failure is due to 6282
circumstances beyond the individual's control, and a default and 6283
final order may be entered without the taking of testimony or 6284
presentation of evidence. If the board determines that the 6285

individual's ability to practice is impaired, the board shall 6286
suspend the individual's license or permit or deny the 6287
individual's application and shall require the individual, as a 6288
condition for an initial, continued, reinstated, or renewed 6289
license or permit, to submit to treatment. 6290

Before being eligible to apply for reinstatement of a 6291
license or permit suspended under this division, the impaired 6292
practitioner shall demonstrate to the board the ability to 6293
resume practice in compliance with acceptable and prevailing 6294
standards of care under the provisions of the practitioner's 6295
license or permit. The demonstration shall include, but shall 6296
not be limited to, the following: 6297

(1) Certification from a treatment provider approved under 6298
section 4731.25 of the Revised Code that the individual has 6299
successfully completed any required inpatient treatment; 6300

(2) Evidence of continuing full compliance with an 6301
aftercare contract or consent agreement; 6302

(3) Two written reports indicating that the individual's 6303
ability to practice has been assessed and that the individual 6304
has been found capable of practicing according to acceptable and 6305
prevailing standards of care. The reports shall be made by 6306
individuals or providers approved by the board for making the 6307
assessments and shall describe the basis for their 6308
determination. 6309

The board may reinstate a license or permit suspended 6310
under this division after that demonstration and after the 6311
individual has entered into a written consent agreement. 6312

When the impaired practitioner resumes practice, the board 6313
shall require continued monitoring of the individual. The 6314

monitoring shall include, but not be limited to, compliance with 6315
the written consent agreement entered into before reinstatement 6316
or with conditions imposed by board order after a hearing, and, 6317
upon termination of the consent agreement, submission to the 6318
board for at least two years of annual written progress reports 6319
made under penalty of perjury stating whether the individual has 6320
maintained sobriety. 6321

(G) If the secretary and supervising member determine both 6322
of the following, they may recommend that the board suspend an 6323
individual's license or permit without a prior hearing: 6324

(1) That there is clear and convincing evidence that an 6325
individual has violated division (A) of this section; 6326

(2) That the individual's continued practice presents a 6327
danger of immediate and serious harm to the public. 6328

Written allegations shall be prepared for consideration by 6329
the board. The board, upon review of those allegations and by an 6330
affirmative vote of not fewer than six of its members, excluding 6331
the secretary and supervising member, may suspend a license or 6332
permit without a prior hearing. A telephone conference call may 6333
be utilized for reviewing the allegations and taking the vote on 6334
the summary suspension. 6335

The board shall issue a written order of suspension by 6336
certified mail or in person in accordance with section 119.07 of 6337
the Revised Code. The order shall not be subject to suspension 6338
by the court during pendency of any appeal filed under section 6339
119.12 of the Revised Code. If the individual subject to the 6340
summary suspension requests an adjudicatory hearing by the 6341
board, the date set for the hearing shall be within fifteen 6342
days, but not earlier than seven days, after the individual 6343

requests the hearing, unless otherwise agreed to by both the 6344
board and the individual. 6345

Any summary suspension imposed under this division shall 6346
remain in effect, unless reversed on appeal, until a final 6347
adjudicative order issued by the board pursuant to this section 6348
and Chapter 119. of the Revised Code becomes effective. The 6349
board shall issue its final adjudicative order within seventy- 6350
five days after completion of its hearing. A failure to issue 6351
the order within seventy-five days shall result in dissolution 6352
of the summary suspension order but shall not invalidate any 6353
subsequent, final adjudicative order. 6354

(H) For purposes of divisions (A) (2), (4), and (6) of this 6355
section, the commission of the act may be established by a 6356
finding by the board, pursuant to an adjudication under Chapter 6357
119. of the Revised Code, that the individual committed the act. 6358
The board does not have jurisdiction under those divisions if 6359
the trial court renders a final judgment in the individual's 6360
favor and that judgment is based upon an adjudication on the 6361
merits. The board has jurisdiction under those divisions if the 6362
trial court issues an order of dismissal upon technical or 6363
procedural grounds. 6364

(I) The sealing of conviction records by any court shall 6365
have no effect upon a prior board order entered under this 6366
section or upon the board's jurisdiction to take action under 6367
this section if, based upon a plea of guilty, a judicial finding 6368
of guilt, or a judicial finding of eligibility for intervention 6369
in lieu of conviction, the board issued a notice of opportunity 6370
for a hearing prior to the court's order to seal the records. 6371
The board shall not be required to seal, destroy, redact, or 6372
otherwise modify its records to reflect the court's sealing of 6373

conviction records. 6374

(J) If the board takes action under division (A) (1), (3), 6375
or (5) of this section, and the judicial finding of guilt, 6376
guilty plea, or judicial finding of eligibility for intervention 6377
in lieu of conviction is overturned on appeal, upon exhaustion 6378
of the criminal appeal, a petition for reconsideration of the 6379
order may be filed with the board along with appropriate court 6380
documents. Upon receipt of a petition for reconsideration and 6381
supporting court documents, the board shall reinstate the 6382
individual's license or permit. The board may then hold an 6383
adjudication under Chapter 119. of the Revised Code to determine 6384
whether the individual committed the act in question. Notice of 6385
an opportunity for a hearing shall be given in accordance with 6386
Chapter 119. of the Revised Code. If the board finds, pursuant 6387
to an adjudication held under this division, that the individual 6388
committed the act or if no hearing is requested, the board may 6389
order any of the sanctions identified under division (A) of this 6390
section. 6391

(K) The license or permit issued to an individual under 6392
this chapter and the individual's practice in this state are 6393
automatically suspended as of the date the individual pleads 6394
guilty to, is found by a judge or jury to be guilty of, or is 6395
subject to a judicial finding of eligibility for intervention in 6396
lieu of conviction in this state or treatment or intervention in 6397
lieu of conviction in another jurisdiction for any of the 6398
following criminal offenses in this state or a substantially 6399
equivalent criminal offense in another jurisdiction: aggravated 6400
murder, murder, voluntary manslaughter, felonious assault, 6401
kidnapping, rape, sexual battery, gross sexual imposition, 6402
aggravated arson, aggravated robbery, or aggravated burglary. 6403
Continued practice after suspension shall be considered 6404

practicing without a license or permit. 6405

The board shall notify the individual subject to the 6406
suspension by certified mail or in person in accordance with 6407
section 119.07 of the Revised Code. If an individual whose 6408
license or permit is automatically suspended under this division 6409
fails to make a timely request for an adjudication under Chapter 6410
119. of the Revised Code, the board shall enter a final order 6411
permanently revoking the individual's license or permit. 6412

(L) Notwithstanding any other provision of the Revised 6413
Code, all of the following apply: 6414

(1) The surrender of a license or permit issued under this 6415
chapter shall not be effective unless or until accepted by the 6416
board. A telephone conference call may be utilized for 6417
acceptance of the surrender of an individual's license or 6418
permit. The telephone conference call shall be considered a 6419
special meeting under division (F) of section 121.22 of the 6420
Revised Code. Reinstatement of a license or permit surrendered 6421
to the board requires an affirmative vote of not fewer than six 6422
members of the board. 6423

(2) An application for a license or permit made under the 6424
provisions of this chapter may not be withdrawn without approval 6425
of the board. 6426

(3) Failure by an individual to renew a license or permit 6427
in accordance with this chapter shall not remove or limit the 6428
board's jurisdiction to take any disciplinary action under this 6429
section against the individual. 6430

(4) At the request of the board, a license or permit 6431
holder shall immediately surrender to the board a license or 6432
permit that the board has suspended, revoked, or permanently 6433

revoked. 6434

Sec. 4761.13. (A) As used in this section, "prosecutor" 6435
has the same meaning as in section 2935.01 of the Revised Code. 6436

(B) The prosecutor in any case against any respiratory 6437
care professional, advanced practice respiratory therapist, or 6438
~~an~~ individual holding a limited permit issued under this chapter 6439
shall promptly notify the state medical board of any of the 6440
following: 6441

(1) A plea of guilty to, or a finding of guilt by a jury 6442
or court of, a felony, or a case in which the trial court issues 6443
an order of dismissal upon technical or procedural grounds of a 6444
felony charge; 6445

(2) A plea of guilty to, or a finding of guilt by a jury 6446
or court of, a misdemeanor committed in the course of practice, 6447
or a case in which the trial court issues an order of dismissal 6448
upon technical or procedural grounds of a charge of a 6449
misdemeanor, if the alleged act was committed in the course of 6450
practice; 6451

(3) A plea of guilty to, or a finding of guilt by a jury 6452
or court of, a misdemeanor involving moral turpitude, or a case 6453
in which the trial court issues an order of dismissal upon 6454
technical or procedural grounds of a charge of a misdemeanor 6455
involving moral turpitude. 6456

(C) The report shall include the name and address of the 6457
respiratory care professional, advanced practice respiratory 6458
therapist, or person holding a limited permit, the nature of the 6459
offense for which the action was taken, and the certified court 6460
documents recording the action. The board may prescribe and 6461
provide forms for prosecutors to make reports under this 6462

section. The form may be the same as the form required to be 6463
provided under section 2929.42 of the Revised Code. 6464

Sec. 4761.14. An employer that disciplines or terminates 6465
the employment of a respiratory care professional, advanced 6466
practice respiratory therapist, or individual holding a limited 6467
permit issued under this chapter because of conduct that would 6468
be grounds for disciplinary action under section 4761.09 of the 6469
Revised Code shall, not later than sixty days after the 6470
discipline or termination, report the action to the state 6471
medical board. The report shall state the name of the 6472
respiratory care professional, advanced practice respiratory 6473
therapist, or individual holding the limited permit and the 6474
reason the employer took the action. If an employer fails to 6475
report to the board, the board may seek an order from the 6476
Franklin county court of common pleas, or any other court of 6477
competent jurisdiction, compelling submission of the report. 6478

Sec. 4761.17. All of the following apply to the practice 6479
of respiratory care by a person who holds a license or limited 6480
permit issued under this chapter: 6481

(A) The person shall practice only pursuant to a 6482
prescription or other order for respiratory care issued by any 6483
of the following: 6484

(1) A physician; 6485

(2) A clinical nurse specialist, certified nurse-midwife, 6486
or certified nurse practitioner who holds a current, valid 6487
license issued under Chapter 4723. of the Revised Code to 6488
practice nursing as an advanced practice registered nurse and 6489
has entered into a standard care arrangement with a physician; 6490

(3) A certified registered nurse anesthetist who holds a 6491

current, valid license issued under Chapter 4723. of the Revised 6492
Code to practice nursing as an advanced practice registered 6493
nurse and acts in compliance with sections 4723.43, 4723.433, 6494
and 4723.434 of the Revised Code; 6495

(4) A physician assistant who holds a valid prescriber 6496
number issued by the state medical board, has been granted 6497
physician-delegated prescriptive authority, and has entered into 6498
a supervision agreement that allows the physician assistant to 6499
prescribe or order respiratory care services; 6500

(5) An advanced practice respiratory therapist who has 6501
been granted physician-delegated prescriptive authority and has 6502
entered into a supervision agreement that allows the advanced 6503
practice respiratory therapist to prescribe and order 6504
respiratory care services. 6505

(B) The person shall practice only under the supervision 6506
of any of the following: 6507

(1) A physician; 6508

(2) A certified nurse practitioner, certified nurse- 6509
midwife, or clinical nurse specialist; 6510

(3) A physician assistant who is authorized to prescribe 6511
or order respiratory care services as provided in division (A) 6512
(4) of this section; 6513

(4) An advanced practice respiratory therapist who is 6514
authorized to prescribe or order respiratory care services as 6515
provided in division (A) (5) of this section. 6516

(C) (1) When practicing under the prescription or order of 6517
a certified nurse practitioner, certified nurse midwife, or 6518
clinical nurse specialist or under the supervision of such a 6519

nurse, the person's administration of medication that requires a prescription is limited to the drugs that the nurse is authorized to prescribe pursuant to section 4723.481 of the Revised Code.

(2) When practicing under the order of a certified registered nurse anesthetist, the person's administration of medication is limited to the drugs that the nurse is authorized to order or direct the person to administer, as provided in sections 4723.43, 4723.433, and 4723.434 of the Revised Code.

(3) When practicing under the prescription or order of a physician assistant or under the supervision of a physician assistant, the person's administration of medication that requires a prescription is limited to the drugs that the physician assistant is authorized to prescribe pursuant to the physician assistant's physician-delegated prescriptive authority.

(4) When practicing under the prescription or order of an advanced practice respiratory therapist or under the supervision of an advanced practice respiratory therapist, the person's administration of medication that requires a prescription is limited to the drugs that an advanced practice respiratory therapist is authorized to prescribe pursuant to the advanced practice respiratory therapist's physician-delegated prescriptive authority.

Sec. 4761.20. If the state medical board has reason to believe that any person who has been granted a license or limited permit under this chapter is mentally ill or mentally incompetent, it may file in the probate court of the county in which such person has a legal residence an affidavit in the form prescribed in section 5122.11 of the Revised Code and signed by

the board secretary or a member of the secretary's staff, 6550
whereupon the same proceedings shall be had as provided in 6551
Chapter 5122. of the Revised Code. The attorney general may 6552
represent the board in any proceeding commenced under this 6553
section. 6554

If the license holder or limited permit holder is adjudged 6555
by a probate court to be mentally ill or mentally incompetent, 6556
the individual's license or limited permit shall be 6557
automatically suspended until the individual has filed with the 6558
board a certified copy of an adjudication by a probate court of 6559
being restored to competency or has submitted to the board 6560
proof, satisfactory to the board, of having been discharged as 6561
being restored to competency in the manner and form provided in 6562
section 5122.38 of the Revised Code. The judge of the court 6563
shall immediately notify the board of an adjudication of 6564
incompetence and note any suspension of a license in the margin 6565
of the court's record of the license. 6566

Sec. 4761.21. In the absence of fraud or bad faith, the 6567
state medical board, the board's respiratory care advisory 6568
council, a current or former board or council member, an agent 6569
of the board or council, a person formally requested by the 6570
board to be the board's representative or by the council to be 6571
the council's representative, or an employee of the board or 6572
council shall not be held liable in damages to any person as the 6573
result of any act, omission, proceeding, conduct, or decision 6574
related to official duties undertaken or performed pursuant to 6575
this chapter. If any such person requests to be defended by the 6576
state against any claim or action arising out of any act, 6577
omission, proceeding, conduct, or decision related to the 6578
person's official duties, and if the request is made in writing 6579
at a reasonable time before trial and the person requesting 6580

defense cooperates in good faith in the defense of the claim or 6581
action, the state shall provide and pay for the person's defense 6582
and shall pay any resulting judgment, compromise, or settlement. 6583
At no time shall the state pay any part of a claim or judgment 6584
that is for punitive or exemplary damages. 6585

Sec. 4761.30. An individual seeking a license to practice 6586
as an advanced practice respiratory therapist shall file with 6587
the state medical board a written application on a form 6588
prescribed and supplied by the board. To be eligible for 6589
licensure as an advanced practice respiratory therapist, the 6590
individual's application must show, to the satisfaction of the 6591
board, all of the following: 6592

(A) That the individual is of good moral character; 6593

(B) That the individual has been issued a license to 6594
practice respiratory care under section 4761.05 of the Revised 6595
Code; 6596

(C) That the individual has successfully completed the 6597
requirements of a master's or doctoral educational program 6598
approved by the board that includes instruction in the 6599
pathophysiology, symptomatology, differential diagnosis, disease 6600
management including the use and prescription of pharmacologic 6601
and nonpharmacologic interventions, health promotion and disease 6602
prevention of cardiovascular and cardiopulmonary disease; 6603

(D) That the individual has passed an examination approved 6604
under rules adopted by the board that tests the applicant's 6605
knowledge of the biomedical and clinical sciences relating to 6606
advanced respiratory therapy theory and practice, professional 6607
skills and assessment, management and follow-up for 6608
cardiovascular and cardiopulmonary disease, and such other 6609

subjects as the board considers useful in determining fitness to 6610
practice; 6611

(E) That the individual holds an active qualification to 6612
practice advanced practice respiratory care from an organization 6613
that is recognized by the board. 6614

Sec. 4761.301. An advanced practice respiratory therapist 6615
who fails to maintain an active qualification to practice 6616
advanced practice respiratory care from an organization that is 6617
recognized by the state medical board shall notify the board not 6618
later than fourteen days after the qualification is no longer 6619
active. 6620

Sec. 4761.31. (A) The state medical board shall review 6621
each application for a license to practice as an advanced 6622
practice respiratory therapist received under section 4761.30 of 6623
the Revised Code. Not later than sixty days after receiving a 6624
complete application, the board shall determine whether the 6625
applicant meets the requirements to receive the license, as 6626
specified in section 4761.30 of the Revised Code. 6627

(B) If the board determines that an applicant meets the 6628
requirements to receive the license, the secretary of the board 6629
shall register the applicant as an advanced practice respiratory 6630
therapist and issue to the applicant a license to practice as an 6631
advanced practice respiratory therapist. 6632

Sec. 4761.32. (A) A license to practice as an advanced 6633
practice respiratory therapist shall be valid for a two-year 6634
period unless revoked or suspended. The license shall expire on 6635
the date that is two years after the date of issuance and may be 6636
renewed for additional two-year periods in accordance with this 6637
section. A person seeking to renew a license shall apply to the 6638

state medical board for renewal prior to the license's 6639
expiration date. The board shall provide renewal notices to 6640
license holders at least one month prior to the expiration date. 6641

Applications shall be submitted to the board in a manner 6642
prescribed by the board. Each application shall be accompanied 6643
by a biennial renewal fee of one hundred thirty-five dollars. 6644
The board shall deposit the fees in accordance with section 6645
4731.24 of the Revised Code. 6646

The applicant shall report any criminal offense that 6647
constitutes grounds for refusing to issue a license to practice 6648
under section 4761.09 of the Revised Code to which the applicant 6649
has pleaded guilty, of which the applicant has been found 6650
guilty, or for which the applicant has been found eligible for 6651
intervention in lieu of conviction, since last signing an 6652
application for a license to practice as an advanced practice 6653
respiratory therapist. 6654

(B) To be eligible for renewal of a license, an applicant 6655
is subject to both of the following: 6656

(1) The applicant must certify to the board that the 6657
applicant has maintained an active qualification to practice 6658
advanced practice respiratory care from an organization that is 6659
recognized by the board. 6660

(2) The applicant must comply with the renewal eligibility 6661
requirements established under section 4761.48 of the Revised 6662
Code that pertain to the applicant. 6663

(C) If an applicant submits a complete renewal application 6664
and qualifies for renewal pursuant to division (B) of this 6665
section, the board shall issue to the applicant a renewed 6666
license to practice as an advanced practice respiratory 6667

therapist. 6668

Completion of the continuing education required for an 6669
advanced practice respiratory therapist to maintain an active 6670
qualification to practice advanced practice respiratory care 6671
from an organization that is recognized by the board shall 6672
constitute satisfactory completion of continuing education or 6673
reexamination requirements for renewal of a license to practice 6674
respiratory care as set forth in division (B) of section 4761.06 6675
of the Revised Code. 6676

(D) The board may require a random sample of advanced 6677
practice respiratory therapists to submit materials documenting 6678
both of the following: 6679

(1) Maintenance of an active qualification to practice 6680
advanced practice respiratory care from an organization that is 6681
recognized by the board. 6682

(2) Completion of the continuing education in pharmacology 6683
required by section 4761.48 of the Revised Code. 6684

Division (D) of this section does not limit the board's 6685
authority to conduct investigations pursuant to section 4761.09 6686
of the Revised Code. 6687

(E) (1) A license to practice that is not renewed on or 6688
before its expiration date is automatically suspended on its 6689
expiration date. Continued practice after suspension of the 6690
license shall be considered as practicing in violation of 6691
section 4761.33 of the Revised Code. 6692

(2) If an advanced practice respiratory therapist's 6693
license to practice as a respiratory care professional is 6694
classified as inactive for any cause, the advanced practice 6695
respiratory therapist's license to practice respiratory care as 6696

an advanced practice respiratory therapist is automatically 6697
classified as inactive while the license to practice as a 6698
respiratory care professional remains inactive. If either 6699
license held by an advanced practice respiratory therapist is 6700
revoked under this chapter, the other license is automatically 6701
revoked. If either license is suspended under this chapter, 6702
including for failure to renew under this section or section 6703
4761.06 of the Revised Code, the other license is automatically 6704
suspended while the suspension remains in effect. 6705

(F) If a license has been suspended pursuant to division 6706
(E) of this section for two years or less, it may be reinstated. 6707
The board shall reinstate a license suspended for failure to 6708
renew upon an applicant's submission of a renewal application, 6709
the biennial renewal fee, and any applicable monetary penalty. 6710

If a license has been suspended pursuant to division (E) 6711
of this section for more than two years, it may be restored. In 6712
accordance with section 4761.061 of the Revised Code, the board 6713
may restore a license suspended for failure to renew upon an 6714
applicant's submission of a restoration application, the 6715
biennial renewal fee, and any applicable monetary penalty, and 6716
compliance with sections 4776.01 to 4776.04 of the Revised Code. 6717
The board shall not restore to an applicant a license to 6718
practice as an advanced practice respiratory therapist unless 6719
the board, in its discretion, decides that the results of the 6720
criminal records check do not make the applicant ineligible for 6721
a license issued pursuant to section 4761.31 of the Revised 6722
Code. 6723

The penalty for reinstatement shall be fifty dollars and 6724
the penalty for restoration shall be one hundred dollars. The 6725
board shall deposit penalties in accordance with section 4731.24 6726

of the Revised Code. 6727

(G) (1) If, through a random sample conducted under 6728
division (D) of this section or any other means, the board finds 6729
that an individual who certified maintenance of an active 6730
qualification or completion of continuing education in 6731
pharmacology required to renew, reinstate, or restore a license 6732
to practice did not complete the requisite maintenance or 6733
continuing education, the board may do either of the following: 6734

(a) Take disciplinary action against the individual under 6735
section 4761.09 of the Revised Code, impose a civil penalty, or 6736
both; 6737

(b) Permit the individual to agree in writing to re- 6738
establish an active qualification or complete the continuing 6739
education and pay a civil penalty. 6740

(2) The board's finding in any disciplinary action taken 6741
under division (G) (1) (a) of this section shall be made pursuant 6742
to an adjudication under Chapter 119. of the Revised Code and by 6743
an affirmative vote of not fewer than six of its members. 6744

(3) A civil penalty imposed under division (G) (1) (a) of 6745
this section or paid under division (G) (1) (b) of this section 6746
shall be in an amount specified by the board of not more than 6747
five thousand dollars. The board shall deposit civil penalties 6748
in accordance with section 4731.24 of the Revised Code. 6749

Sec. 4761.33. (A) No person shall hold that person out as 6750
being able to function as an advanced practice respiratory 6751
therapist, or use any words or letters indicating or implying 6752
that the person is an advanced practice respiratory therapist, 6753
without a current, valid license to practice as an advanced 6754
practice respiratory therapist issued under this chapter. 6755

(B) No person shall practice as an advanced practice respiratory therapist without the supervision, control, and direction of a physician. 6756
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6758

(C) No person shall practice as an advanced practice respiratory therapist without having entered into a supervision agreement with a supervising physician under section 4761.37 of the Revised Code. 6759
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(D) No person acting as the supervising physician of an advanced practice respiratory therapist shall authorize the advanced practice respiratory therapist to perform services if either of the following is the case: 6763
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(1) The services are not within the physician's normal course of practice and expertise; 6767
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(2) The services are inconsistent with the supervision agreement under which the advanced practice respiratory therapist is being supervised, including, if applicable, the policies of the health care facility in which the physician and the advanced practice respiratory therapist are practicing. 6769
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(E) No person practicing as an advanced practice respiratory therapist shall prescribe any drug or device to perform or induce an abortion, or otherwise perform or induce an abortion. 6774
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(F) No person shall advertise to provide services as an advanced practice respiratory therapist, except for the purpose of seeking employment. 6778
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(G) No person practicing as an advanced practice respiratory therapist shall fail to wear at all times when on duty a placard, plate, or other device identifying that person as an advanced practice respiratory therapist. 6781
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(H) Division (A) of this section does not apply to a 6785
person who meets all of the following conditions: 6786

(1) The person holds in good standing a valid license or 6787
other form of authority to practice as an advanced practice 6788
respiratory therapist issued by another state. 6789

(2) The person is practicing as a volunteer without 6790
remuneration during a charitable event that lasts not more than 6791
seven days. 6792

(3) The medical care provided by the person will be 6793
supervised by the medical director of the charitable event or by 6794
another physician. 6795

When a person meets the conditions of this division, the 6796
person shall be deemed to hold, during the course of the 6797
charitable event, a license to practice as an advanced practice 6798
respiratory therapist from the state medical board and shall be 6799
subject to the provisions of this chapter authorizing the board 6800
to take disciplinary action against a license holder. Not less 6801
than seven calendar days before the first day of the charitable 6802
event, the person or the event's organizer shall notify the 6803
board of the person's intent to practice as an advanced practice 6804
respiratory therapist at the event. During the course of the 6805
charitable event, the person's scope of practice is limited to 6806
the procedures that an advanced practice respiratory therapist 6807
licensed under this chapter is authorized to perform unless the 6808
person's scope of practice in the other state is more 6809
restrictive than in this state. If the latter is the case, the 6810
person's scope of practice is limited to the procedures that an 6811
advanced practice respiratory therapist in the other state may 6812
perform. 6813

Sec. 4761.34. Nothing in this chapter shall: 6814

(A) Be construed to affect or interfere with the 6815
performance of duties of any medical personnel who are either of 6816
the following: 6817

(1) In active service in the army, navy, coast guard, 6818
marine corps, air force, public health service, or marine 6819
hospital service of the United States while so serving; 6820

(2) Employed by the veterans administration of the United 6821
States while so employed. 6822

(B) Prevent any person from performing any of the services 6823
an advanced practice respiratory therapist may be authorized to 6824
perform, if the person's professional scope of practice 6825
established under any other chapter of the Revised Code 6826
authorizes the person to perform the services; 6827

(C) Prohibit a physician from delegating responsibilities 6828
to any nurse or other qualified person who does not hold a 6829
license to practice as an advanced practice respiratory 6830
therapist, provided that the individual does not hold the 6831
individual out to be an advanced practice respiratory therapist; 6832

(D) Be construed as authorizing an advanced practice 6833
respiratory therapist independently to order or direct the 6834
execution of procedures or techniques by a registered nurse or 6835
licensed practical nurse in the care and treatment of a person 6836
in any setting, except to the extent that an advanced practice 6837
respiratory therapist is authorized to do so by a physician who 6838
is responsible for supervising the advanced practice respiratory 6839
therapist and, if applicable, the policies of the health care 6840
facility in which the advanced practice respiratory therapist is 6841
practicing; 6842

(E) Be construed as authorizing an advanced practice 6843
respiratory therapist to prescribe any drug or device to perform 6844
or induce an abortion, or as otherwise authorizing an advanced 6845
practice respiratory therapist to perform or induce an abortion. 6846

Sec. 4761.35. (A) As used in this section: 6847

(1) "Disaster" means any imminent threat or actual 6848
occurrence of widespread or severe damage to or loss of 6849
property, personal hardship or injury, or loss of life that 6850
results from any natural phenomenon or act of a human. 6851

(2) "Emergency" means an occurrence or event that poses an 6852
imminent threat to the health or life of a human. 6853

(B) Nothing in this chapter prohibits any of the following 6854
individuals from providing medical care, to the extent the 6855
individual is able, in response to a need for medical care 6856
precipitated by a disaster or emergency: 6857

(1) An individual who holds a license to practice as an 6858
advanced practice respiratory therapist issued under this 6859
chapter; 6860

(2) An individual licensed or authorized to practice as an 6861
advanced practice respiratory therapist in another state; 6862

(3) An individual employed as an advanced practice 6863
respiratory therapist by an agency, office, or other 6864
instrumentality of the federal government. 6865

(C) For purposes of the medical care provided by an 6866
advanced practice respiratory therapist pursuant to division (B) 6867
(1) of this section, both of the following apply notwithstanding 6868
any supervision requirement of this chapter to the contrary: 6869

(1) The physician who supervises the advanced practice 6870

respiratory therapist pursuant to a supervision agreement 6871
entered into under section 4761.37 of the Revised Code is not 6872
required to meet the supervision requirements established under 6873
this chapter. 6874

(2) The physician designated as the medical director of 6875
the disaster or emergency may supervise the medical care 6876
provided by the advanced practice respiratory therapist. 6877

Sec. 4761.36. (A) A license to practice as an advanced 6878
practice respiratory therapist issued under this chapter 6879
authorizes the holder to practice as an advanced practice 6880
respiratory therapist as follows: 6881

(1) The advanced practice respiratory therapist shall 6882
practice only under the supervision, control, and direction of a 6883
physician with whom the advanced practice respiratory therapist 6884
has entered into a supervision agreement under section 4761.37 6885
of the Revised Code. 6886

(2) The advanced practice respiratory therapist shall 6887
practice in accordance with the supervision agreement entered 6888
into with the physician who is responsible for supervising the 6889
advanced practice respiratory therapist, including, if 6890
applicable, the policies of the health care facility in which 6891
the advanced practice respiratory therapist is practicing. 6892

(B) The state medical board may, subject to division (H) 6893
of section 4761.032 of the Revised Code, adopt rules designating 6894
facilities to be included as health care facilities that are in 6895
addition to the facilities specified in divisions (K) (1) and (2) 6896
of section 4761.01 of the Revised Code. Any rules adopted shall 6897
be adopted in accordance with Chapter 119. of the Revised Code. 6898

Sec. 4761.37. (A) Before initiating supervision of one or 6899

more advanced practice respiratory therapists licensed under 6900
this chapter, a physician shall enter into a supervision 6901
agreement with each advanced practice respiratory therapist who 6902
will be supervised. A supervision agreement may apply to one or 6903
more advanced practice respiratory therapists but, except as 6904
provided in division (B)(2)(e) of this section, may apply to not 6905
more than one physician. The supervision agreement shall specify 6906
that the physician agrees to supervise the advanced practice 6907
respiratory therapist and the advanced practice respiratory 6908
therapist agrees to practice under that physician's supervision. 6909

The agreement shall clearly state that the supervising 6910
physician is legally responsible and assumes legal liability for 6911
the services provided by the advanced practice respiratory 6912
therapist. The agreement shall be signed by the physician and 6913
the advanced practice respiratory therapist. 6914

(B) A supervision agreement shall include either or both 6915
of the following: 6916

(1) If an advanced practice respiratory therapist will 6917
practice within a health care facility, the agreement shall 6918
include terms that require the advanced practice respiratory 6919
therapist to practice in accordance with the policies of the 6920
health care facility. 6921

(2) If an advanced practice respiratory therapist will 6922
practice outside a health care facility, the agreement shall 6923
include terms that specify all of the following: 6924

(a) The responsibilities to be fulfilled by the physician 6925
in supervising the advanced practice respiratory therapist; 6926

(b) The responsibilities to be fulfilled by the advanced 6927
practice respiratory therapist when performing services under 6928

the physician's supervision; 6929

(c) Any limitations on the responsibilities to be 6930
fulfilled by the advanced practice respiratory therapist; 6931

(d) The circumstances under which the advanced practice 6932
respiratory therapist is required to refer a patient to the 6933
supervising physician; 6934

(e) If the supervising physician chooses to designate 6935
physicians to act as alternate supervising physicians, the 6936
names, business addresses, and business telephone numbers of the 6937
physicians who have agreed to act in that capacity. 6938

(C) A supervision agreement may be amended to modify the 6939
responsibilities of one or more advanced practice respiratory 6940
therapists or to include one or more additional advanced 6941
practice respiratory therapists. 6942

(D) The supervising physician who entered into a 6943
supervision agreement shall retain a copy of the agreement in 6944
the records maintained by the supervising physician. Each 6945
advanced practice respiratory therapist who entered into the 6946
supervision agreement shall retain a copy of the agreement in 6947
the records maintained by the advanced practice respiratory 6948
therapist. 6949

(E) (1) If the board finds, through a review conducted 6950
under this section or through any other means, any of the 6951
following, the board may take disciplinary action against the 6952
individual under section 4731.22 or 4761.09 of the Revised Code, 6953
impose a civil penalty, or both: 6954

(a) That an advanced practice respiratory therapist has 6955
practiced in a manner that departs from, or fails to conform to, 6956
the terms of a supervision agreement entered into under this 6957

section; 6958

(b) That a physician has supervised an advanced practice respiratory therapist in a manner that departs from, or fails to conform to, the terms of a supervision agreement entered into under this section; 6959
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(c) That a physician or an advanced practice respiratory therapist failed to comply with division (A) or (B) of this section. 6963
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(2) If the board finds, through a review conducted under this section or through any other means, that a physician or advanced practice respiratory therapist failed to comply with division (D) of this section, the board may do either of the following: 6966
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(a) Take disciplinary action against the individual under section 4731.22 or 4761.09 of the Revised Code, impose a civil penalty, or both; 6971
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(b) Permit the individual to agree in writing to update the records to comply with division (D) of this section and pay a civil penalty. 6974
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(3) The board's finding in any disciplinary action taken under division (E) of this section shall be made pursuant to an adjudication conducted under Chapter 119. of the Revised Code. 6977
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(4) A civil penalty imposed under division (E) (1) or (2) (a) of this section or paid under division (E) (2) (b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code. 6980
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Sec. 4761.38. (A) An advanced practice respiratory 6985

therapist licensed under this chapter may perform any of the 6986
following services authorized by the supervising physician that 6987
are part of the supervising physician's normal course of 6988
practice and expertise: 6989

(1) Ordering diagnostic, therapeutic, and other medical 6990
services; 6991

(2) Prescribing physical therapy or referring a patient to 6992
a physical therapist for physical therapy; 6993

(3) Ordering occupational therapy or referring a patient 6994
to an occupational therapist for occupational therapy; 6995

(4) Taking any action that may be taken by an attending 6996
physician under sections 2133.21 to 2133.26 of the Revised Code, 6997
as specified in section 2133.211 of the Revised Code; 6998

(5) Determining and pronouncing death in accordance with 6999
section 4761.381 of the Revised Code; 7000

(6) If the advanced practice respiratory therapist has 7001
been granted physician-delegated prescriptive authority, 7002
ordering, prescribing, personally furnishing, and administering 7003
drugs and medical devices; 7004

(7) Any other services that are part of the supervising 7005
physician's normal course of practice and expertise. 7006

(B) The services an advanced practice respiratory 7007
therapist may provide under the policies of a health care 7008
facility are limited to the services the facility authorizes the 7009
advanced practice respiratory therapist to provide for the 7010
facility. A facility shall not authorize an advanced practice 7011
respiratory therapist to perform a service that is prohibited 7012
under this chapter. A physician who is supervising an advanced 7013

practice respiratory therapist within a health care facility may 7014
impose limitations on the advanced practice respiratory 7015
therapist's practice that are in addition to any limitations 7016
applicable under the policies of the facility. 7017

Sec. 4761.381. (A) An advanced practice respiratory 7018
therapist may determine and pronounce an individual's death, but 7019
only if the individual's respiratory and circulatory functions 7020
are not being artificially sustained and, at the time the 7021
determination and pronouncement of death is made, either or both 7022
of the following apply: 7023

(1) The individual was receiving care in one of the 7024
following: 7025

(a) A nursing home licensed under section 3721.02 of the 7026
Revised Code or by a political subdivision under section 3721.09 7027
of the Revised Code; 7028

(b) A residential care facility or home for the aging 7029
licensed under Chapter 3721. of the Revised Code; 7030

(c) A county home or district home operated pursuant to 7031
Chapter 5155. of the Revised Code; 7032

(d) A residential facility licensed under section 5123.19 7033
of the Revised Code. 7034

(2) The advanced practice respiratory therapist is 7035
providing or supervising the individual's care through a hospice 7036
care program licensed under Chapter 3712. of the Revised Code or 7037
any other entity that provides palliative care. 7038

(B) If an advanced practice respiratory therapist 7039
determines and pronounces an individual's death, the advanced 7040
practice respiratory therapist shall comply with both of the 7041

following:

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(1) The advanced practice respiratory therapist shall not complete any portion of the individual's death certificate.

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(2) The advanced practice respiratory therapist shall notify the individual's attending physician of the determination and pronouncement of death in order for the physician to fulfill the physician's duties under section 3705.16 of the Revised Code. The advanced practice respiratory therapist shall provide the notification within a period of time that is reasonable but not later than twenty-four hours following the determination and pronouncement of the individual's death.

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Sec. 4761.382. (A) Acting pursuant to a supervision agreement, an advanced practice respiratory therapist may delegate performance of a task to implement a patient's plan of care or, if the conditions in division (C) of this section are met, may delegate administration of a drug. Subject to division (D) of section 4761.34 of the Revised Code, delegation may be to any person. The advanced practice respiratory therapist must be physically present at the location where the task is performed or the drug administered.

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(B) Prior to delegating a task or administration of a drug, an advanced practice respiratory therapist shall determine that the task or drug is appropriate for the patient and the person to whom the delegation is to be made may safely perform the task or administer the drug.

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(C) An advanced practice respiratory therapist may delegate administration of a drug only if all of the following conditions are met:

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(1) The advanced practice respiratory therapist has been

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granted physician-delegated prescriptive authority and is 7071
authorized to prescribe the drug. 7072

(2) The drug is not a controlled substance. 7073

(3) The drug will not be administered intravenously. 7074

(4) The drug will not be administered in a hospital 7075
inpatient care unit, as defined in section 3727.50 of the 7076
Revised Code; a hospital emergency department; a freestanding 7077
emergency department; or an ambulatory surgical facility 7078
licensed under section 3702.30 of the Revised Code. 7079

(D) A person not otherwise authorized to administer a drug 7080
or perform a specific task may do so in accordance with an 7081
advanced practice respiratory therapist's delegation under this 7082
section. 7083

Sec. 4761.39. (A) The supervising physician of an advanced 7084
practice respiratory therapist exercises supervision, control, 7085
and direction of the advanced practice respiratory therapist. An 7086
advanced practice respiratory therapist may practice in any 7087
setting within which the supervising physician has supervision, 7088
control, and direction of the advanced practice respiratory 7089
therapist. 7090

In supervising an advanced practice respiratory therapist, 7091
all of the following apply: 7092

(1) The supervising physician shall be continuously 7093
available for direct communication with the advanced practice 7094
respiratory therapist by either of the following means: 7095

(a) Being physically present at the location where the 7096
advanced practice respiratory therapist is practicing; 7097

(b) Being readily available to the advanced practice 7098

respiratory therapist through some means of telecommunication 7099
and being in a location that is a distance from the location 7100
where the advanced practice respiratory therapist is practicing 7101
that reasonably allows the physician to assure proper care of 7102
patients. 7103

(2) The supervising physician shall personally and 7104
actively review the advanced practice respiratory therapist's 7105
professional activities. 7106

(3) The supervising physician shall ensure that the 7107
quality assurance system established pursuant to division (F) of 7108
this section is implemented and maintained. 7109

(4) The supervising physician shall regularly perform any 7110
other reviews of the advanced practice respiratory therapist 7111
that the supervising physician considers necessary. 7112

(B) A physician may enter into supervision agreements with 7113
any number of advanced practice respiratory therapists, but the 7114
physician may not supervise more than five advanced practice 7115
respiratory therapists at any one time. An advanced practice 7116
respiratory therapist may enter into supervision agreements with 7117
any number of supervising physicians. 7118

(C) A supervising physician may authorize an advanced 7119
practice respiratory therapist to perform a service only if the 7120
physician is satisfied that the advanced practice respiratory 7121
therapist is capable of competently performing the service. A 7122
supervising physician shall not authorize an advanced practice 7123
respiratory therapist to perform any service that is beyond the 7124
physician's or the advanced practice respiratory therapist's 7125
normal course of practice and expertise. 7126

(D) In the case of a health care facility with an 7127

emergency department, if the supervising physician routinely 7128
practices in the facility's emergency department, the 7129
supervising physician shall provide on-site supervision of the 7130
advanced practice respiratory therapist when the advanced 7131
practice respiratory therapist practices in the emergency 7132
department. If the supervising physician does not routinely 7133
practice in the facility's emergency department, the supervising 7134
physician may, on occasion, send the advanced practice 7135
respiratory therapist to the facility's emergency department to 7136
assess and manage a patient. In supervising the advanced 7137
practice respiratory therapist's assessment and management of 7138
the patient, the supervising physician shall determine the 7139
appropriate level of supervision in compliance with the 7140
requirements of divisions (A) to (C) of this section, except 7141
that the supervising physician must be available to go to the 7142
emergency department to personally evaluate the patient and, at 7143
the request of an emergency department physician, the 7144
supervising physician shall go to the emergency department to 7145
personally evaluate the patient. 7146

(E) Each time an advanced practice respiratory therapist 7147
writes a medical order, including prescriptions written in the 7148
exercise of physician-delegated prescriptive authority, the 7149
advanced practice respiratory therapist shall sign the form on 7150
which the order is written and record on the form the time and 7151
date that the order is written. 7152

(F) (1) The supervising physician of an advanced practice 7153
respiratory therapist shall establish a quality assurance system 7154
to be used in supervising the advanced practice respiratory 7155
therapist. All or part of the system may be applied to other 7156
advanced practice respiratory therapists who are supervised by 7157
the supervising physician. The system shall be developed in 7158

consultation with each advanced practice respiratory therapist 7159
to be supervised by the physician. 7160

(2) In establishing the quality assurance system, the 7161
supervising physician shall describe a process to be used for 7162
all of the following: 7163

(a) Routine review by the physician of selected patient 7164
record entries made by the advanced practice respiratory 7165
therapist and selected medical orders issued by the advanced 7166
practice respiratory therapist; 7167

(b) Discussion of complex cases; 7168

(c) Discussion of new medical developments relevant to the 7169
practice of the physician and advanced practice respiratory 7170
therapist; 7171

(d) Performance of any quality assurance activities 7172
required in rules adopted by the state medical board pursuant to 7173
any recommendations made by the respiratory care advisory 7174
council under section 4761.032 of the Revised Code; 7175

(e) Performance of any other quality assurance activities 7176
that the supervising physician considers to be appropriate. 7177

(3) The supervising physician and advanced practice 7178
respiratory therapist shall keep records of their quality 7179
assurance activities. On request, the records shall be made 7180
available to the board. 7181

Sec. 4761.40. (A) When performing authorized services, an 7182
advanced practice respiratory therapist acts as the agent of the 7183
advanced practice respiratory therapist's supervising physician. 7184
The supervising physician is legally responsible and assumes 7185
legal liability for the services provided by the advanced 7186

practice respiratory therapist. 7187

The physician is not responsible or liable for any 7188
services provided by the advanced practice respiratory therapist 7189
after their supervision agreement expires or is terminated. 7190

(B) When a health care facility permits advanced practice 7191
respiratory therapists to practice within that facility or any 7192
other health care facility under its control, the health care 7193
facility shall make reasonable efforts to explain to each 7194
individual who may work with a particular advanced practice 7195
respiratory therapist the scope of that advanced practice 7196
respiratory therapist's practice within the facility. The 7197
appropriate credentialing body within the health care facility 7198
shall provide, on request of an individual practicing in the 7199
facility with an advanced practice respiratory therapist, a copy 7200
of the facility's policies on the practice of advanced practice 7201
respiratory therapists within the facility and a copy of each 7202
supervision agreement applicable to the advanced practice 7203
respiratory therapist. 7204

An individual who follows the orders of an advanced 7205
practice respiratory therapist practicing in a health care 7206
facility is not subject to disciplinary action by any 7207
administrative agency that governs that individual's conduct and 7208
is not liable in damages in a civil action for injury, death, or 7209
loss to person or property resulting from the individual's acts 7210
or omissions in the performance of any procedure, treatment, or 7211
other health care service if the individual reasonably believed 7212
that the advanced practice respiratory therapist was acting 7213
within the proper scope of practice or was relaying medical 7214
orders from a supervising physician, unless the act or omission 7215
constitutes willful or wanton misconduct. 7216

Sec. 4761.41. A license issued by the state medical board 7217
under section 4761.31 of the Revised Code authorizes the license 7218
holder to exercise physician-delegated prescriptive authority. 7219
The board shall issue a prescriber number to each advanced 7220
practice respiratory therapist licensed under this chapter. 7221

Sec. 4761.42. (A) The respiratory care advisory council of 7222
the state medical board shall, at such times the committee 7223
determines to be necessary, submit to the board recommendations 7224
regarding physician-delegated prescriptive authority for 7225
advanced practice respiratory therapists. The committee's 7226
recommendations shall address both of the following: 7227

(1) Policy and procedures regarding physician-delegated 7228
prescriptive authority; 7229

(2) Any issue the committee considers necessary to assist 7230
the board in fulfilling its duty to adopt rules governing 7231
physician-delegated prescriptive authority. 7232

(B) Recommendations submitted under this section are 7233
subject to the procedures and time frames specified in division 7234
(G) of section 4761.032 of the Revised Code. 7235

Sec. 4761.43. (A) The state medical board shall adopt 7236
rules governing physician-delegated prescriptive authority for 7237
advanced practice respiratory therapists. The rules shall be 7238
adopted in accordance with Chapter 119. of the Revised Code. 7239

(B) The board's rules governing physician-delegated 7240
prescriptive authority shall establish all of the following: 7241

(1) Requirements regarding the pharmacology courses that 7242
an advanced practice respiratory therapist is required to 7243
complete; 7244

(2) A specific prohibition against prescribing any drug or device to perform or induce an abortion; 7245
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(3) Standards and procedures to be followed by an advanced practice respiratory therapist in personally furnishing samples of drugs or complete or partial supplies of drugs to patients under section 4761.46 of the Revised Code; 7247
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(4) Any other requirements the board considers necessary to implement the provisions of this chapter regarding physician-delegated prescriptive authority. 7251
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Sec. 4761.44. (A) An advanced practice respiratory therapist is authorized to prescribe and personally furnish drugs and therapeutic devices in the exercise of physician-delegated prescriptive authority. 7254
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(B) In exercising physician-delegated prescriptive authority, an advanced practice respiratory therapist is subject to all of the following: 7258
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(1) The advanced practice respiratory therapist shall exercise physician-delegated prescriptive authority only to the extent that the physician supervising the advanced practice respiratory therapist has granted that authority. 7261
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(2) The advanced practice respiratory therapist shall comply with all conditions placed on the physician-delegated prescriptive authority, as specified by the supervising physician who is supervising the advanced practice respiratory therapist in the exercise of physician-delegated prescriptive authority. 7265
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(3) If the advanced practice respiratory therapist possesses physician-delegated prescriptive authority for controlled substances, the advanced practice respiratory 7271
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therapist shall register with the federal drug enforcement 7274
administration. 7275

(4) If the advanced practice respiratory therapist 7276
possesses physician-delegated prescriptive authority for 7277
schedule II controlled substances, the advanced practice 7278
respiratory therapist shall comply with section 4761.441 of the 7279
Revised Code. 7280

(5) If the advanced practice respiratory therapist 7281
possesses physician-delegated prescriptive authority to 7282
prescribe for a minor an opioid analgesic, as those terms are 7283
defined in sections 3719.061 and 3719.01 of the Revised Code, 7284
respectively, the advanced practice respiratory therapist shall 7285
comply with section 3719.061 of the Revised Code. 7286

(C) An advanced practice respiratory therapist shall not 7287
prescribe any drug in violation of state or federal law. 7288

Sec. 4761.441. (A) Except as provided in division (B) of 7289
this section, an advanced practice respiratory therapist may 7290
prescribe to a patient a schedule II controlled substance only 7291
if all of the following are the case: 7292

(1) The patient is in a terminal condition, as defined in 7293
section 2133.01 of the Revised Code. 7294

(2) The advanced practice respiratory therapist's 7295
supervising physician initially prescribed the substance for the 7296
patient. 7297

(3) The prescription is for an amount that does not exceed 7298
the amount necessary for the patient's use in a single, twenty- 7299
four-hour period. 7300

(B) The restrictions on prescriptive authority in division 7301

(A) of this section do not apply if an advanced practice 7302
respiratory therapist issues the prescription to the patient 7303
from any of the following locations: 7304

(1) A hospital registered under section 3701.07 of the 7305
Revised Code; 7306

(2) An entity owned or controlled, in whole or in part, by 7307
a hospital or by an entity that owns or controls, in whole or in 7308
part, one or more hospitals; 7309

(3) A nursing home licensed under section 3721.02 of the 7310
Revised Code or by a political subdivision certified under 7311
section 3721.09 of the Revised Code; 7312

(4) A hospice care program, as defined in section 3712.01 7313
of the Revised Code; 7314

(5) A federally qualified health center, as defined in 7315
section 3701.047 of the Revised Code; 7316

(6) A federally qualified health center look-alike, as 7317
defined in section 3701.047 of the Revised Code; 7318

(7) A health care office or facility operated by the board 7319
of health of a city or general health district or the authority 7320
having the duties of a board of health under section 3709.05 of 7321
the Revised Code; 7322

(8) A site where a medical practice is operated, but only 7323
if the practice is comprised of one or more physicians who also 7324
are owners of the practice; the practice is organized to provide 7325
direct patient care; and the advanced practice respiratory 7326
therapist has entered into a supervisory agreement with at least 7327
one of the physician owners who practices primarily at that 7328
site. 7329

(C) A pharmacist who acts in good faith reliance on a 7330
prescription issued by an advanced practice respiratory 7331
therapist under division (B) of this section is not liable for 7332
or subject to any of the following for relying on the 7333
prescription: damages in any civil action, prosecution in any 7334
criminal proceeding, or professional disciplinary action by the 7335
state board of pharmacy under Chapter 4729. of the Revised Code. 7336

Sec. 4761.442. (A) As used in this section, "drug 7337
database" means the database established and maintained by the 7338
state board of pharmacy pursuant to section 4729.75 of the 7339
Revised Code. 7340

(B) Except as provided in divisions (C) and (E) of this 7341
section, an advanced practice respiratory therapist licensed 7342
under this chapter who has been granted physician-delegated 7343
prescriptive authority shall comply with all of the following as 7344
conditions of prescribing a drug that is either an opioid 7345
analgesic or a benzodiazepine as part of a patient's course of 7346
treatment for a particular condition: 7347

(1) Before initially prescribing the drug, the advanced 7348
practice respiratory therapist or the advanced practice 7349
respiratory therapist's delegate shall request from the drug 7350
database a report of information related to the patient that 7351
covers at least the twelve months immediately preceding the date 7352
of the request. If the advanced practice respiratory therapist 7353
practices primarily in a county of this state that adjoins 7354
another state, the advanced practice respiratory therapist or 7355
delegate also shall request a report of any information 7356
available in the drug database that pertains to prescriptions 7357
issued or drugs furnished to the patient in the state adjoining 7358
that county. 7359

(2) If the patient's course of treatment for the condition 7360
continues for more than ninety days after the initial report is 7361
requested, the advanced practice respiratory therapist or 7362
delegate shall make periodic requests for reports of information 7363
from the drug database until the course of treatment has ended. 7364
The requests shall be made at intervals not exceeding ninety 7365
days, determined according to the date the initial request was 7366
made. The request shall be made in the same manner provided in 7367
division (B) (1) of this section for requesting the initial 7368
report of information from the drug database. 7369

(3) On receipt of a report under division (B) (1) or (2) of 7370
this section, the advanced practice respiratory therapist shall 7371
assess the information in the report. The advanced practice 7372
respiratory therapist shall document in the patient's record 7373
that the report was received and the information was assessed. 7374

(C) Division (B) of this section does not apply in any of 7375
the following circumstances: 7376

(1) A drug database report regarding the patient is not 7377
available, in which case the advanced practice respiratory 7378
therapist shall document in the patient's record the reason that 7379
the report is not available. 7380

(2) The drug is prescribed in an amount indicated for a 7381
period not to exceed seven days. 7382

(3) The drug is prescribed for the treatment of cancer or 7383
another condition associated with cancer. 7384

(4) The drug is prescribed to a hospice patient in a 7385
hospice care program, as those terms are defined in 7386
section 3712.01 of the Revised Code, or any other patient 7387
diagnosed as terminally ill. 7388

(5) The drug is prescribed for administration in a hospital, nursing home, or residential care facility. 7389
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(D) With respect to prescribing any drug that is not an opioid analgesic or a benzodiazepine but is included in the drug database pursuant to rules adopted under section 4729.84 of the Revised Code, the state medical board shall adopt rules that establish standards and procedures to be followed by an advanced practice respiratory therapist licensed under this chapter who has been granted physician-delegated prescriptive authority regarding the review of patient information available through the drug database under division (A) (5) of section 4729.80 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 7391
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(E) This section and the rules adopted under it do not apply if the state board of pharmacy no longer maintains the drug database. 7402
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Sec. 4761.45. (A) In granting physician-delegated prescriptive authority to a particular advanced practice respiratory therapist, the supervising physician is subject to all of the following: 7405
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(1) The supervising physician shall not grant physician-delegated prescriptive authority for any drug or device that may be used to perform or induce an abortion. 7409
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(2) The supervising physician shall not grant physician-delegated prescriptive authority in a manner that exceeds the supervising physician's prescriptive authority, including the physician's authority to treat chronic pain with controlled substances and products containing tramadol as described in section 4731.052 of the Revised Code. 7412
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(3) The supervising physician shall supervise the advanced practice respiratory therapist in accordance with both of the following: 7418
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(a) The supervision requirements specified in section 4761.39 of the Revised Code; 7421
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(b) The supervision agreement entered into with the advanced practice respiratory therapist under section 4761.37 of the Revised Code, including, if applicable, the policies of the health care facility in which the physician and advanced practice respiratory therapist are practicing. 7423
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(B) (1) The supervising physician of an advanced practice respiratory therapist may place conditions on the physician-delegated prescriptive authority granted to the advanced practice respiratory therapist. If conditions are placed on that authority, the supervising physician shall maintain a written record of the conditions and make the record available to the state medical board on request. 7428
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(2) The conditions that a supervising physician may place on the physician-delegated prescriptive authority granted to an advanced practice respiratory therapist include the following: 7435
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(a) Identification by class and specific generic nomenclature of drugs and therapeutic devices that the physician chooses not to permit the advanced practice respiratory therapist to prescribe; 7438
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(b) Limitations on the dosage units or refills that the advanced practice respiratory therapist is authorized to prescribe; 7442
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(c) Specification of circumstances under which the advanced practice respiratory therapist is required to refer 7445
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patients to the supervising physician or another physician when 7447
exercising physician-delegated prescriptive authority; 7448

(d) Responsibilities to be fulfilled by the physician in 7449
supervising the advanced practice respiratory therapist that are 7450
not otherwise specified in the supervision agreement or 7451
otherwise required by this chapter. 7452

Sec. 4761.46. (A) An advanced practice respiratory 7453
therapist who has been granted physician-delegated prescriptive 7454
authority may personally furnish to a patient samples of drugs 7455
and therapeutic devices that are included in the advanced 7456
practice respiratory therapist's physician-delegated 7457
prescriptive authority, subject to all of the following: 7458

(1) The amount of the sample furnished shall not exceed a 7459
seventy-two-hour supply, except when the minimum available 7460
quantity of the sample is packaged in an amount that is greater 7461
than a seventy-two-hour supply, in which case the advanced 7462
practice respiratory therapist may furnish the sample in the 7463
package amount. 7464

(2) No charge may be imposed for the sample or for 7465
furnishing it. 7466

(3) Samples of controlled substances may not be personally 7467
furnished. 7468

(B) An advanced practice respiratory therapist who has 7469
been granted physician-delegated prescriptive authority may 7470
personally furnish to a patient a complete or partial supply of 7471
the drugs and therapeutic devices that are included in the 7472
advanced practice respiratory therapist's physician-delegated 7473
prescriptive authority, subject to all of the following: 7474

(1) The advanced practice respiratory therapist shall 7475

personally furnish only antibiotics, antifungals, 7476
antihypertensives, and drugs and devices used in the treatment 7477
of cardiopulmonary diseases and associated conditions. 7478

(2) The advanced practice respiratory therapist shall not 7479
furnish the drugs and devices in locations other than a health 7480
department operated by the board of health of a city or general 7481
health district or the authority having the duties of a board of 7482
health under section 3709.05 of the Revised Code, a federally 7483
funded comprehensive primary care clinic, or a nonprofit health 7484
care clinic or program. 7485

(3) The advanced practice respiratory therapist shall 7486
comply with all standards and procedures for personally 7487
furnishing supplies of drugs and devices, as established in 7488
rules adopted under section 4761.43 of the Revised Code. 7489

Sec. 4761.47. (A) (1) Subject to division (A) (2) of this 7490
section, and notwithstanding any provision of this chapter or 7491
rule adopted by the state medical board, an advanced practice 7492
respiratory therapist who holds a license issued under this 7493
chapter and has been granted physician-delegated prescriptive 7494
authority may do either of the following without having examined 7495
an individual to whom epinephrine may be administered: 7496

(a) Personally furnish a supply of epinephrine 7497
autoinjectors for use in accordance with sections 3313.7110, 7498
3313.7111, 3314.143, 3326.28, 3328.29, 3728.03 to 3728.05, and 7499
5101.76 of the Revised Code; 7500

(b) Issue a prescription for epinephrine autoinjectors for 7501
use in accordance with sections 3313.7110, 3313.7111, 3314.143, 7502
3326.28, 3328.29, 3728.03 to 3728.05, and 5101.76 of the Revised 7503
Code. 7504

(2) An epinephrine autoinjector personally furnished or prescribed under division (A) (1) of this section must be furnished or prescribed in such a manner that it may be administered only in a manufactured dosage form. 7505
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(B) An advanced practice respiratory therapist who acts in good faith in accordance with this section is not liable for or subject to any of the following for any action or omission of an entity to which an epinephrine autoinjector is furnished or a prescription is issued: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action. 7509
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Sec. 4761.48. (A) To be eligible for renewal of a license to practice as an advanced practice respiratory therapist, an applicant who has been granted physician-delegated prescriptive authority is subject to both of the following: 7515
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(1) The applicant shall complete every two years at least twelve hours of continuing education in pharmacology obtained through a program or course approved by the state medical board or a person the board has authorized to approve continuing pharmacology education programs and courses. Except as provided in section 5903.12 of the Revised Code, the continuing education shall be completed not later than the date on which the applicant's license expires. 7519
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(2) (a) Except as provided in division (A) (2) (b) of this section, in the case of an applicant who prescribes opioid analgesics or benzodiazepines, as defined in section 3719.01 of the Revised Code, the applicant shall certify to the board whether the applicant has been granted access to the drug database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code. 7527
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(b) The requirement described in division (A) (2) (a) of 7534
this section does not apply if any of the following is the case: 7535

(i) The state board of pharmacy notifies the state medical 7536
board pursuant to section 4729.861 of the Revised Code that the 7537
applicant has been restricted from obtaining further information 7538
from the drug database. 7539

(ii) The state board of pharmacy no longer maintains the 7540
drug database. 7541

(iii) The applicant does not practice as an advanced 7542
practice respiratory therapist in this state. 7543

(c) If an applicant certifies to the state medical board 7544
that the applicant has been granted access to the drug database 7545
and the board finds through an audit or other means that the 7546
applicant has not been granted access, the board may take action 7547
under section 4761.09 of the Revised Code. 7548

(B) The state medical board shall provide for pro rata 7549
reductions by month of the number of hours of continuing 7550
education in pharmacology that is required to be completed for 7551
advanced practice respiratory therapists who have been disabled 7552
due to illness or accident or have been absent from the country. 7553
The board shall adopt rules, in accordance with Chapter 119. of 7554
the Revised Code, as necessary to implement this division. 7555

(C) The continuing education required by this section is 7556
in addition to the requirement of section 4761.32 of the Revised 7557
Code to maintain an active qualification to practice advanced 7558
practice respiratory care from an organization that is 7559
recognized by the state medical board. 7560

(D) If the state medical board chooses to authorize 7561
persons to approve continuing pharmacology education programs 7562

and courses, the board shall establish standards for granting 7563
that authority and grant the authority in accordance with the 7564
standards. 7565

Sec. 4761.99. Whoever violates division (A) of section 7566
4761.10 of the Revised Code is guilty of a minor misdemeanor on 7567
a first offense. On a second offense, the person is guilty of a 7568
misdemeanor of the fourth degree. On each subsequent offense, 7569
the person is guilty of a misdemeanor of the first degree. 7570

Whoever violates section 4761.33 of the Revised Code is 7571
guilty of a misdemeanor of the first degree on a first offense. 7572
On each subsequent offense, the person is guilty of a felony of 7573
the fourth degree. 7574

Sec. 4765.51. Nothing in this chapter prevents or 7575
restricts the practice, services, or activities of any 7576
registered nurse practicing within the scope of the registered 7577
nurse's practice. 7578

Nothing in this chapter prevents or restricts the 7579
practice, services, or activities of any physician assistant 7580
practicing in accordance with a supervision agreement entered 7581
into under section 4730.19 of the Revised Code, including, if 7582
applicable, the policies of the health care facility in which 7583
the physician assistant is practicing. 7584

Nothing in this chapter prevents or restricts the 7585
practice, services, or activities of any advanced practice 7586
respiratory therapist practicing in accordance with a 7587
supervision agreement entered into under section 4761.37 of the 7588
Revised Code, including, if applicable, the policies of the 7589
health care facility in which the advanced practice respiratory 7590
therapist is practicing. 7591

Sec. 4769.01. As used in this chapter:	7592
(A) "Medicare" means the program established by Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.	7593 7594 7595
(B) "Balance billing" means charging or collecting from a medicare beneficiary an amount in excess of the medicare reimbursement rate for medicare-covered services or supplies provided to a medicare beneficiary, except when medicare is the secondary insurer. When medicare is the secondary insurer, the health care practitioner may pursue full reimbursement under the terms and conditions of the primary coverage and, if applicable, the charge allowed under the terms and conditions of the appropriate provider contract, from the primary insurer, but the medicare beneficiary cannot be balance billed above the medicare reimbursement rate for a medicare-covered service or supply. "Balance billing" does not include charging or collecting deductibles or coinsurance required by the program.	7596 7597 7598 7599 7600 7601 7602 7603 7604 7605 7606 7607 7608
(C) "Health care practitioner" means all of the following:	7609
(1) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	7610 7611
(2) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	7612 7613
(3) An optometrist licensed under Chapter 4725. of the Revised Code;	7614 7615
(4) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	7616 7617 7618 7619

(5) A pharmacist licensed under Chapter 4729. of the Revised Code;	7620 7621
(6) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	7622 7623 7624
(7) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	7625 7626
(8) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	7627 7628
(9) A psychologist licensed under Chapter 4732. of the Revised Code;	7629 7630
(10) A chiropractor licensed under Chapter 4734. of the Revised Code;	7631 7632
(11) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	7633 7634
(12) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	7635 7636
(13) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	7637 7638
(14) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	7639 7640
(15) A licensed professional clinical counselor, licensed professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	7641 7642 7643 7644
(16) A dietitian licensed under Chapter 4759. of the Revised Code;	7645 7646

(17) A respiratory care professional or advanced practice
respiratory therapist licensed under Chapter 4761. of the
Revised Code;

(18) An emergency medical technician-basic, emergency
medical technician-intermediate, or emergency medical
technician-paramedic certified under Chapter 4765. of the
Revised Code.

Sec. 5101.76. (A) A residential camp, as defined in
section 2151.011 of the Revised Code, a child day camp, as
defined in section 5104.01 of the Revised Code, or a child day
camp operated by any county, township, municipal corporation,
township park district created under section 511.18 of the
Revised Code, park district created under section 1545.04 of the
Revised Code, or joint recreation district established under
section 755.14 of the Revised Code may procure epinephrine
autoinjectors for use in emergency situations identified under
division (C) (5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to
prescribe drugs, acting in accordance with section 4723.483,
4730.433, ~~or~~ 4731.96, or 4761.47 of the Revised Code, personally
furnish the epinephrine autoinjectors to the camp or issue a
prescription for them in the name of the camp;

(2) Obtaining a prescriber-issued protocol that includes
definitive orders for epinephrine autoinjectors and the dosages
of epinephrine to be administered through them.

A camp that elects to procure epinephrine autoinjectors
under this section is encouraged to maintain at least two
epinephrine autoinjectors at all times.

(B) A camp that elects to procure epinephrine

autoinjectors under this section shall adopt a policy governing 7676
their maintenance and use. Before adopting the policy, the camp 7677
shall consult with a licensed health professional authorized to 7678
prescribe drugs. 7679

(C) The policy adopted under division (B) of this section 7680
shall do all of the following: 7681

(1) Identify the one or more locations in which an 7682
epinephrine autoinjector must be stored; 7683

(2) Specify the conditions under which an epinephrine 7684
autoinjector must be stored, replaced, and disposed; 7685

(3) Specify the individuals employed by or under contract 7686
with the camp who may access and use an epinephrine autoinjector 7687
to provide a dosage of epinephrine to an individual in an 7688
emergency situation identified under division (C) (5) of this 7689
section; 7690

(4) Specify any training that employees or contractors 7691
specified under division (C) (3) of this section must complete 7692
before being authorized to access and use an epinephrine 7693
autoinjector; 7694

(5) Identify the emergency situations, including when an 7695
individual exhibits signs and symptoms of anaphylaxis, in which 7696
employees or contractors specified under division (C) (3) of this 7697
section may access and use an epinephrine autoinjector; 7698

(6) Specify that assistance from an emergency medical 7699
service provider must be requested immediately after an 7700
epinephrine autoinjector is used; 7701

(7) Specify the individuals to whom a dosage of 7702
epinephrine may be administered through an epinephrine 7703

autoinjector in an emergency situation specified under division 7704
(C) (5) of this section. 7705

(D) (1) The following are not liable in damages in a civil 7706
action for injury, death, or loss to person or property that 7707
allegedly arises from an act or omission associated with 7708
procuring, maintaining, accessing, or using an epinephrine 7709
autoinjector under this section, unless the act or omission 7710
constitutes willful or wanton misconduct: 7711

(a) A camp; 7712

(b) A camp employee or contractor; 7713

(c) A licensed health professional authorized to prescribe 7714
drugs who personally furnishes or prescribes epinephrine 7715
autoinjectors, provides a consultation, or issues a protocol 7716
pursuant to this section. 7717

(2) This section does not eliminate, limit, or reduce any 7718
other immunity or defense that a camp or camp employee or 7719
contractor or licensed health professional may be entitled to 7720
under Chapter 2744. or any other provision of the Revised Code 7721
or under the common law of this state. 7722

(E) A camp may accept donations of epinephrine 7723
autoinjectors from a wholesale distributor of dangerous drugs, 7724
as defined in section 4729.01 of the Revised Code, and may 7725
accept donations of money from any person to purchase 7726
epinephrine autoinjectors. 7727

(F) A camp that elects to procure epinephrine 7728
autoinjectors under this section shall report to the department 7729
of job and family services each procurement and occurrence in 7730
which an epinephrine autoinjector is used from a camp's supply 7731
of epinephrine autoinjectors. 7732

(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

Sec. 5123.47. (A) As used in this section:

(1) "In-home care" means the supportive services provided within the home of an individual with a developmental disability who receives funding for the services through a county board of developmental disabilities, including any recipient of residential services funded as home and community-based services, family support services provided under section 5126.11 of the Revised Code, or supported living provided in accordance with sections 5126.41 to 5126.47 of the Revised Code. "In-home care" includes care that is provided outside an individual's home in places incidental to the home, and while traveling to places incidental to the home, except that "in-home care" does not include care provided in the facilities of a county board of developmental disabilities or care provided in schools.

(2) "Parent" means either parent of a child, including an adoptive parent but not a foster parent.

(3) "Unlicensed in-home care worker" means an individual who provides in-home care but is not a health care professional.

(4) "Family member" means a parent, sibling, spouse, son, daughter, grandparent, aunt, uncle, cousin, or guardian of the individual with a developmental disability if the individual with a developmental disability lives with the person and is dependent on the person to the extent that, if the supports were withdrawn, another living arrangement would have to be found.

(5) "Health care professional" means any of the following:

(a) A dentist who holds a valid license issued under

Chapter 4715. of the Revised Code;	7762
(b) A registered or licensed practical nurse who holds a valid license issued under Chapter 4723. of the Revised Code;	7763
(c) An optometrist who holds a valid license issued under Chapter 4725. of the Revised Code;	7764
(d) A pharmacist who holds a valid license issued under Chapter 4729. of the Revised Code;	7765
(e) A person who holds a valid license or certificate issued under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited brand of medicine;	7766
(f) A physician assistant who holds a valid license issued under Chapter 4730. of the Revised Code;	7769
(g) An occupational therapist or occupational therapy assistant or a physical therapist or physical therapist assistant who holds a valid license issued under Chapter 4755. of the Revised Code;	7770
(h) A respiratory care professional <u>or advanced practice respiratory therapist</u> who holds a valid license issued under Chapter 4761. of the Revised Code.	7771
(6) "Health care task" means a task that is prescribed, ordered, delegated, or otherwise directed by a health care professional acting within the scope of the professional's practice. "Health care task" includes the administration of oral and topical prescribed medications; administration of nutrition and medications through gastrostomy and jejunostomy tubes that are stable and labeled; administration of oxygen and metered dose inhaled medications; administration of insulin through	7772
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subcutaneous injections, inhalation, and insulin pumps; and 7790
administration of prescribed medications for the treatment of 7791
metabolic glyceimic disorders through subcutaneous injections. 7792

(B) Except as provided in division (E) of this section, a 7793
family member of an individual with a developmental disability 7794
may authorize an unlicensed in-home care worker to perform 7795
health care tasks as part of the in-home care the worker 7796
provides to the individual, if all of the following apply: 7797

(1) The family member is the primary supervisor of the 7798
care. 7799

(2) The unlicensed in-home care worker has been selected 7800
by the family member or the individual receiving care and is 7801
under the direct supervision of the family member. 7802

(3) The unlicensed in-home care worker is providing the 7803
care through an employment or other arrangement entered into 7804
directly with the family member and is not otherwise employed by 7805
or under contract with a person or government entity to provide 7806
services to individuals with developmental disabilities. 7807

(4) The health care task is completed in accordance with 7808
standard, written instructions. 7809

(5) Performance of the health care task requires no 7810
judgment based on specialized health care knowledge or 7811
expertise. 7812

(6) The outcome of the health care task is reasonably 7813
predictable. 7814

(7) Performance of the health care task requires no 7815
complex observation of the individual receiving the care. 7816

(8) Improper performance of the health care task will 7817

result in only minimal complications that are not life- 7818
threatening. 7819

(C) A family member shall obtain a prescription, if 7820
applicable, and written instructions from a health care 7821
professional for the care to be provided to the individual. The 7822
family member shall authorize the unlicensed in-home care worker 7823
to provide the care by preparing a written document granting the 7824
authority. The family member shall provide the unlicensed in- 7825
home care worker with appropriate training and written 7826
instructions in accordance with the instructions obtained from 7827
the health care professional. The family member or a health care 7828
professional shall be available to communicate with the 7829
unlicensed in-home care worker either in person or by 7830
telecommunication while the in-home care worker performs a 7831
health care task. 7832

(D) A family member who authorizes an unlicensed in-home 7833
care worker to administer oral and topical prescribed 7834
medications or perform other health care tasks retains full 7835
responsibility for the health and safety of the individual 7836
receiving the care and for ensuring that the worker provides the 7837
care appropriately and safely. No entity that funds or monitors 7838
the provision of in-home care may be held liable for the results 7839
of the care provided under this section by an unlicensed in-home 7840
care worker, including such entities as the county board of 7841
developmental disabilities and the department of developmental 7842
disabilities. 7843

An unlicensed in-home care worker who is authorized under 7844
this section by a family member to provide care to an individual 7845
may not be held liable for any injury caused in providing the 7846
care, unless the worker provides the care in a manner that is 7847

not in accordance with the training and instructions received or 7848
the worker acts in a manner that constitutes willful or wanton 7849
misconduct. 7850

(E) A county board of developmental disabilities may 7851
evaluate the authority granted by a family member under this 7852
section to an unlicensed in-home care worker at any time it 7853
considers necessary and shall evaluate the authority on receipt 7854
of a complaint. If the board determines that a family member has 7855
acted in a manner that is inappropriate for the health and 7856
safety of the individual receiving the care, the authorization 7857
granted by the family member to an unlicensed in-home care 7858
worker is void, and the family member may not authorize other 7859
unlicensed in-home care workers to provide the care. In making 7860
such a determination, the board shall use appropriately licensed 7861
health care professionals and shall provide the family member an 7862
opportunity to file a complaint under section 5126.06 of the 7863
Revised Code. 7864

Sec. 5903.12. (A) As used in this section: 7865

"Continuing education" means continuing education required 7866
of a licensee by law and includes, but is not limited to, the 7867
continuing education required of licensees under sections 7868
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 7869
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 7870
4735.141, 4736.11, 4741.16, 4741.19, 4751.24, 4751.25, 4755.63, 7871
4757.33, 4759.06, 4761.06, 4761.48, and 4763.07 of the Revised 7872
Code. 7873

"Reporting period" means the period of time during which a 7874
licensee must complete the number of hours of continuing 7875
education required of the licensee by law. 7876

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Section 2. That existing sections 109.79, 2133.211, 2305.234, 2925.01, 2925.02, 2925.03, 2925.11, 2925.12, 2925.14, 2925.23, 2925.36, 2925.55, 2925.56, 2929.42, 3313.7110, 3701.048, 3701.74, 3715.872, 3719.06, 3719.121, 3719.13, 3719.81, 3728.03, 4729.01, 4729.51, 4729.88, 4731.22, 4731.251, 4755.48, 4761.01, 4761.03, 4761.032, 4761.06, 4761.061, 4761.07, 4761.09, 4761.13, 4761.14, 4761.17, 4761.99, 4765.51, 4769.01, 5101.76, 5123.47, and 5903.12 of the Revised Code are hereby repealed.

Section 3. The State Medical Board shall appoint the additional members to the Respiratory Care Advisory Council as specified in section 4761.032 of the Revised Code, as amended by this act, not later than two years after the effective date of this section.

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,

presented in this act as composites of the sections as amended 7907
by the acts indicated, are the resulting versions of the 7908
sections in effect prior to the effective date of the sections 7909
as presented in this act: 7910

Section 2925.02 of the Revised Code as amended by both 7911
S.B. 1 and S.B. 201 of the 132nd General Assembly. 7912

Section 2925.03 of the Revised Code as amended by H.B. 7913
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 7914
Assembly. 7915

Section 2925.11 of the Revised Code as amended by S.B. 1, 7916
S.B. 201, and S.B. 229, all of the 132nd General Assembly. 7917

Section 3701.74 of the Revised Code as amended by both 7918
H.B. 232 and H.B. 483 of the 130th General Assembly. 7919

Section 3719.121 of the Revised Code as amended by both 7920
H.B. 216 and S.B. 319 of the 131st General Assembly. 7921

Section 4729.01 of the Revised Code as amended by both 7922
H.B. 203 and H.B. 341 of the 133rd General Assembly. 7923