

**As Reported by the Senate Insurance and Financial Institutions  
Committee**

**133rd General Assembly**

**Regular Session  
2019-2020**

**S. B. No. 112**

**Senator Eklund**

**Cosponsor: Senator Terhar**

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**A BILL**

To amend sections 9.45, 2925.01, 4710.01, 4710.03, 1  
4710.04, 4712.01, and 4712.99; to amend, for the 2  
purpose of adopting new section numbers as 3  
indicated in parentheses, sections 4710.01 4  
(4712.50), 4710.02 (4712.51), 4710.03 (4712.52), 5  
and 4710.04 (4712.53); to enact section 4712.54; 6  
and to repeal section 4710.99 of the Revised 7  
Code regarding debt adjusting. 8

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

**Section 1.** That sections 9.45, 2925.01, 4710.01, 4710.03, 9  
4710.04, 4712.01, and 4712.99 be amended; sections 4710.01 10  
(4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 4710.04 11  
(4712.53) be amended for the purpose of adopting new section 12  
numbers as indicated in parentheses; and section 4712.54 of the 13  
Revised Code be enacted to read as follows: 14

**Sec. 9.45.** Notwithstanding section 1321.32 of the Revised 15  
Code, the state and any of its political subdivisions or 16  
instrumentalities may deduct from the wages or salaries of a 17  
public employee, as defined in section 9.40 of the Revised Code, 18

such amounts as are authorized in writing by the employee to a nonprofit debt pooling company operating pursuant to ~~Chapter 4710.~~ sections 4712.50 to 4712.54 of the Revised Code, or a nonprofit budget and debt counseling service, for payment or compromise of any account, note, or other indebtedness. Such authorization may be revoked at any time prior to final payment by written notice from the employee to the employer.

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

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

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

(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.

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

(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:

(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; 48  
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(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; 52  
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(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; 55  
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(d) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II opiate or opium derivative; 60  
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(e) An amount equal to or exceeding five grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine; 65  
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(f) An amount equal to or exceeding one hundred twenty grams or thirty times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule II stimulant that is in a final dosage form manufactured by a person authorized by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and the federal drug abuse control laws, as defined in section 3719.01 of the Revised Code, that is 68  
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or contains any amount of a schedule II depressant substance or	77
a schedule II hallucinogenic substance;	78
(g) An amount equal to or exceeding three grams of a	79
compound, mixture, preparation, or substance that is or contains	80
any amount of a schedule II stimulant, or any of its salts or	81
isomers, that is not in a final dosage form manufactured by a	82
person authorized by the Federal Food, Drug, and Cosmetic Act	83
and the federal drug abuse control laws.	84
(2) An amount equal to or exceeding one hundred twenty	85
grams or thirty times the maximum daily dose in the usual dose	86
range specified in a standard pharmaceutical reference manual of	87
a compound, mixture, preparation, or substance that is or	88
contains any amount of a schedule III or IV substance other than	89
an anabolic steroid or a schedule III opiate or opium	90
derivative;	91
(3) An amount equal to or exceeding twenty grams or five	92
times the maximum daily dose in the usual dose range specified	93
in a standard pharmaceutical reference manual of a compound,	94
mixture, preparation, or substance that is or contains any	95
amount of a schedule III opiate or opium derivative;	96
(4) An amount equal to or exceeding two hundred fifty	97
milliliters or two hundred fifty grams of a compound, mixture,	98
preparation, or substance that is or contains any amount of a	99
schedule V substance;	100
(5) An amount equal to or exceeding two hundred solid	101
dosage units, sixteen grams, or sixteen milliliters of a	102
compound, mixture, preparation, or substance that is or contains	103
any amount of a schedule III anabolic steroid;	104
(6) For any compound, mixture, preparation, or substance	105

that is a combination of a fentanyl-related compound and any 106  
other compound, mixture, preparation, or substance included in 107  
schedule III, schedule IV, or schedule V, if the defendant is 108  
charged with a violation of section 2925.11 of the Revised Code 109  
and the sentencing provisions set forth in divisions (C) (10) (b) 110  
and (C) (11) of that section will not apply regarding the 111  
defendant and the violation, the bulk amount of the controlled 112  
substance for purposes of the violation is the amount specified 113  
in division (D) (1), (2), (3), (4), or (5) of this section for 114  
the other schedule III, IV, or V controlled substance that is 115  
combined with the fentanyl-related compound. 116

(E) "Unit dose" means an amount or unit of a compound, 117  
mixture, or preparation containing a controlled substance that 118  
is separately identifiable and in a form that indicates that it 119  
is the amount or unit by which the controlled substance is 120  
separately administered to or taken by an individual. 121

(F) "Cultivate" includes planting, watering, fertilizing, 122  
or tilling. 123

(G) "Drug abuse offense" means any of the following: 124

(1) A violation of division (A) of section 2913.02 that 125  
constitutes theft of drugs, or a violation of section 2925.02, 126  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 127  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 128  
or 2925.37 of the Revised Code; 129

(2) A violation of an existing or former law of this or 130  
any other state or of the United States that is substantially 131  
equivalent to any section listed in division (G) (1) of this 132  
section; 133

(3) An offense under an existing or former law of this or 134

any other state, or of the United States, of which planting, 135  
cultivating, harvesting, processing, making, manufacturing, 136  
producing, shipping, transporting, delivering, acquiring, 137  
possessing, storing, distributing, dispensing, selling, inducing 138  
another to use, administering to another, using, or otherwise 139  
dealing with a controlled substance is an element; 140

(4) A conspiracy to commit, attempt to commit, or 141  
complicity in committing or attempting to commit any offense 142  
under division (G) (1), (2), or (3) of this section. 143

(H) "Felony drug abuse offense" means any drug abuse 144  
offense that would constitute a felony under the laws of this 145  
state, any other state, or the United States. 146

(I) "Harmful intoxicant" does not include beer or 147  
intoxicating liquor but means any of the following: 148

(1) Any compound, mixture, preparation, or substance the 149  
gas, fumes, or vapor of which when inhaled can induce 150  
intoxication, excitement, giddiness, irrational behavior, 151  
depression, stupefaction, paralysis, unconsciousness, 152  
asphyxiation, or other harmful physiological effects, and 153  
includes, but is not limited to, any of the following: 154

(a) Any volatile organic solvent, plastic cement, model 155  
cement, fingernail polish remover, lacquer thinner, cleaning 156  
fluid, gasoline, or other preparation containing a volatile 157  
organic solvent; 158

(b) Any aerosol propellant; 159

(c) Any fluorocarbon refrigerant; 160

(d) Any anesthetic gas. 161

(2) Gamma Butyrolactone; 162

(3) 1,4 Butanediol.	163
(J) "Manufacture" means to plant, cultivate, harvest,	164
process, make, prepare, or otherwise engage in any part of the	165
production of a drug, by propagation, extraction, chemical	166
synthesis, or compounding, or any combination of the same, and	167
includes packaging, repackaging, labeling, and other activities	168
incident to production.	169
(K) "Possess" or "possession" means having control over a	170
thing or substance, but may not be inferred solely from mere	171
access to the thing or substance through ownership or occupation	172
of the premises upon which the thing or substance is found.	173
(L) "Sample drug" means a drug or pharmaceutical	174
preparation that would be hazardous to health or safety if used	175
without the supervision of a licensed health professional	176
authorized to prescribe drugs, or a drug of abuse, and that, at	177
one time, had been placed in a container plainly marked as a	178
sample by a manufacturer.	179
(M) "Standard pharmaceutical reference manual" means the	180
current edition, with cumulative changes if any, of references	181
that are approved by the state board of pharmacy.	182
(N) "Juvenile" means a person under eighteen years of age.	183
(O) "Counterfeit controlled substance" means any of the	184
following:	185
(1) Any drug that bears, or whose container or label	186
bears, a trademark, trade name, or other identifying mark used	187
without authorization of the owner of rights to that trademark,	188
trade name, or identifying mark;	189
(2) Any unmarked or unlabeled substance that is	190

represented to be a controlled substance manufactured, 191  
processed, packed, or distributed by a person other than the 192  
person that manufactured, processed, packed, or distributed it; 193

(3) Any substance that is represented to be a controlled 194  
substance but is not a controlled substance or is a different 195  
controlled substance; 196

(4) Any substance other than a controlled substance that a 197  
reasonable person would believe to be a controlled substance 198  
because of its similarity in shape, size, and color, or its 199  
markings, labeling, packaging, distribution, or the price for 200  
which it is sold or offered for sale. 201

(P) An offense is "committed in the vicinity of a school" 202  
if the offender commits the offense on school premises, in a 203  
school building, or within one thousand feet of the boundaries 204  
of any school premises, regardless of whether the offender knows 205  
the offense is being committed on school premises, in a school 206  
building, or within one thousand feet of the boundaries of any 207  
school premises. 208

(Q) "School" means any school operated by a board of 209  
education, any community school established under Chapter 3314. 210  
of the Revised Code, or any nonpublic school for which the state 211  
board of education prescribes minimum standards under section 212  
3301.07 of the Revised Code, whether or not any instruction, 213  
extracurricular activities, or training provided by the school 214  
is being conducted at the time a criminal offense is committed. 215

(R) "School premises" means either of the following: 216

(1) The parcel of real property on which any school is 217  
situated, whether or not any instruction, extracurricular 218  
activities, or training provided by the school is being 219

conducted on the premises at the time a criminal offense is 220  
committed; 221

(2) Any other parcel of real property that is owned or 222  
leased by a board of education of a school, the governing 223  
authority of a community school established under Chapter 3314. 224  
of the Revised Code, or the governing body of a nonpublic school 225  
for which the state board of education prescribes minimum 226  
standards under section 3301.07 of the Revised Code and on which 227  
some of the instruction, extracurricular activities, or training 228  
of the school is conducted, whether or not any instruction, 229  
extracurricular activities, or training provided by the school 230  
is being conducted on the parcel of real property at the time a 231  
criminal offense is committed. 232

(S) "School building" means any building in which any of 233  
the instruction, extracurricular activities, or training 234  
provided by a school is conducted, whether or not any 235  
instruction, extracurricular activities, or training provided by 236  
the school is being conducted in the school building at the time 237  
a criminal offense is committed. 238

(T) "Disciplinary counsel" means the disciplinary counsel 239  
appointed by the board of commissioners on grievances and 240  
discipline of the supreme court under the Rules for the 241  
Government of the Bar of Ohio. 242

(U) "Certified grievance committee" means a duly 243  
constituted and organized committee of the Ohio state bar 244  
association or of one or more local bar associations of the 245  
state of Ohio that complies with the criteria set forth in Rule 246  
V, section 6 of the Rules for the Government of the Bar of Ohio. 247

(V) "Professional license" means any license, permit, 248

certificate, registration, qualification, admission, temporary 249  
license, temporary permit, temporary certificate, or temporary 250  
registration that is described in divisions (W) (1) to (37) of 251  
this section and that qualifies a person as a professionally 252  
licensed person. 253

(W) "Professionally licensed person" means any of the 254  
following: 255

(1) A person who has received a certificate or temporary 256  
certificate as a certified public accountant or who has 257  
registered as a public accountant under Chapter 4701. of the 258  
Revised Code and who holds an Ohio permit issued under that 259  
chapter; 260

(2) A person who holds a certificate of qualification to 261  
practice architecture issued or renewed and registered under 262  
Chapter 4703. of the Revised Code; 263

(3) A person who is registered as a landscape architect 264  
under Chapter 4703. of the Revised Code or who holds a permit as 265  
a landscape architect issued under that chapter; 266

(4) A person licensed under Chapter 4707. of the Revised 267  
Code; 268

(5) A person who has been issued a certificate of 269  
registration as a registered barber under Chapter 4709. of the 270  
Revised Code; 271

(6) A person ~~licensed and regulated~~ to engage in the 272  
business of a debt pooling company ~~by a legislative authority,~~ 273  
under ~~authority of Chapter 4710. sections 4712.50 to 4712.54~~ of 274  
the Revised Code; 275

(7) A person who has been issued a cosmetologist's 276

license, hair designer's license, manicurist's license,	277
esthetician's license, natural hair stylist's license, advanced	278
cosmetologist's license, advanced hair designer's license,	279
advanced manicurist's license, advanced esthetician's license,	280
advanced natural hair stylist's license, cosmetology	281
instructor's license, hair design instructor's license,	282
manicurist instructor's license, esthetics instructor's license,	283
natural hair style instructor's license, independent	284
contractor's license, or tanning facility permit under Chapter	285
4713. of the Revised Code;	286
(8) A person who has been issued a license to practice	287
dentistry, a general anesthesia permit, a conscious sedation	288
permit, a limited resident's license, a limited teaching	289
license, a dental hygienist's license, or a dental hygienist's	290
teacher's certificate under Chapter 4715. of the Revised Code;	291
(9) A person who has been issued an embalmer's license, a	292
funeral director's license, a funeral home license, or a	293
crematory license, or who has been registered for an embalmer's	294
or funeral director's apprenticeship under Chapter 4717. of the	295
Revised Code;	296
(10) A person who has been licensed as a registered nurse	297
or practical nurse, or who has been issued a certificate for the	298
practice of nurse-midwifery under Chapter 4723. of the Revised	299
Code;	300
(11) A person who has been licensed to practice optometry	301
or to engage in optical dispensing under Chapter 4725. of the	302
Revised Code;	303
(12) A person licensed to act as a pawnbroker under	304
Chapter 4727. of the Revised Code;	305

(13) A person licensed to act as a precious metals dealer	306
under Chapter 4728. of the Revised Code;	307
(14) A person licensed under Chapter 4729. of the Revised	308
Code as a pharmacist or pharmacy intern or registered under that	309
chapter as a registered pharmacy technician, certified pharmacy	310
technician, or pharmacy technician trainee;	311
(15) A person licensed under Chapter 4729. of the Revised	312
Code as a manufacturer of dangerous drugs, outsourcing facility,	313
third-party logistics provider, repackager of dangerous drugs,	314
wholesale distributor of dangerous drugs, or terminal	315
distributor of dangerous drugs;	316
(16) A person who is authorized to practice as a physician	317
assistant under Chapter 4730. of the Revised Code;	318
(17) A person who has been issued a license to practice	319
medicine and surgery, osteopathic medicine and surgery, or	320
podiatric medicine and surgery under Chapter 4731. of the	321
Revised Code or has been issued a certificate to practice a	322
limited branch of medicine under that chapter;	323
(18) A person licensed as a psychologist or school	324
psychologist under Chapter 4732. of the Revised Code;	325
(19) A person registered to practice the profession of	326
engineering or surveying under Chapter 4733. of the Revised	327
Code;	328
(20) A person who has been issued a license to practice	329
chiropractic under Chapter 4734. of the Revised Code;	330
(21) A person licensed to act as a real estate broker or	331
real estate salesperson under Chapter 4735. of the Revised Code;	332
(22) A person registered as a registered sanitarian under	333

Chapter 4736. of the Revised Code;	334
(23) A person licensed to operate or maintain a junkyard	335
under Chapter 4737. of the Revised Code;	336
(24) A person who has been issued a motor vehicle salvage	337
dealer's license under Chapter 4738. of the Revised Code;	338
(25) A person who has been licensed to act as a steam	339
engineer under Chapter 4739. of the Revised Code;	340
(26) A person who has been issued a license or temporary	341
permit to practice veterinary medicine or any of its branches,	342
or who is registered as a graduate animal technician under	343
Chapter 4741. of the Revised Code;	344
(27) A person who has been issued a hearing aid dealer's	345
or fitter's license or trainee permit under Chapter 4747. of the	346
Revised Code;	347
(28) A person who has been issued a class A, class B, or	348
class C license or who has been registered as an investigator or	349
security guard employee under Chapter 4749. of the Revised Code;	350
(29) A person licensed and registered to practice as a	351
nursing home administrator under Chapter 4751. of the Revised	352
Code;	353
(30) A person licensed to practice as a speech-language	354
pathologist or audiologist under Chapter 4753. of the Revised	355
Code;	356
(31) A person issued a license as an occupational	357
therapist or physical therapist under Chapter 4755. of the	358
Revised Code;	359
(32) A person who is licensed as a licensed professional	360

clinical counselor, licensed professional counselor, social 361  
worker, independent social worker, independent marriage and 362  
family therapist, or marriage and family therapist, or 363  
registered as a social work assistant under Chapter 4757. of the 364  
Revised Code; 365

(33) A person issued a license to practice dietetics under 366  
Chapter 4759. of the Revised Code; 367

(34) A person who has been issued a license or limited 368  
permit to practice respiratory therapy under Chapter 4761. of 369  
the Revised Code; 370

(35) A person who has been issued a real estate appraiser 371  
certificate under Chapter 4763. of the Revised Code; 372

(36) A person who has been issued a home inspector license 373  
under Chapter 4764. of the Revised Code; 374

(37) A person who has been admitted to the bar by order of 375  
the supreme court in compliance with its prescribed and 376  
published rules. 377

(X) "Cocaine" means any of the following: 378

(1) A cocaine salt, isomer, or derivative, a salt of a 379  
cocaine isomer or derivative, or the base form of cocaine; 380

(2) Coca leaves or a salt, compound, derivative, or 381  
preparation of coca leaves, including ecgonine, a salt, isomer, 382  
or derivative of ecgonine, or a salt of an isomer or derivative 383  
of ecgonine; 384

(3) A salt, compound, derivative, or preparation of a 385  
substance identified in division (X)(1) or (2) of this section 386  
that is chemically equivalent to or identical with any of those 387  
substances, except that the substances shall not include 388

decocainized coca leaves or extraction of coca leaves if the	389
extractions do not contain cocaine or ecgonine.	390
(Y) "L.S.D." means lysergic acid diethylamide.	391
(Z) "Hashish" means the resin or a preparation of the	392
resin contained in marihuana, whether in solid form or in a	393
liquid concentrate, liquid extract, or liquid distillate form.	394
(AA) "Marihuana" has the same meaning as in section	395
3719.01 of the Revised Code, except that it does not include	396
hashish.	397
(BB) An offense is "committed in the vicinity of a	398
juvenile" if the offender commits the offense within one hundred	399
feet of a juvenile or within the view of a juvenile, regardless	400
of whether the offender knows the age of the juvenile, whether	401
the offender knows the offense is being committed within one	402
hundred feet of or within view of the juvenile, or whether the	403
juvenile actually views the commission of the offense.	404
(CC) "Presumption for a prison term" or "presumption that	405
a prison term shall be imposed" means a presumption, as	406
described in division (D) of section 2929.13 of the Revised	407
Code, that a prison term is a necessary sanction for a felony in	408
order to comply with the purposes and principles of sentencing	409
under section 2929.11 of the Revised Code.	410
(DD) "Major drug offender" has the same meaning as in	411
section 2929.01 of the Revised Code.	412
(EE) "Minor drug possession offense" means either of the	413
following:	414
(1) A violation of section 2925.11 of the Revised Code as	415
it existed prior to July 1, 1996;	416

(2) A violation of section 2925.11 of the Revised Code as 417  
it exists on and after July 1, 1996, that is a misdemeanor or a 418  
felony of the fifth degree. 419

(FF) "Mandatory prison term" has the same meaning as in 420  
section 2929.01 of the Revised Code. 421

(GG) "Adulterate" means to cause a drug to be adulterated 422  
as described in section 3715.63 of the Revised Code. 423

(HH) "Public premises" means any hotel, restaurant, 424  
tavern, store, arena, hall, or other place of public 425  
accommodation, business, amusement, or resort. 426

(II) "Methamphetamine" means methamphetamine, any salt, 427  
isomer, or salt of an isomer of methamphetamine, or any 428  
compound, mixture, preparation, or substance containing 429  
methamphetamine or any salt, isomer, or salt of an isomer of 430  
methamphetamine. 431

(JJ) "Deception" has the same meaning as in section 432  
2913.01 of the Revised Code. 433

(KK) "Fentanyl-related compound" means any of the 434  
following: 435

(1) Fentanyl; 436

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 437  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 438  
phenylethyl)-4-(N-propanilido) piperidine); 439

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 440  
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 441

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 442  
piperidinyl]-N-phenylpropanamide); 443

- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 444  
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- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); 447  
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- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 449  
450
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 451  
452
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 453  
454
- (10) Alfentanil; 455
- (11) Carfentanil; 456
- (12) Remifentanil; 457
- (13) Sufentanil; 458
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 459  
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- (15) Any compound that meets all of the following fentanyl 461  
pharmacophore requirements to bind at the mu receptor, as 462  
identified by a report from an established forensic laboratory, 463  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 464  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 465  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 466  
fluorofentanyl: 467
- (a) A chemical scaffold consisting of both of the 468  
following: 469
- (i) A five, six, or seven member ring structure containing 470

a nitrogen, whether or not further substituted;	471
(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	472 473 474
(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	475 476 477
(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	478 479
(d) The compound has not been approved for medical use by the United States food and drug administration.	480 481
(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A) (1) (a) of that section for a felony of the first degree.	482 483 484 485 486 487 488 489
(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after the effective date of this amendment, it means one of the minimum prison terms prescribed in division (A) (2) (a) of that section for a felony of the second degree.	490 491 492 493 494 495 496 497
(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division	498 499

(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 500  
the first degree, except that if the violation for which 501  
sentence is being imposed is committed on or after the effective 502  
date of this amendment, it means the longest minimum prison term 503  
prescribed in division (A) (1) (a) of that section for a felony of 504  
the first degree. 505

(00) "Maximum second degree felony mandatory prison term" 506  
means the maximum definite prison term prescribed in division 507  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 508  
the second degree, except that if the violation for which 509  
sentence is being imposed is committed on or after the effective 510  
date of this amendment, it means the longest minimum prison term 511  
prescribed in division (A) (2) (a) of that section for a felony of 512  
the second degree. 513

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 514  
the Revised Code: 515

(A) "Buyer" means an individual who is solicited to 516  
purchase or who purchases the services of a credit services 517  
organization for purposes other than obtaining a business loan 518  
as described in division (B) (6) of section 1343.01 of the 519  
Revised Code. 520

(B) "Consumer reporting agency" has the same meaning as in 521  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 522  
1681a, as amended. 523

(C) (1) "Credit services organization" means any person 524  
that, in return for the payment of money or other valuable 525  
consideration readily convertible into money for the following 526  
services, sells, provides, or performs, or represents that the 527  
person can or will sell, provide, or perform, one or more of the 528

following services:	529
(a) Improving a buyer's credit record, history, or rating;	530
(b) Obtaining an extension of credit by others for a buyer;	531 532
(c) Providing advice or assistance to a buyer in connection with division (C) (1) (a) or (b) of this section;	533 534
(d) Removing adverse credit information that is accurate and not obsolete from the buyer's credit record, history, or rating;	535 536 537
(e) Altering the buyer's identification to prevent the display of the buyer's credit record, history, or rating.	538 539
(2) "Credit services organization" does not include any of the following:	540 541
(a) A person that makes or collects loans, to the extent these activities are subject to licensure or registration by this state;	542 543 544
(b) A mortgage broker, as defined in section 1322.01 of the Revised Code, that holds a valid certificate of registration under Chapter 1322. of the Revised Code;	545 546 547
(c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended;	548 549 550 551
(d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C) (2) (d) of this section, "affiliate" has the same meaning as in division	552 553 554 555

(A) of section 1101.01 of the Revised Code and "bank," as used	556
in division (A) of section 1101.01 of the Revised Code, is	557
deemed to include a savings bank or savings and loan	558
association.	559
(e) A credit union organized and qualified under Chapter	560
1733. of the Revised Code or the "Federal Credit Union Act," 84	561
Stat. 994 (1970), 12 U.S.C.A. 1751, as amended;	562
(f) A budget and debt counseling service, as defined in	563
division (D) of section 2716.03 of the Revised Code, provided	564
that the service is a nonprofit organization exempt from	565
taxation under section 501(c)(3) of the "Internal Revenue Code	566
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that	567
the service is in compliance with <del>Chapter 4710. sections 4712.50</del>	568
<u>to 4712.54</u> of the Revised Code;	569
(g) A consumer reporting agency that is in substantial	570
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128,	571
15 U.S.C.A. 1681a, as amended.	572
(h) A mortgage banker;	573
(i) Any political subdivision, or any governmental or	574
other public entity, corporation, or agency, in or of the United	575
States or any state of the United States;	576
(j) A college or university, or controlled entity of a	577
college or university, as defined in section 1713.05 of the	578
Revised Code;	579
(k) A motor vehicle dealer licensed pursuant to Chapter	580
4517. of the Revised Code acting within the scope and authority	581
of that license or a motor vehicle auction owner licensed	582
pursuant to Chapters 4517. and 4707. of the Revised Code acting	583
within the scope and authority of that license;	584

(1) An attorney at law admitted to the practice of law in 585  
this state who offers, provides, or performs a legal service 586  
that is privileged by reason of the attorney-client 587  
relationship, provided that the service is not a service 588  
described in division (C) (1) (b) or (e) of this section. 589

(D) "Extension of credit" means the right to defer payment 590  
of debt, or to incur debt and defer its payment, offered or 591  
granted primarily for personal, family, or household purposes. 592  
"Extension of credit" does not include a mortgage. 593

(E) "Mortgage" means any indebtedness secured by a deed of 594  
trust, security deed, or other lien on real property. 595

(F) "Mortgage banker" means any person that makes, 596  
services, or buys and sells mortgage loans and is approved by 597  
the United States department of housing and urban development, 598  
the United States department of veterans affairs, the federal 599  
national mortgage association, or the federal home loan mortgage 600  
corporation. 601

(G) "Superintendent of financial institutions" includes 602  
the deputy superintendent for consumer finance as provided in 603  
section 1181.21 of the Revised Code. 604

**Sec. ~~4710.01-4712.50~~. As used in ~~this chapter~~ sections 605  
4712.50 to 4712.54 of the Revised Code: 606**

(A) "Person" includes individuals, partnerships, 607  
associations, corporations, trusts, and other legal entities. 608

(B) (1) "Debt adjusting" means doing business in debt 609  
adjusting, budget counseling, debt management, or debt pooling 610  
service, or holding oneself out, by words of similar import, as 611  
providing services to debtors in the management, reduction, or 612  
elimination of the amount or repayment terms of their debts, to 613

do either of the following: 614

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 615  
of any account, note, or other indebtedness of the debtor, ~~to~~ to 616  
obtain any of the following: 617

(i) An adjustment of an interest rate on a debt owed by a 618  
debtor to a creditor; 619

(ii) A waiver or reduction of fees or charges; 620

(iii) A discharge of a debt by reducing the principal 621  
balance of the debt. 622

~~(2)~~ (b) To receive from the debtor and disburse to the 623  
debtor's creditors any money or other thing of value. 624

(2) "Debt adjusting" does not include any of the 625  
activities of a debt collector, as defined in 15 U.S.C. 1692a. 626

(C) "Resides" means to live in a particular place on a 627  
temporary or a permanent basis. 628

**Sec. ~~4710.02~~ 4712.51.** (A) Subject to division (C) of this 629  
section, a person engaged in debt adjusting shall do all of the 630  
following: 631

(1) Unless specifically instructed otherwise by a debtor, 632  
disburse to the appropriate creditors all funds received from 633  
the debtor, less any contributions not prohibited by division 634  
(B) of this section, within thirty days of receipt of the funds 635  
from the debtor; 636

(2) Maintain a separate trust account for the receipt of 637  
any funds from debtors and the disbursement of the funds to 638  
creditors on behalf of the debtors; 639

(3) Charge or accept only reasonable fees or contributions 640

in accordance with division (B) of this section; 641

(4) Establish and implement a policy that allows for the 642  
waiver or discontinuation of fees or contributions not 643  
prohibited by division (B) of this section if the debtor is 644  
unable to pay such fees or contributions. 645

(B) If fees or contributions for providing debt adjusting 646  
services are charged or accepted, directly or indirectly, no 647  
person providing or engaged in debt adjusting shall do any of 648  
the following: 649

(1) Charge or accept a fee or contribution exceeding 650  
seventy-five dollars from a debtor residing in this state for an 651  
initial consultation or initial set up of a debt management plan 652  
or similar plan; 653

(2) Charge or accept consultation fees or contributions 654  
exceeding one hundred dollars per calendar year from a debtor 655  
residing in this state; 656

(3) Charge or accept a periodic fee or contribution from a 657  
debtor residing in this state for administering a debt 658  
management plan or similar plan, which fee or contribution 659  
exceeds eight and one-half per cent of the amount paid by the 660  
debtor each month for distribution to the debtor's creditors or 661  
thirty dollars, whichever is greater. 662

(C) Division (A) or (B) of this section does not prohibit 663  
a person engaged in debt adjusting for a debtor who is residing 664  
in this state from charging the debtor a reasonable fee for 665  
insufficient funds transactions that is in addition to fees or 666  
contributions not prohibited by division (B) of this section. 667

(D) Any person that engages in debt adjusting, annually, 668  
shall arrange for and undergo an audit conducted by an 669

independent, third party, certified public accountant of the 670  
person's business, including any trust funds deposited and 671  
distributed to creditors on behalf of debtors. Both of the 672  
following apply to an audit described in this division: 673

(1) The person shall file the results of the audit and the 674  
auditor's opinion with the consumer protection division of the 675  
attorney general. 676

(2) The attorney general shall make available a summary of 677  
the results of the audit and the auditor's opinion upon written 678  
request of a person and payment of a fee not exceeding the cost 679  
of copying the summary and opinion. 680

(E) A person engaged in debt adjusting shall obtain and 681  
maintain at all times insurance coverage for employee 682  
dishonesty, depositor's forgery, and computer fraud in the 683  
amount of ten per cent of the monthly average for the immediate 684  
preceding six months of the aggregate amount of all deposits 685  
made with the person by all debtors. The insurance coverage 686  
shall comply with all of the following: 687

(1) The insurance coverage is not less than one hundred 688  
thousand dollars. 689

(2) The insurance coverage includes a deductible that does 690  
not exceed ten per cent of the face amount of the policy 691  
coverage. 692

(3) The insurance coverage is issued by an insurer rated 693  
at least A- or its equivalent by a nationally recognized rating 694  
organization. 695

(4) The insurance coverage provides that thirty days 696  
advance written notice be given to the consumer protection 697  
division of the attorney general before coverage is terminated. 698

(F) (1) No person engaged in debt adjusting shall fail to 699  
comply with division (A) of this section or shall violate 700  
division (B) of this section. 701

(2) No person engaged in debt adjusting shall fail to 702  
comply with divisions (D) and (E) of this section. 703

**Sec. ~~4710.03~~ 4712.52.** Nothing in ~~this chapter~~ sections 704  
4712.50 to 4712.54 of the Revised Code applies to any of the 705  
following: 706

(A) The federal national mortgage association; the federal 707  
home loan mortgage corporation; a bank, bank holding company, 708  
trust company, savings and loan association, credit union, 709  
savings bank, or credit card bank, that is regulated by the 710  
office of the comptroller of currency, office of thrift 711  
supervision, federal reserve, federal deposit insurance 712  
corporation, national credit union administration, or division 713  
of financial institutions; or to subsidiaries of any of these 714  
entities; 715

(B) Debt adjusting incurred in the practice of law in this 716  
state; 717

(C) A person that incidentally engages in debt adjusting 718  
to adjust the indebtedness owed to that person; 719

(D) A registrant as defined in section 1321.51 of the 720  
Revised Code; 721

(E) A registrant or licensee as both are defined in 722  
section 1322.01 of the Revised Code. 723

**Sec. ~~4710.04~~ 4712.53.** (A) Any violation of division (F) (1) 724  
of section ~~4710.02~~ 4712.51 of the Revised Code is deemed an 725  
unfair or deceptive act or practice in violation of section 726

1345.02 of the Revised Code. A person injured by a violation of 727  
that division has a cause of action and is entitled to the same 728  
relief available to a consumer under section 1345.09 of the 729  
Revised Code, and all the powers and remedies available to the 730  
attorney general to enforce sections 1345.01 to 1345.13 of the 731  
Revised Code are available to the attorney general to enforce 732  
division (F) (1) of section ~~4710.02-4712.51~~ of the Revised Code. 733

(B) Any person who violates division (F) (2) of section 734  
~~4710.02-4712.51~~ of the Revised Code, in addition to the 735  
penalties imposed by division (C) of section ~~4710.99-4712.99~~ of 736  
the Revised Code, shall be fined not more than ten thousand 737  
dollars for each violation. 738

**Sec. 4712.54.** (A) A person engaged in debt adjusting and 739  
operating in compliance with federal laws or regulations, 740  
including regulations adopted under 16 C.F.R. part 310, is not 741  
subject to division (B) of section 4712.51 of the Revised Code 742  
or to any requirement under sections 4712.50 to 4712.54 of the 743  
Revised Code that conflicts with those federal laws or 744  
regulations. 745

(B) A person engaged in debt adjusting and operating in 746  
compliance with federal laws or regulations, including 747  
regulations adopted under 16 C.F.R. part 310, shall, in any debt 748  
management plan between the person and a debtor, disclose to the 749  
debtor each creditor that the person has reason to believe will 750  
not negotiate settlements directly with the person. 751

**Sec. 4712.99.** (A) Whoever violates division (J) of section 752  
4712.02, division (E) of section 4712.04, division (D) or (E) of 753  
section 4712.05, division (A) of section 4712.06, section 754  
4712.07 or 4712.08, or division (A) of section 4712.09 of the 755  
Revised Code is guilty of a felony of the fifth degree. 756

(B) (1) Whoever violates section 4712.071 of the Revised Code is guilty of a minor misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars.

(2) The offense established under section 4712.071 of the Revised Code is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense for which there is no specified degree of culpability, whether in this section or another section of the Revised Code, is not a strict liability offense.

(C) Whoever recklessly violates division (F) of section 4712.51 of the Revised Code or division (B) of section 4712.54 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

**Section 2.** That existing sections 9.45, 2925.01, 4710.01, 4710.02, 4710.03, 4710.04, 4712.01, and 4712.99 of the Revised Code are hereby repealed.

**Section 3.** That section 4710.99 of the Revised Code is hereby repealed.

**Section 4.** Nothing in this act shall be construed as permitting the unauthorized practice of law by any person engaged in debt adjusting.

**Section 5.** Section 2925.01 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly. 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	786
simultaneous operation, finds that the composite is the	787
resulting version of the section in effect prior to the	788
effective date of the section as presented in this act.	789