

As Introduced

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

S. B. No. 55

Senator Gavarone

A BILL

To amend sections 2925.01 and 2925.03 of the 1
Revised Code to enhance penalties for certain 2
drug trafficking offenses committed in the 3
vicinity of a community addiction services 4
provider and to name the act's provisions the 5
"Relapse Reduction Act." 6

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

Section 1. That sections 2925.01 and 2925.03 of the 7
Revised Code be amended to read as follows: 8

Sec. 2925.01. As used in this chapter: 9

(A) "Administer," "controlled substance," "controlled 10
substance analog," "dispense," "distribute," "hypodermic," 11
"manufacturer," "official written order," "person," 12
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 13
"schedule III," "schedule IV," "schedule V," and "wholesaler" 14
have the same meanings as in section 3719.01 of the Revised 15
Code. 16

(B) "Drug dependent person" and "drug of abuse" have the 17
same meanings as in section 3719.011 of the Revised Code. 18

(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;

(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;

(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;

(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;

(e) An amount equal to or exceeding five grams or ten unit 48
doses of a compound, mixture, preparation, or substance that is 49
or contains any amount of phencyclidine; 50

(f) An amount equal to or exceeding one hundred twenty 51
grams or thirty times the maximum daily dose in the usual dose 52
range specified in a standard pharmaceutical reference manual of 53
a compound, mixture, preparation, or substance that is or 54
contains any amount of a schedule II stimulant that is in a 55
final dosage form manufactured by a person authorized by the 56
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 57
U.S.C.A. 301, as amended, and the federal drug abuse control 58
laws, as defined in section 3719.01 of the Revised Code, that is 59
or contains any amount of a schedule II depressant substance or 60
a schedule II hallucinogenic substance; 61

(g) An amount equal to or exceeding three grams of a 62
compound, mixture, preparation, or substance that is or contains 63
any amount of a schedule II stimulant, or any of its salts or 64
isomers, that is not in a final dosage form manufactured by a 65
person authorized by the Federal Food, Drug, and Cosmetic Act 66
and the federal drug abuse control laws. 67

(2) An amount equal to or exceeding one hundred twenty 68
grams or thirty times the maximum daily dose in the usual dose 69
range specified in a standard pharmaceutical reference manual of 70
a compound, mixture, preparation, or substance that is or 71
contains any amount of a schedule III or IV substance other than 72
an anabolic steroid or a schedule III opiate or opium 73
derivative; 74

(3) An amount equal to or exceeding twenty grams or five 75
times the maximum daily dose in the usual dose range specified 76
in a standard pharmaceutical reference manual of a compound, 77

mixture, preparation, or substance that is or contains any 78
amount of a schedule III opiate or opium derivative; 79

(4) An amount equal to or exceeding two hundred fifty 80
milliliters or two hundred fifty grams of a compound, mixture, 81
preparation, or substance that is or contains any amount of a 82
schedule V substance; 83

(5) An amount equal to or exceeding two hundred solid 84
dosage units, sixteen grams, or sixteen milliliters of a 85
compound, mixture, preparation, or substance that is or contains 86
any amount of a schedule III anabolic steroid; 87

(6) For any compound, mixture, preparation, or substance 88
that is a combination of a fentanyl-related compound and any 89
other compound, mixture, preparation, or substance included in 90
schedule III, schedule IV, or schedule V, if the defendant is 91
charged with a violation of section 2925.11 of the Revised Code 92
and the sentencing provisions set forth in divisions (C)(10)(b) 93
and (C)(11) of that section will not apply regarding the 94
defendant and the violation, the bulk amount of the controlled 95
substance for purposes of the violation is the amount specified 96
in division (D)(1), (2), (3), (4), or (5) of this section for 97
the other schedule III, IV, or V controlled substance that is 98
combined with the fentanyl-related compound. 99

(E) "Unit dose" means an amount or unit of a compound, 100
mixture, or preparation containing a controlled substance that 101
is separately identifiable and in a form that indicates that it 102
is the amount or unit by which the controlled substance is 103
separately administered to or taken by an individual. 104

(F) "Cultivate" includes planting, watering, fertilizing, 105
or tilling. 106

(G) "Drug abuse offense" means any of the following:	107
(1) A violation of division (A) of section 2913.02 that	108
constitutes theft of drugs, or a violation of section 2925.02,	109
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12,	110
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36,	111
or 2925.37 of the Revised Code;	112
(2) A violation of an existing or former law of this or	113
any other state or of the United States that is substantially	114
equivalent to any section listed in division (G)(1) of this	115
section;	116
(3) An offense under an existing or former law of this or	117
any other state, or of the United States, of which planting,	118
cultivating, harvesting, processing, making, manufacturing,	119
producing, shipping, transporting, delivering, acquiring,	120
possessing, storing, distributing, dispensing, selling, inducing	121
another to use, administering to another, using, or otherwise	122
dealing with a controlled substance is an element;	123
(4) A conspiracy to commit, attempt to commit, or	124
complicity in committing or attempting to commit any offense	125
under division (G)(1), (2), or (3) of this section.	126
(H) "Felony drug abuse offense" means any drug abuse	127
offense that would constitute a felony under the laws of this	128
state, any other state, or the United States.	129
(I) "Harmful intoxicant" does not include beer or	130
intoxicating liquor but means any of the following:	131
(1) Any compound, mixture, preparation, or substance the	132
gas, fumes, or vapor of which when inhaled can induce	133
intoxication, excitement, giddiness, irrational behavior,	134
depression, stupefaction, paralysis, unconsciousness,	135

asphyxiation, or other harmful physiological effects, and	136
includes, but is not limited to, any of the following:	137
(a) Any volatile organic solvent, plastic cement, model	138
cement, fingernail polish remover, lacquer thinner, cleaning	139
fluid, gasoline, or other preparation containing a volatile	140
organic solvent;	141
(b) Any aerosol propellant;	142
(c) Any fluorocarbon refrigerant;	143
(d) Any anesthetic gas.	144
(2) Gamma Butyrolactone;	145
(3) 1,4 Butanediol.	146
(J) "Manufacture" means to plant, cultivate, harvest,	147
process, make, prepare, or otherwise engage in any part of the	148
production of a drug, by propagation, extraction, chemical	149
synthesis, or compounding, or any combination of the same, and	150
includes packaging, repackaging, labeling, and other activities	151
incident to production.	152
(K) "Possess" or "possession" means having control over a	153
thing or substance, but may not be inferred solely from mere	154
access to the thing or substance through ownership or occupation	155
of the premises upon which the thing or substance is found.	156
(L) "Sample drug" means a drug or pharmaceutical	157
preparation that would be hazardous to health or safety if used	158
without the supervision of a licensed health professional	159
authorized to prescribe drugs, or a drug of abuse, and that, at	160
one time, had been placed in a container plainly marked as a	161
sample by a manufacturer.	162

(M) "Standard pharmaceutical reference manual" means the	163
current edition, with cumulative changes if any, of references	164
that are approved by the state board of pharmacy.	165
(N) "Juvenile" means a person under eighteen years of age.	166
(O) "Counterfeit controlled substance" means any of the	167
following:	168
(1) Any drug that bears, or whose container or label	169
bears, a trademark, trade name, or other identifying mark used	170
without authorization of the owner of rights to that trademark,	171
trade name, or identifying mark;	172
(2) Any unmarked or unlabeled substance that is	173
represented to be a controlled substance manufactured,	174
processed, packed, or distributed by a person other than the	175
person that manufactured, processed, packed, or distributed it;	176
(3) Any substance that is represented to be a controlled	177
substance but is not a controlled substance or is a different	178
controlled substance;	179
(4) Any substance other than a controlled substance that a	180
reasonable person would believe to be a controlled substance	181
because of its similarity in shape, size, and color, or its	182
markings, labeling, packaging, distribution, or the price for	183
which it is sold or offered for sale.	184
(P) An offense is "committed in the vicinity of a school"	185
if the offender commits the offense on school premises, in a	186
school building, or within one thousand feet of the boundaries	187
of any school premises, regardless of whether the offender knows	188
the offense is being committed on school premises, in a school	189
building, or within one thousand feet of the boundaries of any	190
school premises.	191

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

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

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

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

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

(T) "Disciplinary counsel" means the disciplinary counsel 222
appointed by the board of commissioners on grievances and 223
discipline of the supreme court under the Rules for the 224
Government of the Bar of Ohio. 225

(U) "Certified grievance committee" means a duly 226
constituted and organized committee of the Ohio state bar 227
association or of one or more local bar associations of the 228
state of Ohio that complies with the criteria set forth in Rule 229
V, section 6 of the Rules for the Government of the Bar of Ohio. 230

(V) "Professional license" means any license, permit, 231
certificate, registration, qualification, admission, temporary 232
license, temporary permit, temporary certificate, or temporary 233
registration that is described in divisions (W) (1) to (36) of 234
this section and that qualifies a person as a professionally 235
licensed person. 236

(W) "Professionally licensed person" means any of the 237
following: 238

(1) A person who has obtained a license as a manufacturer 239
of controlled substances or a wholesaler of controlled 240
substances under Chapter 3719. of the Revised Code; 241

(2) A person who has received a certificate or temporary 242
certificate as a certified public accountant or who has 243
registered as a public accountant under Chapter 4701. of the 244
Revised Code and who holds an Ohio permit issued under that 245
chapter; 246

(3) A person who holds a certificate of qualification to 247
practice architecture issued or renewed and registered under 248
Chapter 4703. of the Revised Code; 249

(4) A person who is registered as a landscape architect 250

under Chapter 4703. of the Revised Code or who holds a permit as	251
a landscape architect issued under that chapter;	252
(5) A person licensed under Chapter 4707. of the Revised	253
Code;	254
(6) A person who has been issued a certificate of	255
registration as a registered barber under Chapter 4709. of the	256
Revised Code;	257
(7) A person licensed and regulated to engage in the	258
business of a debt pooling company by a legislative authority,	259
under authority of Chapter 4710. of the Revised Code;	260
(8) A person who has been issued a cosmetologist's	261
license, hair designer's license, manicurist's license,	262
esthetician's license, natural hair stylist's license, advanced	263
cosmetologist's license, advanced hair designer's license,	264
advanced manicurist's license, advanced esthetician's license,	265
advanced natural hair stylist's license, cosmetology	266
instructor's license, hair design instructor's license,	267
manicurist instructor's license, esthetics instructor's license,	268
natural hair style instructor's license, independent	269
contractor's license, or tanning facility permit under Chapter	270
4713. of the Revised Code;	271
(9) A person who has been issued a license to practice	272
dentistry, a general anesthesia permit, a conscious intravenous	273
sedation permit, a limited resident's license, a limited	274
teaching license, a dental hygienist's license, or a dental	275
hygienist's teacher's certificate under Chapter 4715. of the	276
Revised Code;	277
(10) A person who has been issued an embalmer's license, a	278
funeral director's license, a funeral home license, or a	279

crematory license, or who has been registered for an embalmer's 280
or funeral director's apprenticeship under Chapter 4717. of the 281
Revised Code; 282

(11) A person who has been licensed as a registered nurse 283
or practical nurse, or who has been issued a certificate for the 284
practice of nurse-midwifery under Chapter 4723. of the Revised 285
Code; 286

(12) A person who has been licensed to practice optometry 287
or to engage in optical dispensing under Chapter 4725. of the 288
Revised Code; 289

(13) A person licensed to act as a pawnbroker under 290
Chapter 4727. of the Revised Code; 291

(14) A person licensed to act as a precious metals dealer 292
under Chapter 4728. of the Revised Code; 293

(15) A person licensed as a pharmacist, a pharmacy intern, 294
a wholesale distributor of dangerous drugs, or a terminal 295
distributor of dangerous drugs under Chapter 4729. of the 296
Revised Code; 297

(16) A person who is authorized to practice as a physician 298
assistant under Chapter 4730. of the Revised Code; 299

(17) A person who has been issued a license to practice 300
medicine and surgery, osteopathic medicine and surgery, or 301
podiatric medicine and surgery under Chapter 4731. of the 302
Revised Code or has been issued a certificate to practice a 303
limited branch of medicine under that chapter; 304

(18) A person licensed as a psychologist or school 305
psychologist under Chapter 4732. of the Revised Code; 306

(19) A person registered to practice the profession of 307

engineering or surveying under Chapter 4733. of the Revised Code;	308 309
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	310 311
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	312 313
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	314 315
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	316 317
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	318 319
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	320 321
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	322 323 324 325
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	326 327 328
(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;	329 330 331
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	332 333 334

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; 335
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(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; 338
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(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; 341
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(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 347
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(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 349
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(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 352
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(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 354
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(X) "Cocaine" means any of the following: 357

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 358
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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative 360
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of ecgonine; 363

(3) A salt, compound, derivative, or preparation of a 364
substance identified in division (X)(1) or (2) of this section 365
that is chemically equivalent to or identical with any of those 366
substances, except that the substances shall not include 367
decocainized coca leaves or extraction of coca leaves if the 368
extractions do not contain cocaine or ecgonine. 369

(Y) "L.S.D." means lysergic acid diethylamide. 370

(Z) "Hashish" means the resin or a preparation of the 371
resin contained in marihuana, whether in solid form or in a 372
liquid concentrate, liquid extract, or liquid distillate form. 373

(AA) "Marihuana" has the same meaning as in section 374
3719.01 of the Revised Code, except that it does not include 375
hashish. 376

(BB) An offense is "committed in the vicinity of a 377
juvenile" if the offender commits the offense within one hundred 378
feet of a juvenile or within the view of a juvenile, regardless 379
of whether the offender knows the age of the juvenile, whether 380
the offender knows the offense is being committed within one 381
hundred feet of or within view of the juvenile, or whether the 382
juvenile actually views the commission of the offense. 383

(CC) "Presumption for a prison term" or "presumption that 384
a prison term shall be imposed" means a presumption, as 385
described in division (D) of section 2929.13 of the Revised 386
Code, that a prison term is a necessary sanction for a felony in 387
order to comply with the purposes and principles of sentencing 388
under section 2929.11 of the Revised Code. 389

(DD) "Major drug offender" has the same meaning as in 390
section 2929.01 of the Revised Code. 391

(EE) "Minor drug possession offense" means either of the following:	392 393
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	394 395
(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.	396 397 398
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	399 400
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	401 402
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	403 404 405
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	406 407 408 409 410
(JJ) "Lawful prescription" means a prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.	411 412 413 414 415
(KK) "Deception" and "theft offense" have the same meanings as in section 2913.01 of the Revised Code.	416 417
(LL) "Fentanyl-related compound" means any of the following:	418 419

(1) Fentanyl;	420
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	421 422 423
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	424 425
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	426 427
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	428 429 430
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	431 432
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	433 434
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	435 436
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	437 438
(10) Alfentanil;	439
(11) Carfentanil;	440
(12) Remifentanil;	441
(13) Sufentanil;	442
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	443 444
(15) A schedule I narcotic-opiate that meets the fentanyl	445

pharmacophore requirements specified in division (A) (56) of 446
section 3719.41 of the Revised Code, including acetylfentanyl, 447
furanylfentanyl, valerylfentanyl, butyrylfentanyl, 448
isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para- 449
fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl. 450

(MM) An offense is "committed in the vicinity of a 451
community addiction services provider" if the offender commits 452
the offense on the premises of a community addiction services 453
provider, including a facility licensed to provide methadone 454
treatment under section 5119.391 of the Revised Code, or within 455
one thousand feet of a community addiction services provider, 456
when the offender recklessly disregards whether the offense is 457
being committed within that vicinity. 458

(NN) "Community addiction services provider" has the same 459
meaning as in section 5119.01 of the Revised Code. 460

Sec. 2925.03. (A) No person shall knowingly do any of the 461
following: 462

(1) Sell or offer to sell a controlled substance or a 463
controlled substance analog; 464

(2) Prepare for shipment, ship, transport, deliver, 465
prepare for distribution, or distribute a controlled substance 466
or a controlled substance analog, when the offender knows or has 467
reasonable cause to believe that the controlled substance or a 468
controlled substance analog is intended for sale or resale by 469
the offender or another person. 470

(B) This section does not apply to any of the following: 471

(1) Manufacturers, licensed health professionals 472
authorized to prescribe drugs, pharmacists, owners of 473
pharmacies, and other persons whose conduct is in accordance 474

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 475
4741. of the Revised Code; 476

(2) If the offense involves an anabolic steroid, any 477
person who is conducting or participating in a research project 478
involving the use of an anabolic steroid if the project has been 479
approved by the United States food and drug administration; 480

(3) Any person who sells, offers for sale, prescribes, 481
dispenses, or administers for livestock or other nonhuman 482
species an anabolic steroid that is expressly intended for 483
administration through implants to livestock or other nonhuman 484
species and approved for that purpose under the "Federal Food, 485
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 486
as amended, and is sold, offered for sale, prescribed, 487
dispensed, or administered for that purpose in accordance with 488
that act. 489

(C) Whoever violates division (A) of this section is 490
guilty of one of the following: 491

(1) If the drug involved in the violation is any compound, 492
mixture, preparation, or substance included in schedule I or 493
schedule II, with the exception of marihuana, cocaine, L.S.D., 494
heroin, any fentanyl-related compound, hashish, and any 495
controlled substance analog, whoever violates division (A) of 496
this section is guilty of aggravated trafficking in drugs. The 497
penalty for the offense shall be determined as follows: 498

(a) Except as otherwise provided in division (C) (1) (b), 499
(c), (d), (e), or (f) of this section, aggravated trafficking in 500
drugs is a felony of the fourth degree, and division (C) of 501
section 2929.13 of the Revised Code applies in determining 502
whether to impose a prison term on the offender. 503

(b) Except as otherwise provided in division (C) (1) (c), 504
(d), (e), or (f) of this section, if the offense was committed 505
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 506
or in the vicinity of a community addiction services provider, 507
aggravated trafficking in drugs is a felony of the third degree, 508
and division (C) of section 2929.13 of the Revised Code applies 509
in determining whether to impose a prison term on the offender. 510

(c) Except as otherwise provided in this division, if the 511
amount of the drug involved equals or exceeds the bulk amount 512
but is less than five times the bulk amount, aggravated 513
trafficking in drugs is a felony of the third degree, and, 514
except as otherwise provided in this division, there is a 515
presumption for a prison term for the offense. If aggravated 516
trafficking in drugs is a felony of the third degree under this 517
division and if the offender two or more times previously has 518
been convicted of or pleaded guilty to a felony drug abuse 519
offense, the court shall impose as a mandatory prison term one 520
of the prison terms prescribed for a felony of the third degree. 521
If the amount of the drug involved is within that range and if 522
the offense was committed in the vicinity of a school ~~or~~, in the 523
vicinity of a juvenile, or in the vicinity of a community 524
addiction services provider, aggravated trafficking in drugs is 525
a felony of the second degree, and the court shall impose as a 526
mandatory prison term one of the prison terms prescribed for a 527
felony of the second degree. 528

(d) Except as otherwise provided in this division, if the 529
amount of the drug involved equals or exceeds five times the 530
bulk amount but is less than fifty times the bulk amount, 531
aggravated trafficking in drugs is a felony of the second 532
degree, and the court shall impose as a mandatory prison term 533
one of the prison terms prescribed for a felony of the second 534

degree. If the amount of the drug involved is within that range 535
and if the offense was committed in the vicinity of a school ~~or,~~ 536
in the vicinity of a juvenile, or in the vicinity of a community 537
addiction services provider, aggravated trafficking in drugs is 538
a felony of the first degree, and the court shall impose as a 539
mandatory prison term one of the prison terms prescribed for a 540
felony of the first degree. 541

(e) If the amount of the drug involved equals or exceeds 542
fifty times the bulk amount but is less than one hundred times 543
the bulk amount and regardless of whether the offense was 544
committed in the vicinity of a school ~~or,~~ in the vicinity of a 545
juvenile, or in the vicinity of a community addiction services 546
provider, aggravated trafficking in drugs is a felony of the 547
first degree, and the court shall impose as a mandatory prison 548
term one of the prison terms prescribed for a felony of the 549
first degree. 550

(f) If the amount of the drug involved equals or exceeds 551
one hundred times the bulk amount and regardless of whether the 552
offense was committed in the vicinity of a school ~~or,~~ in the 553
vicinity of a juvenile, or in the vicinity of a community 554
addiction services provider, aggravated trafficking in drugs is 555
a felony of the first degree, the offender is a major drug 556
offender, and the court shall impose as a mandatory prison term 557
the maximum prison term prescribed for a felony of the first 558
degree. 559

(2) If the drug involved in the violation is any compound, 560
mixture, preparation, or substance included in schedule III, IV, 561
or V, whoever violates division (A) of this section is guilty of 562
trafficking in drugs. The penalty for the offense shall be 563
determined as follows: 564

(a) Except as otherwise provided in division (C) (2) (b), 565
(c), (d), or (e) of this section, trafficking in drugs is a 566
felony of the fifth degree, and division (B) of section 2929.13 567
of the Revised Code applies in determining whether to impose a 568
prison term on the offender. 569

(b) Except as otherwise provided in division (C) (2) (c), 570
(d), or (e) of this section, if the offense was committed in the 571
vicinity of a school or in the vicinity of a juvenile, 572
trafficking in drugs is a felony of the fourth degree, and 573
division (C) of section 2929.13 of the Revised Code applies in 574
determining whether to impose a prison term on the offender. 575

(c) Except as otherwise provided in this division, if the 576
amount of the drug involved equals or exceeds the bulk amount 577
but is less than five times the bulk amount, trafficking in 578
drugs is a felony of the fourth degree, and division (B) of 579
section 2929.13 of the Revised Code applies in determining 580
whether to impose a prison term for the offense. If the amount 581
of the drug involved is within that range and if the offense was 582
committed in the vicinity of a school or in the vicinity of a 583
juvenile, trafficking in drugs is a felony of the third degree, 584
and there is a presumption for a prison term for the offense. 585

(d) Except as otherwise provided in this division, if the 586
amount of the drug involved equals or exceeds five times the 587
bulk amount but is less than fifty times the bulk amount, 588
trafficking in drugs is a felony of the third degree, and there 589
is a presumption for a prison term for the offense. If the 590
amount of the drug involved is within that range and if the 591
offense was committed in the vicinity of a school or in the 592
vicinity of a juvenile, trafficking in drugs is a felony of the 593
second degree, and there is a presumption for a prison term for 594

the offense. 595

(e) Except as otherwise provided in this division, if the 596
amount of the drug involved equals or exceeds fifty times the 597
bulk amount, trafficking in drugs is a felony of the second 598
degree, and the court shall impose as a mandatory prison term 599
one of the prison terms prescribed for a felony of the second 600
degree. If the amount of the drug involved equals or exceeds 601
fifty times the bulk amount and if the offense was committed in 602
the vicinity of a school or in the vicinity of a juvenile, 603
trafficking in drugs is a felony of the first degree, and the 604
court shall impose as a mandatory prison term one of the prison 605
terms prescribed for a felony of the first degree. 606

(3) If the drug involved in the violation is marihuana or 607
a compound, mixture, preparation, or substance containing 608
marihuana other than hashish, whoever violates division (A) of 609
this section is guilty of trafficking in marihuana. The penalty 610
for the offense shall be determined as follows: 611

(a) Except as otherwise provided in division (C) (3) (b), 612
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 613
marihuana is a felony of the fifth degree, and division (B) of 614
section 2929.13 of the Revised Code applies in determining 615
whether to impose a prison term on the offender. 616

(b) Except as otherwise provided in division (C) (3) (c), 617
(d), (e), (f), (g), or (h) of this section, if the offense was 618
committed in the vicinity of a school or in the vicinity of a 619
juvenile, trafficking in marihuana is a felony of the fourth 620
degree, and division (B) of section 2929.13 of the Revised Code 621
applies in determining whether to impose a prison term on the 622
offender. 623

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

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

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

shall be imposed for the offense. 655

(f) Except as otherwise provided in this division, if the 656
amount of the drug involved equals or exceeds twenty thousand 657
grams but is less than forty thousand grams, trafficking in 658
marihuana is a felony of the second degree, and the court shall 659
impose a mandatory prison term of five, six, seven, or eight 660
years. If the amount of the drug involved is within that range 661
and if the offense was committed in the vicinity of a school or 662
in the vicinity of a juvenile, trafficking in marihuana is a 663
felony of the first degree, and the court shall impose as a 664
mandatory prison term the maximum prison term prescribed for a 665
felony of the first degree. 666

(g) Except as otherwise provided in this division, if the 667
amount of the drug involved equals or exceeds forty thousand 668
grams, trafficking in marihuana is a felony of the second 669
degree, and the court shall impose as a mandatory prison term 670
the maximum prison term prescribed for a felony of the second 671
degree. If the amount of the drug involved equals or exceeds 672
forty thousand grams and if the offense was committed in the 673
vicinity of a school or in the vicinity of a juvenile, 674
trafficking in marihuana is a felony of the first degree, and 675
the court shall impose as a mandatory prison term the maximum 676
prison term prescribed for a felony of the first degree. 677

(h) Except as otherwise provided in this division, if the 678
offense involves a gift of twenty grams or less of marihuana, 679
trafficking in marihuana is a minor misdemeanor upon a first 680
offense and a misdemeanor of the third degree upon a subsequent 681
offense. If the offense involves a gift of twenty grams or less 682
of marihuana and if the offense was committed in the vicinity of 683
a school or in the vicinity of a juvenile, trafficking in 684

marihuana is a misdemeanor of the third degree. 685

(4) If the drug involved in the violation is cocaine or a 686
compound, mixture, preparation, or substance containing cocaine, 687
whoever violates division (A) of this section is guilty of 688
trafficking in cocaine. The penalty for the offense shall be 689
determined as follows: 690

(a) Except as otherwise provided in division (C) (4) (b), 691
(c), (d), (e), (f), or (g) of this section, trafficking in 692
cocaine is a felony of the fifth degree, and division (B) of 693
section 2929.13 of the Revised Code applies in determining 694
whether to impose a prison term on the offender. 695

(b) Except as otherwise provided in division (C) (4) (c), 696
(d), (e), (f), or (g) of this section, if the offense was 697
committed in the vicinity of a school ~~or~~, in the vicinity of a 698
juvenile, or in the vicinity of a community addiction services 699
provider, trafficking in cocaine is a felony of the fourth 700
degree, and division (C) of section 2929.13 of the Revised Code 701
applies in determining whether to impose a prison term on the 702
offender. 703

(c) Except as otherwise provided in this division, if the 704
amount of the drug involved equals or exceeds five grams but is 705
less than ten grams of cocaine, trafficking in cocaine is a 706
felony of the fourth degree, and division (B) of section 2929.13 707
of the Revised Code applies in determining whether to impose a 708
prison term for the offense. If the amount of the drug involved 709
is within that range and if the offense was committed in the 710
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 711
the vicinity of a community addiction services provider, 712
trafficking in cocaine is a felony of the third degree, and 713
there is a presumption for a prison term for the offense. 714

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third 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, or in the vicinity of a community addiction services provider, trafficking in cocaine 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.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, trafficking in cocaine 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, or in the vicinity of a community addiction services provider, trafficking in cocaine 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

twenty-seven grams but is less than one hundred grams of cocaine 746
and regardless of whether the offense was committed in the 747
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 748
the vicinity of a community addiction services provider, 749
trafficking in cocaine is a felony of the first degree, and the 750
court shall impose as a mandatory prison term one of the prison 751
terms prescribed for a felony of the first degree. 752

(g) If the amount of the drug involved equals or exceeds 753
one hundred grams of cocaine and regardless of whether the 754
offense was committed in the vicinity of a school ~~or~~, in the 755
vicinity of a juvenile, or in the vicinity of a community 756
addiction services provider, trafficking in cocaine is a felony 757
of the first degree, the offender is a major drug offender, and 758
the court shall impose as a mandatory prison term the maximum 759
prison term prescribed for a felony of the first degree. 760

(5) If the drug involved in the violation is L.S.D. or a 761
compound, mixture, preparation, or substance containing L.S.D., 762
whoever violates division (A) of this section is guilty of 763
trafficking in L.S.D. The penalty for the offense shall be 764
determined as follows: 765

(a) Except as otherwise provided in division (C) (5) (b), 766
(c), (d), (e), (f), or (g) of this section, trafficking in 767
L.S.D. is a felony of the fifth degree, and division (B) of 768
section 2929.13 of the Revised Code applies in determining 769
whether to impose a prison term on the offender. 770

(b) Except as otherwise provided in division (C) (5) (c), 771
(d), (e), (f), or (g) of this section, if the offense was 772
committed in the vicinity of a school ~~or~~, in the vicinity of a 773
juvenile, or in the vicinity of a community addiction services 774
provider, trafficking in L.S.D. is a felony of the fourth 775

degree, and division (C) of section 2929.13 of the Revised Code 776
applies in determining whether to impose a prison term on the 777
offender. 778

(c) Except as otherwise provided in this division, if the 779
amount of the drug involved equals or exceeds ten unit doses but 780
is less than fifty unit doses of L.S.D. in a solid form or 781
equals or exceeds one gram but is less than five grams of L.S.D. 782
in a liquid concentrate, liquid extract, or liquid distillate 783
form, trafficking in L.S.D. is a felony of the fourth degree, 784
and division (B) of section 2929.13 of the Revised Code applies 785
in determining whether to impose a prison term for the offense. 786
If the amount of the drug involved is within that range and if 787
the offense was committed in the vicinity of a school ~~or~~, in the 788
vicinity of a juvenile, or in the vicinity of a community 789
addiction services provider, trafficking in L.S.D. is a felony 790
of the third degree, and there is a presumption for a prison 791
term for the offense. 792

(d) Except as otherwise provided in this division, if the 793
amount of the drug involved equals or exceeds fifty unit doses 794
but is less than two hundred fifty unit doses of L.S.D. in a 795
solid form or equals or exceeds five grams but is less than 796
twenty-five grams of L.S.D. in a liquid concentrate, liquid 797
extract, or liquid distillate form, trafficking in L.S.D. is a 798
felony of the third degree, and, except as otherwise provided in 799
this division, there is a presumption for a prison term for the 800
offense. If trafficking in L.S.D. is a felony of the third 801
degree under this division and if the offender two or more times 802
previously has been convicted of or pleaded guilty to a felony 803
drug abuse offense, the court shall impose as a mandatory prison 804
term one of the prison terms prescribed for a felony of the 805
third degree. If the amount of the drug involved is within that 806

range and if the offense was committed in the vicinity of a 807
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 808
a community addiction services provider, trafficking in L.S.D. 809
is a felony of the second degree, and the court shall impose as 810
a mandatory prison term one of the prison terms prescribed for a 811
felony of the second degree. 812

(e) Except as otherwise provided in this division, if the 813
amount of the drug involved equals or exceeds two hundred fifty 814
unit doses but is less than one thousand unit doses of L.S.D. in 815
a solid form or equals or exceeds twenty-five grams but is less 816
than one hundred grams of L.S.D. in a liquid concentrate, liquid 817
extract, or liquid distillate form, trafficking in L.S.D. is a 818
felony of the second degree, and the court shall impose as a 819
mandatory prison term one of the prison terms prescribed for a 820
felony of the second degree. If the amount of the drug involved 821
is within that range and if the offense was committed in the 822
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 823
the vicinity of a community addiction services provider, 824
trafficking in L.S.D. is a felony of the first degree, and the 825
court shall impose as a mandatory prison term one of the prison 826
terms prescribed for a felony of the first degree. 827

(f) If the amount of the drug involved equals or exceeds 828
one thousand unit doses but is less than five thousand unit 829
doses of L.S.D. in a solid form or equals or exceeds one hundred 830
grams but is less than five hundred grams of L.S.D. in a liquid 831
concentrate, liquid extract, or liquid distillate form and 832
regardless of whether the offense was committed in the vicinity 833
of a school ~~or~~, in the vicinity of a juvenile, or in the 834
vicinity of a community addiction services provider, trafficking 835
in L.S.D. is a felony of the first degree, and the court shall 836
impose as a mandatory prison term one of the prison terms 837

prescribed for a felony of the first degree. 838

(g) If the amount of the drug involved equals or exceeds 839
five thousand unit doses of L.S.D. in a solid form or equals or 840
exceeds five hundred grams of L.S.D. in a liquid concentrate, 841
liquid extract, or liquid distillate form and regardless of 842
whether the offense was committed in the vicinity of a school 843
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 844
community addiction services provider, trafficking in L.S.D. is 845
a felony of the first degree, the offender is a major drug 846
offender, and the court shall impose as a mandatory prison term 847
the maximum prison term prescribed for a felony of the first 848
degree. 849

(6) If the drug involved in the violation is heroin or a 850
compound, mixture, preparation, or substance containing heroin, 851
whoever violates division (A) of this section is guilty of 852
trafficking in heroin. The penalty for the offense shall be 853
determined as follows: 854

(a) Except as otherwise provided in division (C) (6) (b), 855
(c), (d), (e), (f), or (g) of this section, trafficking in 856
heroin is a felony of the fifth degree, and division (B) of 857
section 2929.13 of the Revised Code applies in determining 858
whether to impose a prison term on the offender. 859

(b) Except as otherwise provided in division (C) (6) (c), 860
(d), (e), (f), or (g) of this section, if the offense was 861
committed in the vicinity of a school~~or~~, in the vicinity of a 862
juvenile, or in the vicinity of a community addiction services 863
provider, trafficking in heroin is a felony of the fourth 864
degree, and division (C) of section 2929.13 of the Revised Code 865
applies in determining whether to impose a prison term on the 866
offender. 867

(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, or in the vicinity of a community addiction services provider, 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, or in the vicinity of a community addiction services provider, 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 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 899
juvenile, or in the vicinity of a community addiction services 900
provider, trafficking in heroin is a felony of the first degree, 901
and the court shall impose as a mandatory prison term one of the 902
prison terms prescribed for a felony of the first degree. 903

(f) If the amount of the drug involved equals or exceeds 904
five hundred unit doses but is less than one thousand unit doses 905
or equals or exceeds fifty grams but is less than one hundred 906
grams and regardless of whether the offense was committed in the 907
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 908
the vicinity of a community addiction services provider, 909
trafficking in heroin is a felony of the first degree, and the 910
court shall impose as a mandatory prison term one of the prison 911
terms prescribed for a felony of the first degree. 912

(g) If the amount of the drug involved equals or exceeds 913
one thousand unit doses or equals or exceeds one hundred grams 914
and regardless of whether the offense was committed in the 915
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 916
the vicinity of a community addiction services provider, 917
trafficking in heroin is a felony of the first degree, the 918
offender is a major drug offender, and the court shall impose as 919
a mandatory prison term the maximum prison term prescribed for a 920
felony of the first degree. 921

(7) If the drug involved in the violation is hashish or a 922
compound, mixture, preparation, or substance containing hashish, 923
whoever violates division (A) of this section is guilty of 924
trafficking in hashish. The penalty for the offense shall be 925
determined as follows: 926

(a) Except as otherwise provided in division (C) (7) (b), 927
(c), (d), (e), (f), or (g) of this section, trafficking in 928

hashish is a felony of the fifth degree, and division (B) of 929
section 2929.13 of the Revised Code applies in determining 930
whether to impose a prison term on the offender. 931

(b) Except as otherwise provided in division (C) (7) (c), 932
(d), (e), (f), or (g) of this section, if the offense was 933
committed in the vicinity of a school ~~or~~, in the vicinity of a 934
juvenile, or in the vicinity of a community addiction services 935
provider, trafficking in hashish is a felony of the fourth 936
degree, and division (B) of section 2929.13 of the Revised Code 937
applies in determining whether to impose a prison term on the 938
offender. 939

(c) Except as otherwise provided in this division, if the 940
amount of the drug involved equals or exceeds ten grams but is 941
less than fifty grams of hashish in a solid form or equals or 942
exceeds two grams but is less than ten grams of hashish in a 943
liquid concentrate, liquid extract, or liquid distillate form, 944
trafficking in hashish is a felony of the fourth degree, and 945
division (B) of section 2929.13 of the Revised Code applies in 946
determining whether to impose a prison term on the offender. If 947
the amount of the drug involved is within that range and if the 948
offense was committed in the vicinity of a school ~~or~~, in the 949
vicinity of a juvenile, or in the vicinity of a community 950
addiction services provider, trafficking in hashish is a felony 951
of the third degree, and division (C) of section 2929.13 of the 952
Revised Code applies in determining whether to impose a prison 953
term on the offender. 954

(d) Except as otherwise provided in this division, if the 955
amount of the drug involved equals or exceeds fifty grams but is 956
less than two hundred fifty grams of hashish in a solid form or 957
equals or exceeds ten grams but is less than fifty grams of 958

hashish in a liquid concentrate, liquid extract, or liquid 959
distillate form, trafficking in hashish is a felony of the third 960
degree, and division (C) of section 2929.13 of the Revised Code 961
applies in determining whether to impose a prison term on the 962
offender. If the amount of the drug involved is within that 963
range and if the offense was committed in the vicinity of a 964
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 965
a community addiction services provider, trafficking in hashish 966
is a felony of the second degree, and there is a presumption 967
that a prison term shall be imposed for the offense. 968

(e) Except as otherwise provided in this division, if the 969
amount of the drug involved equals or exceeds two hundred fifty 970
grams but is less than one thousand grams of hashish in a solid 971
form or equals or exceeds fifty grams but is less than two 972
hundred grams of hashish in a liquid concentrate, liquid 973
extract, or liquid distillate form, trafficking in hashish is a 974
felony of the third degree, and there is a presumption that a 975
prison term shall be imposed for the offense. If the amount of 976
the drug involved is within that range and if the offense was 977
committed in the vicinity of a school ~~or~~, in the vicinity of a 978
juvenile, or in the vicinity of a community addiction services 979
provider, trafficking in hashish is a felony of the second 980
degree, and there is a presumption that a prison term shall be 981
imposed for the offense. 982

(f) Except as otherwise provided in this division, if the 983
amount of the drug involved equals or exceeds one thousand grams 984
but is less than two thousand grams of hashish in a solid form 985
or equals or exceeds two hundred grams but is less than four 986
hundred grams of hashish in a liquid concentrate, liquid 987
extract, or liquid distillate form, trafficking in hashish is a 988
felony of the second degree, and the court shall impose a 989

mandatory prison term of five, six, seven, or eight years. If 990
the amount of the drug involved is within that range and if the 991
offense was committed in the vicinity of a school ~~or~~, in the 992
vicinity of a juvenile, or in the vicinity of a community 993
addiction services provider, trafficking in hashish is a felony 994
of the first degree, and the court shall impose as a mandatory 995
prison term the maximum prison term prescribed for a felony of 996
the first degree. 997

(g) Except as otherwise provided in this division, if the 998
amount of the drug involved equals or exceeds two thousand grams 999
of hashish in a solid form or equals or exceeds four hundred 1000
grams of hashish in a liquid concentrate, liquid extract, or 1001
liquid distillate form, trafficking in hashish is a felony of 1002
the second degree, and the court shall impose as a mandatory 1003
prison term the maximum prison term prescribed for a felony of 1004
the second degree. If the amount of the drug involved equals or 1005
exceeds two thousand grams of hashish in a solid form or equals 1006
or exceeds four hundred grams of hashish in a liquid 1007
concentrate, liquid extract, or liquid distillate form and if 1008
the offense was committed in the vicinity of a school ~~or~~, in the 1009
vicinity of a juvenile, or in the vicinity of a community 1010
addiction services provider, trafficking in hashish is a felony 1011
of the first degree, and the court shall impose as a mandatory 1012
prison term the maximum prison term prescribed for a felony of 1013
the first degree. 1014

(8) If the drug involved in the violation is a controlled 1015
substance analog or compound, mixture, preparation, or substance 1016
that contains a controlled substance analog, whoever violates 1017
division (A) of this section is guilty of trafficking in a 1018
controlled substance analog. The penalty for the offense shall 1019
be determined as follows: 1020

(a) Except as otherwise provided in division (C) (8) (b), 1021
(c), (d), (e), (f), or (g) of this section, trafficking in a 1022
controlled substance analog is a felony of the fifth degree, and 1023
division (C) of section 2929.13 of the Revised Code applies in 1024
determining whether to impose a prison term on the offender. 1025

(b) Except as otherwise provided in division (C) (8) (c), 1026
(d), (e), (f), or (g) of this section, if the offense was 1027
committed in the vicinity of a school ~~or~~, in the vicinity of a 1028
juvenile, or in the vicinity of a community addiction services 1029
provider, trafficking in a controlled substance analog is a 1030
felony of the fourth degree, and division (C) of section 2929.13 1031
of the Revised Code applies in determining whether to impose a 1032
prison term on the offender. 1033

(c) Except as otherwise provided in this division, if the 1034
amount of the drug involved equals or exceeds ten grams but is 1035
less than twenty grams, trafficking in a controlled substance 1036
analog is a felony of the fourth degree, and division (B) of 1037
section 2929.13 of the Revised Code applies in determining 1038
whether to impose a prison term for the offense. If the amount 1039
of the drug involved is within that range and if the offense was 1040
committed in the vicinity of a school ~~or~~, in the vicinity of a 1041
juvenile, or in the vicinity of a community addiction services 1042
provider, trafficking in a controlled substance analog is a 1043
felony of the third degree, and there is a presumption for a 1044
prison term for the offense. 1045

(d) Except as otherwise provided in this division, if the 1046
amount of the drug involved equals or exceeds twenty grams but 1047
is less than thirty grams, trafficking in a controlled substance 1048
analog is a felony of the third degree, and there is a 1049
presumption for a prison term for the offense. If the amount of 1050

the drug involved is within that range and if the offense was 1051
committed in the vicinity of a school ~~or~~, in the vicinity of a 1052
juvenile, or in the vicinity of a community addiction services 1053
provider, trafficking in a controlled substance analog is a 1054
felony of the second degree, and there is a presumption for a 1055
prison term for the offense. 1056

(e) Except as otherwise provided in this division, if the 1057
amount of the drug involved equals or exceeds thirty grams but 1058
is less than forty grams, trafficking in a controlled substance 1059
analog is a felony of the second degree, and the court shall 1060
impose as a mandatory prison term one of the prison terms 1061
prescribed for a felony of the second degree. If the amount of 1062
the drug involved is within that range and if the offense was 1063
committed in the vicinity of a school ~~or~~, in the vicinity of a 1064
juvenile, or in the vicinity of a community addiction services 1065
provider, trafficking in a controlled substance analog is a 1066
felony of the first degree, and the court shall impose as a 1067
mandatory prison term one of the prison terms prescribed for a 1068
felony of the first degree. 1069

(f) If the amount of the drug involved equals or exceeds 1070
forty grams but is less than fifty grams and regardless of 1071
whether the offense was committed in the vicinity of a school 1072
~~or~~, in the vicinity of a juvenile, or in the vicinity of a 1073
community addiction services provider, trafficking in a 1074
controlled substance analog is a felony of the first degree, and 1075
the court shall impose as a mandatory prison term one of the 1076
prison terms prescribed for a felony of the first degree. 1077

(g) If the amount of the drug involved equals or exceeds 1078
fifty grams and regardless of whether the offense was committed 1079
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 1080

or in the vicinity of a community addiction services provider, 1081
trafficking in a controlled substance analog is a felony of the 1082
first degree, the offender is a major drug offender, and the 1083
court shall impose as a mandatory prison term the maximum prison 1084
term prescribed for a felony of the first degree. 1085

(9) If the drug involved in the violation is a fentanyl- 1086
related compound or a compound, mixture, preparation, or 1087
substance containing a fentanyl-related compound and division 1088
(C) (10) (a) of this section does not apply to the drug involved, 1089
whoever violates division (A) of this section is guilty of 1090
trafficking in a fentanyl-related compound. The penalty for the 1091
offense shall be determined as follows: 1092

(a) Except as otherwise provided in division (C) (9) (b), 1093
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1094
a fentanyl-related compound is a felony of the fifth degree, and 1095
division (B) of section 2929.13 of the Revised Code applies in 1096
determining whether to impose a prison term on the offender. 1097

(b) Except as otherwise provided in division (C) (9) (c), 1098
(d), (e), (f), (g), or (h) of this section, if the offense was 1099
committed in the vicinity of a school ~~or~~, in the vicinity of a 1100
juvenile, or in the vicinity of a community addiction services 1101
provider, trafficking in a fentanyl-related compound is a felony 1102
of the fourth degree, and division (C) of section 2929.13 of the 1103
Revised Code applies in determining whether to impose a prison 1104
term on the offender. 1105

(c) Except as otherwise provided in this division, if the 1106
amount of the drug involved equals or exceeds ten unit doses but 1107
is less than fifty unit doses or equals or exceeds one gram but 1108
is less than five grams, trafficking in a fentanyl-related 1109
compound is a felony of the fourth degree, and division (B) of 1110

section 2929.13 of the Revised Code applies in determining 1111
whether to impose a prison term for the offense. If the amount 1112
of the drug involved is within that range and if the offense was 1113
committed in the vicinity of a school ~~or~~, in the vicinity of a 1114
juvenile, or in the vicinity of a community addiction services 1115
provider, trafficking in a fentanyl-related compound is a felony 1116
of the third degree, and there is a presumption for a prison 1117
term for the offense. 1118

(d) Except as otherwise provided in this division, if the 1119
amount of the drug involved equals or exceeds fifty unit doses 1120
but is less than one hundred unit doses or equals or exceeds 1121
five grams but is less than ten grams, trafficking in a 1122
fentanyl-related compound is a felony of the third degree, and 1123
there is a presumption for a prison term for the offense. If the 1124
amount of the drug involved is within that range and if the 1125
offense was committed in the vicinity of a school ~~or~~, in the 1126
vicinity of a juvenile, or in the vicinity of a community 1127
addiction services provider, trafficking in a fentanyl-related 1128
compound is a felony of the second degree, and there is a 1129
presumption for a prison term for the offense. 1130

(e) Except as otherwise provided in this division, if the 1131
amount of the drug involved equals or exceeds one hundred unit 1132
doses but is less than two hundred unit doses or equals or 1133
exceeds ten grams but is less than twenty grams, trafficking in 1134
a fentanyl-related compound is a felony of the second degree, 1135
and the court shall impose as a mandatory prison term one of the 1136
prison terms prescribed for a felony of the second degree. If 1137
the amount of the drug involved is within that range and if the 1138
offense was committed in the vicinity of a school ~~or~~, in the 1139
vicinity of a juvenile, or in the vicinity of a community 1140
addiction services provider, trafficking in a fentanyl-related 1141

compound is a felony of the first degree, and the court shall 1142
impose as a mandatory prison term one of the prison terms 1143
prescribed for a felony of the first degree. 1144

(f) If the amount of the drug involved equals or exceeds 1145
two hundred unit doses but is less than five hundred unit doses 1146
or equals or exceeds twenty grams but is less than fifty grams 1147
and regardless of whether the offense was committed in the 1148
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1149
the vicinity of a community addiction services provider, 1150
trafficking in a fentanyl-related compound is a felony of the 1151
first degree, and the court shall impose as a mandatory prison 1152
term one of the prison terms prescribed for a felony of the 1153
first degree. 1154

(g) If the amount of the drug involved equals or exceeds 1155
five hundred unit doses but is less than one thousand unit doses 1156
or equals or exceeds fifty grams but is less than one hundred 1157
grams and regardless of whether the offense was committed in the 1158
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1159
the vicinity of a community addiction services provider, 1160
trafficking in a fentanyl-related compound is a felony of the 1161
first degree, and the court shall impose as a mandatory prison 1162
term the maximum prison term prescribed for a felony of the 1163
first degree. 1164

(h) If the amount of the drug involved equals or exceeds 1165
one thousand unit doses or equals or exceeds one hundred grams 1166
and regardless of whether the offense was committed in the 1167
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1168
the vicinity of a community addiction services provider, 1169
trafficking in a fentanyl-related compound is a felony of the 1170
first degree, the offender is a major drug offender, and the 1171

court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree. 1172
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(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies: 1174
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(a) Except as otherwise provided in division (C) (10) (b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C) (3) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (C) (9) of this section for trafficking in a fentanyl-related compound. 1178
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(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of trafficking in a fentanyl-related compound and shall be punished under division (C) (9) of this section. 1185
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(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United 1190
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States arising out of the same set of circumstances as the 1202
violation, the court shall suspend the offender's driver's or 1203
commercial driver's license or permit in accordance with 1204
division (G) of this section. If applicable, the court also 1205
shall do the following: 1206

(1) If the violation of division (A) of this section is a 1207
felony of the first, second, or third degree, the court shall 1208
impose upon the offender the mandatory fine specified for the 1209
offense under division (B) (1) of section 2929.18 of the Revised 1210
Code unless, as specified in that division, the court determines 1211
that the offender is indigent. Except as otherwise provided in 1212
division (H) (1) of this section, a mandatory fine or any other 1213
fine imposed for a violation of this section is subject to 1214
division (F) of this section. If a person is charged with a 1215
violation of this section that is a felony of the first, second, 1216
or third degree, posts bail, and forfeits the bail, the clerk of 1217
the court shall pay the forfeited bail pursuant to divisions (D) 1218
(1) and (F) of this section, as if the forfeited bail was a fine 1219
imposed for a violation of this section. If any amount of the 1220
forfeited bail remains after that payment and if a fine is 1221
imposed under division (H) (1) of this section, the clerk of the 1222
court shall pay the remaining amount of the forfeited bail 1223
pursuant to divisions (H) (2) and (3) of this section, as if that 1224
remaining amount was a fine imposed under division (H) (1) of 1225
this section. 1226

(2) If the offender is a professionally licensed person, 1227
the court immediately shall comply with section 2925.38 of the 1228
Revised Code. 1229

(E) When a person is charged with the sale of or offer to 1230
sell a bulk amount or a multiple of a bulk amount of a 1231

controlled substance, the jury, or the court trying the accused, 1232
shall determine the amount of the controlled substance involved 1233
at the time of the offense and, if a guilty verdict is returned, 1234
shall return the findings as part of the verdict. In any such 1235
case, it is unnecessary to find and return the exact amount of 1236
the controlled substance involved, and it is sufficient if the 1237
finding and return is to the effect that the amount of the 1238
controlled substance involved is the requisite amount, or that 1239
the amount of the controlled substance involved is less than the 1240
requisite amount. 1241

(F) (1) Notwithstanding any contrary provision of section 1242
3719.21 of the Revised Code and except as provided in division 1243
(H) of this section, the clerk of the court shall pay any 1244
mandatory fine imposed pursuant to division (D) (1) of this 1245
section and any fine other than a mandatory fine that is imposed 1246
for a violation of this section pursuant to division (A) or (B) 1247
(5) of section 2929.18 of the Revised Code to the county, 1248
township, municipal corporation, park district, as created 1249
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1250
state law enforcement agencies in this state that primarily were 1251
responsible for or involved in making the arrest of, and in 1252
prosecuting, the offender. However, the clerk shall not pay a 1253
mandatory fine so imposed to a law enforcement agency unless the 1254
agency has adopted a written internal control policy under 1255
division (F) (2) of this section that addresses the use of the 1256
fine moneys that it receives. Each agency shall use the 1257
mandatory fines so paid to subsidize the agency's law 1258
enforcement efforts that pertain to drug offenses, in accordance 1259
with the written internal control policy adopted by the 1260
recipient agency under division (F) (2) of this section. 1261

(2) Prior to receiving any fine moneys under division (F) 1262

(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

(3) As used in division (F) of this section: 1280

(a) "Law enforcement agencies" includes, but is not limited to, the state board of pharmacy and the office of a prosecutor. 1281
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(b) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 1284
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(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the 1286
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day on which the offender's sentence was imposed or from the day 1293
on which the offender finally was released from a prison term 1294
under the sentence, whichever is later, may file a motion with 1295
the sentencing court requesting termination of the suspension; 1296
upon the filing of such a motion and the court's finding of good 1297
cause for the termination, the court may terminate the 1298
suspension. 1299

(2) Any offender who received a mandatory suspension of 1300
the offender's driver's or commercial driver's license or permit 1301
under this section prior to September 13, 2016, may file a 1302
motion with the sentencing court requesting the termination of 1303
the suspension. However, an offender who pleaded guilty to or 1304
was convicted of a violation of section 4511.19 of the Revised 1305
Code or a substantially similar municipal ordinance or law of 1306
another state or the United States that arose out of the same 1307
set of circumstances as the violation for which the offender's 1308
license or permit was suspended under this section shall not 1309
file such a motion. 1310

Upon the filing of a motion under division (G) (2) of this 1311
section, the sentencing court, in its discretion, may terminate 1312
the suspension. 1313

(H) (1) In addition to any prison term authorized or 1314
required by division (C) of this section and sections 2929.13 1315
and 2929.14 of the Revised Code, in addition to any other 1316
penalty or sanction imposed for the offense under this section 1317
or sections 2929.11 to 2929.18 of the Revised Code, and in 1318
addition to the forfeiture of property in connection with the 1319
offense as prescribed in Chapter 2981. of the Revised Code, the 1320
court that sentences an offender who is convicted of or pleads 1321
guilty to a violation of division (A) of this section may impose 1322

upon the offender an additional fine specified for the offense 1323
in division (B) (4) of section 2929.18 of the Revised Code. A 1324
fine imposed under division (H) (1) of this section is not 1325
subject to division (F) of this section and shall be used solely 1326
for the support of one or more eligible community addiction 1327
services providers in accordance with divisions (H) (2) and (3) 1328
of this section. 1329

(2) The court that imposes a fine under division (H) (1) of 1330
this section shall specify in the judgment that imposes the fine 1331
one or more eligible community addiction services providers for 1332
the support of which the fine money is to be used. No community 1333
addiction services provider shall receive or use money paid or 1334
collected in satisfaction of a fine imposed under division (H) 1335
(1) of this section unless the services provider is specified in 1336
the judgment that imposes the fine. No community addiction 1337
services provider shall be specified in the judgment unless the 1338
services provider is an eligible community addiction services 1339
provider and, except as otherwise provided in division (H) (2) of 1340
this section, unless the services provider is located in the 1341
county in which the court that imposes the fine is located or in 1342
a county that is immediately contiguous to the county in which 1343
that court is located. If no eligible community addiction 1344
services provider is located in any of those counties, the 1345
judgment may specify an eligible community addiction services 1346
provider that is located anywhere within this state. 1347

(3) Notwithstanding any contrary provision of section 1348
3719.21 of the Revised Code, the clerk of the court shall pay 1349
any fine imposed under division (H) (1) of this section to the 1350
eligible community addiction services provider specified 1351
pursuant to division (H) (2) of this section in the judgment. The 1352
eligible community addiction services provider that receives the 1353

fine moneys shall use the moneys only for the alcohol and drug 1354
addiction services identified in the application for 1355
certification of services under section 5119.36 of the Revised 1356
Code or in the application for a license under section 5119.37 1357
of the Revised Code filed with the department of mental health 1358
and addiction services by the community addiction services 1359
provider specified in the judgment. 1360

(4) Each community addiction services provider that 1361
receives in a calendar year any fine moneys under division (H) 1362
(3) of this section shall file an annual report covering that 1363
calendar year with the court of common pleas and the board of 1364
county commissioners of the county in which the services 1365
provider is located, with the court of common pleas and the 1366
board of county commissioners of each county from which the 1367
services provider received the moneys if that county is 1368
different from the county in which the services provider is 1369
located, and with the attorney general. The community addiction 1370
services provider shall file the report no later than the first 1371
day of March in the calendar year following the calendar year in 1372
which the services provider received the fine moneys. The report 1373
shall include statistics on the number of persons served by the 1374
community addiction services provider, identify the types of 1375
alcohol and drug addiction services provided to those persons, 1376
and include a specific accounting of the purposes for which the 1377
fine moneys received were used. No information contained in the 1378
report shall identify, or enable a person to determine the 1379
identity of, any person served by the community addiction 1380
services provider. Each report received by a court of common 1381
pleas, a board of county commissioners, or the attorney general 1382
is a public record open for inspection under section 149.43 of 1383
the Revised Code. 1384

(5) As used in divisions (H) (1) to (5) of this section:	1385
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	1386 1387 1388
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	1389 1390 1391 1392
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	1393 1394
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.	1395 1396 1397 1398 1399 1400 1401
Section 2. That existing sections 2925.01 and 2925.03 of the Revised Code are hereby repealed.	1402 1403
Section 3. 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 by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	1404 1405 1406 1407 1408 1409 1410 1411
Section 2925.01 of the Revised Code as amended by both Am. Sub. H.B. 49 and Am. Sub. S.B. 1 of the 132nd General Assembly.	1412 1413

Section 2925.03 of the Revised Code as amended by both Am.	1414
Sub. H.B. 111 and Am. Sub. S.B. 1 of the 132nd General Assembly.	1415
Section 4. This act shall be known as the "Relapse	1416
Reduction Act."	1417