

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 382

Representatives Weinstein, Upchurch

**Cosponsors: Representatives Kelly, Ingram, Galonski, Brent, Jarrells, Brown,
Lepore-Hagan, West, Denson, Howse**

A BILL

To amend sections 109.572, 2925.01, 2925.04, 1
2925.11, 2925.14, 2925.38, 2929.14, 4510.17, 2
5703.052, 5703.053, 5703.19, 5703.50, 5703.70, 3
and 5703.77; to enact sections 2925.042, 4
2925.043, 2925.111, 2927.30, 2927.31, 2927.32, 5
2953.39, 3775.01, 3775.02, 3775.03, 3775.04, 6
3775.05, 3775.06, 3775.07, 3775.08, 3775.09, 7
3775.10, 3775.11, 5755.01, 5755.02, 5755.03, 8
5755.04, 5755.05, 5755.06, 5755.07, 5755.071, 9
5755.08, 5755.09, 5755.10, 5755.11, 5755.12, 10
5755.13, and 5755.99; and to repeal section 11
2925.141 of the Revised Code to allow for the 12
cultivation and possession of marihuana, to 13
modify possession, cultivation, and trafficking 14
penalties, to allow for expungement of certain 15
marihuana convictions, and to levy a tax. 16

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

Section 1. That sections 109.572, 2925.01, 2925.04, 17
2925.11, 2925.14, 2925.38, 2929.14, 4510.17, 5703.052, 5703.053, 18

5703.19, 5703.50, 5703.70, and 5703.77 be amended and sections 19
2925.042, 2925.043, 2925.111, 2927.30, 2927.31, 2927.32, 20
2953.39, 3775.01, 3775.02, 3775.03, 3775.04, 3775.05, 3775.06, 21
3775.07, 3775.08, 3775.09, 3775.10, 3775.11, 5755.01, 5755.02, 22
5755.03, 5755.04, 5755.05, 5755.06, 5755.07, 5755.071, 5755.08, 23
5755.09, 5755.10, 5755.11, 5755.12, 5755.13, and 5755.99 of the 24
Revised Code be enacted to read as follows: 25

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 26
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 27
Code, a completed form prescribed pursuant to division (C) (1) of 28
this section, and a set of fingerprint impressions obtained in 29
the manner described in division (C) (2) of this section, the 30
superintendent of the bureau of criminal identification and 31
investigation shall conduct a criminal records check in the 32
manner described in division (B) of this section to determine 33
whether any information exists that indicates that the person 34
who is the subject of the request previously has been convicted 35
of or pleaded guilty to any of the following: 36

(a) A violation of section 2903.01, 2903.02, 2903.03, 37
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 38
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 39
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 40
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 41
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 42
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 43
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 44
sexual penetration in violation of former section 2907.12 of the 45
Revised Code, a violation of section 2905.04 of the Revised Code 46
as it existed prior to July 1, 1996, a violation of section 47
2919.23 of the Revised Code that would have been a violation of 48
section 2905.04 of the Revised Code as it existed prior to July 49

1, 1996, had the violation been committed prior to that date, or 50
a violation of section 2925.11 of the Revised Code that is not a 51
minor drug possession offense; 52

(b) A violation of an existing or former law of this 53
state, any other state, or the United States that is 54
substantially equivalent to any of the offenses listed in 55
division (A) (1) (a) of this section; 56

(c) If the request is made pursuant to section 3319.39 of 57
the Revised Code for an applicant who is a teacher, any offense 58
specified in section 3319.31 of the Revised Code. 59

(2) On receipt of a request pursuant to section 3712.09 or 60
3721.121 of the Revised Code, a completed form prescribed 61
pursuant to division (C) (1) of this section, and a set of 62
fingerprint impressions obtained in the manner described in 63
division (C) (2) of this section, the superintendent of the 64
bureau of criminal identification and investigation shall 65
conduct a criminal records check with respect to any person who 66
has applied for employment in a position for which a criminal 67
records check is required by those sections. The superintendent 68
shall conduct the criminal records check in the manner described 69
in division (B) of this section to determine whether any 70
information exists that indicates that the person who is the 71
subject of the request previously has been convicted of or 72
pleaded guilty to any of the following: 73

(a) A violation of section 2903.01, 2903.02, 2903.03, 74
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 75
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 76
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 77
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 78
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 79

2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 80
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 81
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 82

(b) An existing or former law of this state, any other 83
state, or the United States that is substantially equivalent to 84
any of the offenses listed in division (A) (2) (a) of this 85
section. 86

(3) On receipt of a request pursuant to section 173.27, 87
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 88
5123.081, or 5123.169 of the Revised Code, a completed form 89
prescribed pursuant to division (C) (1) of this section, and a 90
set of fingerprint impressions obtained in the manner described 91
in division (C) (2) of this section, the superintendent of the 92
bureau of criminal identification and investigation shall 93
conduct a criminal records check of the person for whom the 94
request is made. The superintendent shall conduct the criminal 95
records check in the manner described in division (B) of this 96
section to determine whether any information exists that 97
indicates that the person who is the subject of the request 98
previously has been convicted of, has pleaded guilty to, or 99
(except in the case of a request pursuant to section 5164.34, 100
5164.341, or 5164.342 of the Revised Code) has been found 101
eligible for intervention in lieu of conviction for any of the 102
following, regardless of the date of the conviction, the date of 103
entry of the guilty plea, or (except in the case of a request 104
pursuant to section 5164.34, 5164.341, or 5164.342 of the 105
Revised Code) the date the person was found eligible for 106
intervention in lieu of conviction: 107

(a) A violation of section 959.13, 959.131, 2903.01, 108
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 109

2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341,	110
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33,	111
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	112
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31,	113
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02,	114
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02,	115
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05,	116
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42,	117
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48,	118
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	119
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24,	120
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24,	121
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,	122
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21,	123
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05,	124
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141 , 2925.22,	125
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11	126
of the Revised Code;	127
(b) Felonious sexual penetration in violation of former	128
section 2907.12 of the Revised Code;	129
(c) A violation of section 2905.04 of the Revised Code as	130
it existed prior to July 1, 1996;	131
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	132
the Revised Code when the underlying offense that is the object	133
of the conspiracy, attempt, or complicity is one of the offenses	134
listed in divisions (A) (3) (a) to (c) of this section;	135
(e) A violation of an existing or former municipal	136
ordinance or law of this state, any other state, or the United	137
States that is substantially equivalent to any of the offenses	138
listed in divisions (A) (3) (a) to (d) of this section.	139

(4) On receipt of a request pursuant to section 2151.86 or 140
2151.904 of the Revised Code, a completed form prescribed 141
pursuant to division (C)(1) of this section, and a set of 142
fingerprint impressions obtained in the manner described in 143
division (C)(2) of this section, the superintendent of the 144
bureau of criminal identification and investigation shall 145
conduct a criminal records check in the manner described in 146
division (B) of this section to determine whether any 147
information exists that indicates that the person who is the 148
subject of the request previously has been convicted of or 149
pleaded guilty to any of the following: 150

(a) A violation of section 959.13, 2903.01, 2903.02, 151
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 152
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 153
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 154
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 155
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 156
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 157
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 158
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 159
2927.12, or 3716.11 of the Revised Code, a violation of section 160
2905.04 of the Revised Code as it existed prior to July 1, 1996, 161
a violation of section 2919.23 of the Revised Code that would 162
have been a violation of section 2905.04 of the Revised Code as 163
it existed prior to July 1, 1996, had the violation been 164
committed prior to that date, a violation of section 2925.11 of 165
the Revised Code that is not a minor drug possession offense, 166
two or more OVI or OVUAC violations committed within the three 167
years immediately preceding the submission of the application or 168
petition that is the basis of the request, or felonious sexual 169
penetration in violation of former section 2907.12 of the 170

Revised Code;	171
(b) A violation of an existing or former law of this	172
state, any other state, or the United States that is	173
substantially equivalent to any of the offenses listed in	174
division (A) (4) (a) of this section.	175
(5) Upon receipt of a request pursuant to section 5104.013	176
of the Revised Code, a completed form prescribed pursuant to	177
division (C) (1) of this section, and a set of fingerprint	178
impressions obtained in the manner described in division (C) (2)	179
of this section, the superintendent of the bureau of criminal	180
identification and investigation shall conduct a criminal	181
records check in the manner described in division (B) of this	182
section to determine whether any information exists that	183
indicates that the person who is the subject of the request has	184
been convicted of or pleaded guilty to any of the following:	185
(a) A violation of section 2151.421, 2903.01, 2903.02,	186
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21,	187
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32,	188
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08,	189
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25,	190
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,	191
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12,	192
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11,	193
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41,	194
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47,	195
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12,	196
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11,	197
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13,	198
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or	199
3716.11 of the Revised Code, felonious sexual penetration in	200

violation of former section 2907.12 of the Revised Code, a 201
violation of section 2905.04 of the Revised Code as it existed 202
prior to July 1, 1996, a violation of section 2919.23 of the 203
Revised Code that would have been a violation of section 2905.04 204
of the Revised Code as it existed prior to July 1, 1996, had the 205
violation been committed prior to that date, a violation of 206
section 2925.11 of the Revised Code that is not a minor drug 207
possession offense, a violation of section 2923.02 or 2923.03 of 208
the Revised Code that relates to a crime specified in this 209
division, or a second violation of section 4511.19 of the 210
Revised Code within five years of the date of application for 211
licensure or certification. 212

(b) A violation of an existing or former law of this 213
state, any other state, or the United States that is 214
substantially equivalent to any of the offenses or violations 215
described in division (A) (5) (a) of this section. 216

(6) Upon receipt of a request pursuant to section 5153.111 217
of the Revised Code, a completed form prescribed pursuant to 218
division (C) (1) of this section, and a set of fingerprint 219
impressions obtained in the manner described in division (C) (2) 220
of this section, the superintendent of the bureau of criminal 221
identification and investigation shall conduct a criminal 222
records check in the manner described in division (B) of this 223
section to determine whether any information exists that 224
indicates that the person who is the subject of the request 225
previously has been convicted of or pleaded guilty to any of the 226
following: 227

(a) A violation of section 2903.01, 2903.02, 2903.03, 228
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 229
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 230

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,	231
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323,	232
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,	233
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,	234
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised	235
Code, felonious sexual penetration in violation of former	236
section 2907.12 of the Revised Code, a violation of section	237
2905.04 of the Revised Code as it existed prior to July 1, 1996,	238
a violation of section 2919.23 of the Revised Code that would	239
have been a violation of section 2905.04 of the Revised Code as	240
it existed prior to July 1, 1996, had the violation been	241
committed prior to that date, or a violation of section 2925.11	242
of the Revised Code that is not a minor drug possession offense;	243
(b) A violation of an existing or former law of this	244
state, any other state, or the United States that is	245
substantially equivalent to any of the offenses listed in	246
division (A) (6) (a) of this section.	247
(7) On receipt of a request for a criminal records check	248
from an individual pursuant to section 4749.03 or 4749.06 of the	249
Revised Code, accompanied by a completed copy of the form	250
prescribed in division (C) (1) of this section and a set of	251
fingerprint impressions obtained in a manner described in	252
division (C) (2) of this section, the superintendent of the	253
bureau of criminal identification and investigation shall	254
conduct a criminal records check in the manner described in	255
division (B) of this section to determine whether any	256
information exists indicating that the person who is the subject	257
of the request has been convicted of or pleaded guilty to a	258
felony in this state or in any other state. If the individual	259
indicates that a firearm will be carried in the course of	260
business, the superintendent shall require information from the	261

federal bureau of investigation as described in division (B) (2) 262
of this section. Subject to division (F) of this section, the 263
superintendent shall report the findings of the criminal records 264
check and any information the federal bureau of investigation 265
provides to the director of public safety. 266

(8) On receipt of a request pursuant to section 1321.37, 267
1321.53, or 4763.05 of the Revised Code, a completed form 268
prescribed pursuant to division (C) (1) of this section, and a 269
set of fingerprint impressions obtained in the manner described 270
in division (C) (2) of this section, the superintendent of the 271
bureau of criminal identification and investigation shall 272
conduct a criminal records check with respect to any person who 273
has applied for a license, permit, or certification from the 274
department of commerce or a division in the department. The 275
superintendent shall conduct the criminal records check in the 276
manner described in division (B) of this section to determine 277
whether any information exists that indicates that the person 278
who is the subject of the request previously has been convicted 279
of or pleaded guilty to any of the following: a violation of 280
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 281
Revised Code; any other criminal offense involving theft, 282
receiving stolen property, embezzlement, forgery, fraud, passing 283
bad checks, money laundering, or drug trafficking, or any 284
criminal offense involving money or securities, as set forth in 285
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 286
the Revised Code; or any existing or former law of this state, 287
any other state, or the United States that is substantially 288
equivalent to those offenses. 289

(9) On receipt of a request for a criminal records check 290
from the treasurer of state under section 113.041 of the Revised 291
Code or from an individual under section 928.03, 4701.08, 292

4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 293
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 294
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 295
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 296
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 297
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 298
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 299
Code, accompanied by a completed form prescribed under division 300
(C) (1) of this section and a set of fingerprint impressions 301
obtained in the manner described in division (C) (2) of this 302
section, the superintendent of the bureau of criminal 303
identification and investigation shall conduct a criminal 304
records check in the manner described in division (B) of this 305
section to determine whether any information exists that 306
indicates that the person who is the subject of the request has 307
been convicted of or pleaded guilty to any criminal offense in 308
this state or any other state. Subject to division (F) of this 309
section, the superintendent shall send the results of a check 310
requested under section 113.041 of the Revised Code to the 311
treasurer of state and shall send the results of a check 312
requested under any of the other listed sections to the 313
licensing board specified by the individual in the request. 314

(10) On receipt of a request pursuant to section 124.74, 315
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 316
Code, a completed form prescribed pursuant to division (C) (1) of 317
this section, and a set of fingerprint impressions obtained in 318
the manner described in division (C) (2) of this section, the 319
superintendent of the bureau of criminal identification and 320
investigation shall conduct a criminal records check in the 321
manner described in division (B) of this section to determine 322
whether any information exists that indicates that the person 323

who is the subject of the request previously has been convicted 324
of or pleaded guilty to any criminal offense under any existing 325
or former law of this state, any other state, or the United 326
States. 327

(11) On receipt of a request for a criminal records check 328
from an appointing or licensing authority under section 3772.07 329
of the Revised Code, a completed form prescribed under division 330
(C) (1) of this section, and a set of fingerprint impressions 331
obtained in the manner prescribed in division (C) (2) of this 332
section, the superintendent of the bureau of criminal 333
identification and investigation shall conduct a criminal 334
records check in the manner described in division (B) of this 335
section to determine whether any information exists that 336
indicates that the person who is the subject of the request 337
previously has been convicted of or pleaded guilty or no contest 338
to any offense under any existing or former law of this state, 339
any other state, or the United States that is a disqualifying 340
offense as defined in section 3772.07 of the Revised Code or 341
substantially equivalent to such an offense. 342

(12) On receipt of a request pursuant to section 2151.33 343
or 2151.412 of the Revised Code, a completed form prescribed 344
pursuant to division (C) (1) of this section, and a set of 345
fingerprint impressions obtained in the manner described in 346
division (C) (2) of this section, the superintendent of the 347
bureau of criminal identification and investigation shall 348
conduct a criminal records check with respect to any person for 349
whom a criminal records check is required under that section. 350
The superintendent shall conduct the criminal records check in 351
the manner described in division (B) of this section to 352
determine whether any information exists that indicates that the 353
person who is the subject of the request previously has been 354

convicted of or pleaded guilty to any of the following: 355

(a) A violation of section 2903.01, 2903.02, 2903.03, 356
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 357
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 358
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 359
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 360
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 361
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 362
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 363
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 364

(b) An existing or former law of this state, any other 365
state, or the United States that is substantially equivalent to 366
any of the offenses listed in division (A)(12)(a) of this 367
section. 368

(13) On receipt of a request pursuant to section 3796.12 369
of the Revised Code, a completed form prescribed pursuant to 370
division (C)(1) of this section, and a set of fingerprint 371
impressions obtained in a manner described in division (C)(2) of 372
this section, the superintendent of the bureau of criminal 373
identification and investigation shall conduct a criminal 374
records check in the manner described in division (B) of this 375
section to determine whether any information exists that 376
indicates that the person who is the subject of the request 377
previously has been convicted of or pleaded guilty to the 378
following: 379

(a) A disqualifying offense as specified in rules adopted 380
under division (B)(2)(b) of section 3796.03 of the Revised Code 381
if the person who is the subject of the request is an 382
administrator or other person responsible for the daily 383
operation of, or an owner or prospective owner, officer or 384

prospective officer, or board member or prospective board member 385
of, an entity seeking a license from the department of commerce 386
under Chapter 3796. of the Revised Code; 387

(b) A disqualifying offense as specified in rules adopted 388
under division (B) (2) (b) of section 3796.04 of the Revised Code 389
if the person who is the subject of the request is an 390
administrator or other person responsible for the daily 391
operation of, or an owner or prospective owner, officer or 392
prospective officer, or board member or prospective board member 393
of, an entity seeking a license from the state board of pharmacy 394
under Chapter 3796. of the Revised Code. 395

(14) On receipt of a request required by section 3796.13 396
of the Revised Code, a completed form prescribed pursuant to 397
division (C) (1) of this section, and a set of fingerprint 398
impressions obtained in a manner described in division (C) (2) of 399
this section, the superintendent of the bureau of criminal 400
identification and investigation shall conduct a criminal 401
records check in the manner described in division (B) of this 402
section to determine whether any information exists that 403
indicates that the person who is the subject of the request 404
previously has been convicted of or pleaded guilty to the 405
following: 406

(a) A disqualifying offense as specified in rules adopted 407
under division (B) (8) (a) of section 3796.03 of the Revised Code 408
if the person who is the subject of the request is seeking 409
employment with an entity licensed by the department of commerce 410
under Chapter 3796. of the Revised Code; 411

(b) A disqualifying offense as specified in rules adopted 412
under division (B) (14) (a) of section 3796.04 of the Revised Code 413
if the person who is the subject of the request is seeking 414

employment with an entity licensed by the state board of 415
pharmacy under Chapter 3796. of the Revised Code. 416

(15) On receipt of a request pursuant to section 4768.06 417
of the Revised Code, a completed form prescribed under division 418
(C) (1) of this section, and a set of fingerprint impressions 419
obtained in the manner described in division (C) (2) of this 420
section, the superintendent of the bureau of criminal 421
identification and investigation shall conduct a criminal 422
records check in the manner described in division (B) of this 423
section to determine whether any information exists indicating 424
that the person who is the subject of the request has been 425
convicted of or pleaded guilty to a felony in this state or in 426
any other state. 427

(16) On receipt of a request pursuant to division (B) of 428
section 4764.07 or division (A) of section 4735.143 of the 429
Revised Code, a completed form prescribed under division (C) (1) 430
of this section, and a set of fingerprint impressions obtained 431
in the manner described in division (C) (2) of this section, the 432
superintendent of the bureau of criminal identification and 433
investigation shall conduct a criminal records check in the 434
manner described in division (B) of this section to determine 435
whether any information exists indicating that the person who is 436
the subject of the request has been convicted of or pleaded 437
guilty to any crime of moral turpitude, a felony, or an 438
equivalent offense in any other state or the United States. 439

(17) On receipt of a request for a criminal records check 440
under section 147.022 of the Revised Code, a completed form 441
prescribed under division (C) (1) of this section, and a set of 442
fingerprint impressions obtained in the manner prescribed in 443
division (C) (2) of this section, the superintendent of the 444

bureau of criminal identification and investigation shall 445
conduct a criminal records check in the manner described in 446
division (B) of this section to determine whether any 447
information exists that indicates that the person who is the 448
subject of the request previously has been convicted of or 449
pleaded guilty or no contest to any disqualifying offense, as 450
defined in section 147.011 of the Revised Code, or to any 451
offense under any existing or former law of this state, any 452
other state, or the United States that is substantially 453
equivalent to such a disqualifying offense. 454

(B) Subject to division (F) of this section, the 455
superintendent shall conduct any criminal records check to be 456
conducted under this section as follows: 457

(1) The superintendent shall review or cause to be 458
reviewed any relevant information gathered and compiled by the 459
bureau under division (A) of section 109.57 of the Revised Code 460
that relates to the person who is the subject of the criminal 461
records check, including, if the criminal records check was 462
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 463
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 464
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 465
3712.09, 3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 466
4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 467
5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 468
5153.111 of the Revised Code, any relevant information contained 469
in records that have been sealed under section 2953.32 of the 470
Revised Code; 471

(2) If the request received by the superintendent asks for 472
information from the federal bureau of investigation, the 473
superintendent shall request from the federal bureau of 474

investigation any information it has with respect to the person 475
who is the subject of the criminal records check, including 476
fingerprint-based checks of national crime information databases 477
as described in 42 U.S.C. 671 if the request is made pursuant to 478
section 2151.86 or 5104.013 of the Revised Code or if any other 479
Revised Code section requires fingerprint-based checks of that 480
nature, and shall review or cause to be reviewed any information 481
the superintendent receives from that bureau. If a request under 482
section 3319.39 of the Revised Code asks only for information 483
from the federal bureau of investigation, the superintendent 484
shall not conduct the review prescribed by division (B) (1) of 485
this section. 486

(3) The superintendent or the superintendent's designee 487
may request criminal history records from other states or the 488
federal government pursuant to the national crime prevention and 489
privacy compact set forth in section 109.571 of the Revised 490
Code. 491

(4) The superintendent shall include in the results of the 492
criminal records check a list or description of the offenses 493
listed or described in division (A) (1), (2), (3), (4), (5), (6), 494
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 495
of this section, whichever division requires the superintendent 496
to conduct the criminal records check. The superintendent shall 497
exclude from the results any information the dissemination of 498
which is prohibited by federal law. 499

(5) The superintendent shall send the results of the 500
criminal records check to the person to whom it is to be sent 501
not later than the following number of days after the date the 502
superintendent receives the request for the criminal records 503
check, the completed form prescribed under division (C) (1) of 504

this section, and the set of fingerprint impressions obtained in 505
the manner described in division (C) (2) of this section: 506

(a) If the superintendent is required by division (A) of 507
this section (other than division (A) (3) of this section) to 508
conduct the criminal records check, thirty; 509

(b) If the superintendent is required by division (A) (3) 510
of this section to conduct the criminal records check, sixty. 511

(C) (1) The superintendent shall prescribe a form to obtain 512
the information necessary to conduct a criminal records check 513
from any person for whom a criminal records check is to be 514
conducted under this section. The form that the superintendent 515
prescribes pursuant to this division may be in a tangible 516
format, in an electronic format, or in both tangible and 517
electronic formats. 518

(2) The superintendent shall prescribe standard impression 519
sheets to obtain the fingerprint impressions of any person for 520
whom a criminal records check is to be conducted under this 521
section. Any person for whom a records check is to be conducted 522
under this section shall obtain the fingerprint impressions at a 523
county sheriff's office, municipal police department, or any 524
other entity with the ability to make fingerprint impressions on 525
the standard impression sheets prescribed by the superintendent. 526
The office, department, or entity may charge the person a 527
reasonable fee for making the impressions. The standard 528
impression sheets the superintendent prescribes pursuant to this 529
division may be in a tangible format, in an electronic format, 530
or in both tangible and electronic formats. 531

(3) Subject to division (D) of this section, the 532
superintendent shall prescribe and charge a reasonable fee for 533

providing a criminal records check under this section. The 534
person requesting the criminal records check shall pay the fee 535
prescribed pursuant to this division. In the case of a request 536
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 537
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 538
fee shall be paid in the manner specified in that section. 539

(4) The superintendent of the bureau of criminal 540
identification and investigation may prescribe methods of 541
forwarding fingerprint impressions and information necessary to 542
conduct a criminal records check, which methods shall include, 543
but not be limited to, an electronic method. 544

(D) The results of a criminal records check conducted 545
under this section, other than a criminal records check 546
specified in division (A)(7) of this section, are valid for the 547
person who is the subject of the criminal records check for a 548
period of one year from the date upon which the superintendent 549
completes the criminal records check. If during that period the 550
superintendent receives another request for a criminal records 551
check to be conducted under this section for that person, the 552
superintendent shall provide the results from the previous 553
criminal records check of the person at a lower fee than the fee 554
prescribed for the initial criminal records check. 555

(E) When the superintendent receives a request for 556
information from a registered private provider, the 557
superintendent shall proceed as if the request was received from 558
a school district board of education under section 3319.39 of 559
the Revised Code. The superintendent shall apply division (A)(1) 560
(c) of this section to any such request for an applicant who is 561
a teacher. 562

(F)(1) Subject to division (F)(2) of this section, all 563

information regarding the results of a criminal records check 564
conducted under this section that the superintendent reports or 565
sends under division (A) (7) or (9) of this section to the 566
director of public safety, the treasurer of state, or the 567
person, board, or entity that made the request for the criminal 568
records check shall relate to the conviction of the subject 569
person, or the subject person's plea of guilty to, a criminal 570
offense. 571

(2) Division (F) (1) of this section does not limit, 572
restrict, or preclude the superintendent's release of 573
information that relates to the arrest of a person who is 574
eighteen years of age or older, to an adjudication of a child as 575
a delinquent child, or to a criminal conviction of a person 576
under eighteen years of age in circumstances in which a release 577
of that nature is authorized under division (E) (2), (3), or (4) 578
of section 109.57 of the Revised Code pursuant to a rule adopted 579
under division (E) (1) of that section. 580

(G) As used in this section: 581

(1) "Criminal records check" means any criminal records 582
check conducted by the superintendent of the bureau of criminal 583
identification and investigation in accordance with division (B) 584
of this section. 585

(2) "Minor drug possession offense" has the same meaning 586
as in section 2925.01 of the Revised Code. 587

(3) "OVI or OVUAC violation" means a violation of section 588
4511.19 of the Revised Code or a violation of an existing or 589
former law of this state, any other state, or the United States 590
that is substantially equivalent to section 4511.19 of the 591
Revised Code. 592

(4) "Registered private provider" means a nonpublic school 593
or entity registered with the superintendent of public 594
instruction under section 3310.41 of the Revised Code to 595
participate in the autism scholarship program or section 3310.58 596
of the Revised Code to participate in the Jon Peterson special 597
needs scholarship program. 598

Sec. 2925.01. As used in this chapter: 599

(A) "Administer," "controlled substance," "controlled 600
substance analog," "dispense," "distribute," "hypodermic," 601
"manufacturer," "official written order," "person," 602
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 603
"schedule III," "schedule IV," "schedule V," and "wholesaler" 604
have the same meanings as in section 3719.01 of the Revised 605
Code. 606

(B) "Drug dependent person" and "drug of abuse" have the 607
same meanings as in section 3719.011 of the Revised Code. 608

(C) "Drug," "dangerous drug," "licensed health 609
professional authorized to prescribe drugs," and "prescription" 610
have the same meanings as in section 4729.01 of the Revised 611
Code. 612

(D) "Bulk amount" of a controlled substance means any of 613
the following: 614

(1) For any compound, mixture, preparation, or substance 615
included in schedule I, schedule II, or schedule III, with the 616
exception of any controlled substance analog, marihuana, 617
cocaine, L.S.D., heroin, any fentanyl-related compound, and 618
hashish and except as provided in division (D) (2), (5), or (6) 619
of this section, whichever of the following is applicable: 620

(a) An amount equal to or exceeding ten grams or twenty- 621

five unit doses of a compound, mixture, preparation, or 622
substance that is or contains any amount of a schedule I opiate 623
or opium derivative; 624

(b) An amount equal to or exceeding ten grams of a 625
compound, mixture, preparation, or substance that is or contains 626
any amount of raw or gum opium; 627

(c) An amount equal to or exceeding thirty grams or ten 628
unit doses of a compound, mixture, preparation, or substance 629
that is or contains any amount of a schedule I hallucinogen 630
other than tetrahydrocannabinol or lysergic acid amide, or a 631
schedule I stimulant or depressant; 632

(d) An amount equal to or exceeding twenty grams or five 633
times the maximum daily dose in the usual dose range specified 634
in a standard pharmaceutical reference manual of a compound, 635
mixture, preparation, or substance that is or contains any 636
amount of a schedule II opiate or opium derivative; 637

(e) An amount equal to or exceeding five grams or ten unit 638
doses of a compound, mixture, preparation, or substance that is 639
or contains any amount of phencyclidine; 640

(f) An amount equal to or exceeding one hundred twenty 641
grams or thirty times the maximum daily dose in the usual dose 642
range specified in a standard pharmaceutical reference manual of 643
a compound, mixture, preparation, or substance that is or 644
contains any amount of a schedule II stimulant that is in a 645
final dosage form manufactured by a person authorized by the 646
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 647
U.S.C.A. 301, as amended, and the federal drug abuse control 648
laws, as defined in section 3719.01 of the Revised Code, that is 649
or contains any amount of a schedule II depressant substance or 650

a schedule II hallucinogenic substance; 651

(g) An amount equal to or exceeding three grams of a 652
compound, mixture, preparation, or substance that is or contains 653
any amount of a schedule II stimulant, or any of its salts or 654
isomers, that is not in a final dosage form manufactured by a 655
person authorized by the Federal Food, Drug, and Cosmetic Act 656
and the federal drug abuse control laws. 657

(2) An amount equal to or exceeding one hundred twenty 658
grams or thirty times the maximum daily dose in the usual dose 659
range specified in a standard pharmaceutical reference manual of 660
a compound, mixture, preparation, or substance that is or 661
contains any amount of a schedule III or IV substance other than 662
an anabolic steroid or a schedule III opiate or opium 663
derivative; 664

(3) An amount equal to or exceeding twenty grams or five 665
times the maximum daily dose in the usual dose range specified 666
in a standard pharmaceutical reference manual of a compound, 667
mixture, preparation, or substance that is or contains any 668
amount of a schedule III opiate or opium derivative; 669

(4) An amount equal to or exceeding two hundred fifty 670
milliliters or two hundred fifty grams of a compound, mixture, 671
preparation, or substance that is or contains any amount of a 672
schedule V substance; 673

(5) An amount equal to or exceeding two hundred solid 674
dosage units, sixteen grams, or sixteen milliliters of a 675
compound, mixture, preparation, or substance that is or contains 676
any amount of a schedule III anabolic steroid; 677

(6) For any compound, mixture, preparation, or substance 678
that is a combination of a fentanyl-related compound and any 679

other compound, mixture, preparation, or substance included in 680
schedule III, schedule IV, or schedule V, if the defendant is 681
charged with a violation of section 2925.11 of the Revised Code 682
and the sentencing provisions set forth in divisions ~~(C) (10) (b)~~ 683
(C) (8) (b) and ~~(C) (11)~~ (C) (9) of that section will not apply 684
regarding the defendant and the violation, the bulk amount of 685
the controlled substance for purposes of the violation is the 686
amount specified in division (D) (1), (2), (3), (4), or (5) of 687
this section for the other schedule III, IV, or V controlled 688
substance that is combined with the fentanyl-related compound. 689

(E) "Unit dose" means an amount or unit of a compound, 690
mixture, or preparation containing a controlled substance that 691
is separately identifiable and in a form that indicates that it 692
is the amount or unit by which the controlled substance is 693
separately administered to or taken by an individual. 694

(F) "Cultivate" includes planting, watering, fertilizing, 695
or tilling. 696

(G) "Drug abuse offense" means any of the following: 697

(1) A violation of division (A) of section 2913.02 that 698
constitutes theft of drugs, or a violation of section 2925.02, 699
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 700
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 701
or 2925.37 of the Revised Code; 702

(2) A violation of an existing or former law of this or 703
any other state or of the United States that is substantially 704
equivalent to any section listed in division (G) (1) of this 705
section; 706

(3) An offense under an existing or former law of this or 707
any other state, or of the United States, of which planting, 708

cultivating, harvesting, processing, making, manufacturing, 709
producing, shipping, transporting, delivering, acquiring, 710
possessing, storing, distributing, dispensing, selling, inducing 711
another to use, administering to another, using, or otherwise 712
dealing with a controlled substance is an element; 713

(4) A conspiracy to commit, attempt to commit, or 714
complicity in committing or attempting to commit any offense 715
under division (G) (1), (2), or (3) of this section. 716

(H) "Felony drug abuse offense" means any drug abuse 717
offense that would constitute a felony under the laws of this 718
state, any other state, or the United States. 719

(I) "Harmful intoxicant" does not include beer or 720
intoxicating liquor but means any of the following: 721

(1) Any compound, mixture, preparation, or substance the 722
gas, fumes, or vapor of which when inhaled can induce 723
intoxication, excitement, giddiness, irrational behavior, 724
depression, stupefaction, paralysis, unconsciousness, 725
asphyxiation, or other harmful physiological effects, and 726
includes, but is not limited to, any of the following: 727

(a) Any volatile organic solvent, plastic cement, model 728
cement, fingernail polish remover, lacquer thinner, cleaning 729
fluid, gasoline, or other preparation containing a volatile 730
organic solvent; 731

(b) Any aerosol propellant; 732

(c) Any fluorocarbon refrigerant; 733

(d) Any anesthetic gas. 734

(2) Gamma Butyrolactone; 735

(3) 1,4 Butanediol.	736
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	737 738 739 740 741 742
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	743 744 745 746
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	747 748 749 750 751 752
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	753 754 755
(N) "Juvenile" means a person under eighteen years of age.	756
(O) "Counterfeit controlled substance" means any of the following:	757 758
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	759 760 761 762
(2) Any unmarked or unlabeled substance that is	763

represented to be a controlled substance manufactured, 764
processed, packed, or distributed by a person other than the 765
person that manufactured, processed, packed, or distributed it; 766

(3) Any substance that is represented to be a controlled 767
substance but is not a controlled substance or is a different 768
controlled substance; 769

(4) Any substance other than a controlled substance that a 770
reasonable person would believe to be a controlled substance 771
because of its similarity in shape, size, and color, or its 772
markings, labeling, packaging, distribution, or the price for 773
which it is sold or offered for sale. 774

(P) An offense is "committed in the vicinity of a school" 775
if the offender commits the offense on school premises, in a 776
school building, or within one thousand feet of the boundaries 777
of any school premises, regardless of whether the offender knows 778
the offense is being committed on school premises, in a school 779
building, or within one thousand feet of the boundaries of any 780
school premises. 781

(Q) "School" means any school operated by a board of 782
education, any community school established under Chapter 3314. 783
of the Revised Code, or any nonpublic school for which the state 784
board of education prescribes minimum standards under section 785
3301.07 of the Revised Code, whether or not any instruction, 786
extracurricular activities, or training provided by the school 787
is being conducted at the time a criminal offense is committed. 788

(R) "School premises" means either of the following: 789

(1) The parcel of real property on which any school is 790
situated, whether or not any instruction, extracurricular 791
activities, or training provided by the school is being 792

conducted on the premises at the time a criminal offense is 793
committed; 794

(2) Any other parcel of real property that is owned or 795
leased by a board of education of a school, the governing 796
authority of a community school established under Chapter 3314. 797
of the Revised Code, or the governing body of a nonpublic school 798
for which the state board of education prescribes minimum 799
standards under section 3301.07 of the Revised Code and on which 800
some of the instruction, extracurricular activities, or training 801
of the school is conducted, whether or not any instruction, 802
extracurricular activities, or training provided by the school 803
is being conducted on the parcel of real property at the time a 804
criminal offense is committed. 805

(S) "School building" means any building in which any of 806
the instruction, extracurricular activities, or training 807
provided by a school is conducted, whether or not any 808
instruction, extracurricular activities, or training provided by 809
the school is being conducted in the school building at the time 810
a criminal offense is committed. 811

(T) "Disciplinary counsel" means the disciplinary counsel 812
appointed by the board of commissioners on grievances and 813
discipline of the supreme court under the Rules for the 814
Government of the Bar of Ohio. 815

(U) "Certified grievance committee" means a duly 816
constituted and organized committee of the Ohio state bar 817
association or of one or more local bar associations of the 818
state of Ohio that complies with the criteria set forth in Rule 819
V, section 6 of the Rules for the Government of the Bar of Ohio. 820

(V) "Professional license" means any license, permit, 821

certificate, registration, qualification, admission, temporary 822
license, temporary permit, temporary certificate, or temporary 823
registration that is described in divisions (W) (1) to (37) of 824
this section and that qualifies a person as a professionally 825
licensed person. 826

(W) "Professionally licensed person" means any of the 827
following: 828

(1) A person who has received a certificate or temporary 829
certificate as a certified public accountant or who has 830
registered as a public accountant under Chapter 4701. of the 831
Revised Code and who holds an Ohio permit issued under that 832
chapter; 833

(2) A person who holds a certificate of qualification to 834
practice architecture issued or renewed and registered under 835
Chapter 4703. of the Revised Code; 836

(3) A person who is registered as a landscape architect 837
under Chapter 4703. of the Revised Code or who holds a permit as 838
a landscape architect issued under that chapter; 839

(4) A person licensed under Chapter 4707. of the Revised 840
Code; 841

(5) A person who has been issued a certificate of 842
registration as a registered barber under Chapter 4709. of the 843
Revised Code; 844

(6) A person licensed and regulated to engage in the 845
business of a debt pooling company by a legislative authority, 846
under authority of Chapter 4710. of the Revised Code; 847

(7) A person who has been issued a cosmetologist's 848
license, hair designer's license, manicurist's license, 849

esthetician's license, natural hair stylist's license, advanced	850
cosmetologist's license, advanced hair designer's license,	851
advanced manicurist's license, advanced esthetician's license,	852
advanced natural hair stylist's license, cosmetology	853
instructor's license, hair design instructor's license,	854
manicurist instructor's license, esthetics instructor's license,	855
natural hair style instructor's license, independent	856
contractor's license, or tanning facility permit under Chapter	857
4713. of the Revised Code;	858
(8) A person who has been issued a license to practice	859
dentistry, a general anesthesia permit, a conscious sedation	860
permit, a limited resident's license, a limited teaching	861
license, a dental hygienist's license, or a dental hygienist's	862
teacher's certificate under Chapter 4715. of the Revised Code;	863
(9) A person who has been issued an embalmer's license, a	864
funeral director's license, a funeral home license, or a	865
crematory license, or who has been registered for an embalmer's	866
or funeral director's apprenticeship under Chapter 4717. of the	867
Revised Code;	868
(10) A person who has been licensed as a registered nurse	869
or practical nurse, or who has been issued a certificate for the	870
practice of nurse-midwifery under Chapter 4723. of the Revised	871
Code;	872
(11) A person who has been licensed to practice optometry	873
or to engage in optical dispensing under Chapter 4725. of the	874
Revised Code;	875
(12) A person licensed to act as a pawnbroker under	876
Chapter 4727. of the Revised Code;	877
(13) A person licensed to act as a precious metals dealer	878

under Chapter 4728. of the Revised Code;	879
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	880 881 882 883
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	884 885 886 887 888
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	889 890
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	891 892 893 894 895
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	896 897
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	898 899 900
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	901 902
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	903 904
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	905 906

(23) A person licensed to operate or maintain a junkyard	907
under Chapter 4737. of the Revised Code;	908
(24) A person who has been issued a motor vehicle salvage	909
dealer's license under Chapter 4738. of the Revised Code;	910
(25) A person who has been licensed to act as a steam	911
engineer under Chapter 4739. of the Revised Code;	912
(26) A person who has been issued a license or temporary	913
permit to practice veterinary medicine or any of its branches,	914
or who is registered as a graduate animal technician under	915
Chapter 4741. of the Revised Code;	916
(27) A person who has been issued a hearing aid dealer's	917
or fitter's license or trainee permit under Chapter 4747. of the	918
Revised Code;	919
(28) A person who has been issued a class A, class B, or	920
class C license or who has been registered as an investigator or	921
security guard employee under Chapter 4749. of the Revised Code;	922
(29) A person licensed to practice as a nursing home	923
administrator under Chapter 4751. of the Revised Code;	924
(30) A person licensed to practice as a speech-language	925
pathologist or audiologist under Chapter 4753. of the Revised	926
Code;	927
(31) A person issued a license as an occupational	928
therapist or physical therapist under Chapter 4755. of the	929
Revised Code;	930
(32) A person who is licensed as a licensed professional	931
clinical counselor, licensed professional counselor, social	932
worker, independent social worker, independent marriage and	933
family therapist, or marriage and family therapist, or	934

registered as a social work assistant under Chapter 4757. of the Revised Code;	935 936
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	937 938
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	939 940 941
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	942 943
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	944 945
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	946 947 948
(X) "Cocaine" means any of the following:	949
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	950 951
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	952 953 954 955
(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	956 957 958 959 960 961

(Y) "L.S.D." means lysergic acid diethylamide.	962
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	963 964
(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	965 966 967
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	968 969
"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.	970 971 972 973 974
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	975 976 977
(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.	978 979 980 981 982 983 984
(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.	985 986 987 988 989 990

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.	991 992
(EE) "Minor drug possession offense" means either of the following:	993 994
(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;	995 996
(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.	997 998 999
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	1000 1001
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	1002 1003
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	1004 1005 1006
(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.	1007 1008 1009 1010 1011
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	1012 1013
(KK) "Fentanyl-related compound" means any of the following:	1014 1015
(1) Fentanyl;	1016
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	1017

phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	1018
phenylethyl)-4-(N-propanilido) piperidine);	1019
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	1020
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	1021
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	1022
piperidinyl] -N-phenylpropanamide);	1023
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	1024
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	1025
phenylpropanamide);	1026
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	1027
piperidyl]-N- phenylpropanamide);	1028
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	1029
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	1030
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	1031
phenethyl)-4- piperidinyl]propanamide;	1032
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	1033
piperidinyl]- propanamide;	1034
(10) Alfentanil;	1035
(11) Carfentanil;	1036
(12) Remifentanil;	1037
(13) Sufentanil;	1038
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-	1039
phenethyl)-4- piperidinyl]-N-phenylacetamide); and	1040
(15) Any compound that meets all of the following fentanyl	1041
pharmacophore requirements to bind at the mu receptor, as	1042
identified by a report from an established forensic laboratory,	1043

including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1044
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1045
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1046
fluorofentanyl: 1047

(a) A chemical scaffold consisting of both of the 1048
following: 1049

(i) A five, six, or seven member ring structure containing 1050
a nitrogen, whether or not further substituted; 1051

(ii) An attached nitrogen to the ring, whether or not that 1052
nitrogen is enclosed in a ring structure, including an attached 1053
aromatic ring or other lipophilic group to that nitrogen. 1054

(b) A polar functional group attached to the chemical 1055
scaffold, including but not limited to a hydroxyl, ketone, 1056
amide, or ester; 1057

(c) An alkyl or aryl substitution off the ring nitrogen of 1058
the chemical scaffold; and 1059

(d) The compound has not been approved for medical use by 1060
the United States food and drug administration. 1061

(LL) "First degree felony mandatory prison term" means one 1062
of the definite prison terms prescribed in division (A) (1) (b) of 1063
section 2929.14 of the Revised Code for a felony of the first 1064
degree, except that if the violation for which sentence is being 1065
imposed is committed on or after March 22, 2019, it means one of 1066
the minimum prison terms prescribed in division (A) (1) (a) of 1067
that section for a felony of the first degree. 1068

(MM) "Second degree felony mandatory prison term" means 1069
one of the definite prison terms prescribed in division (A) (2) 1070
(b) of section 2929.14 of the Revised Code for a felony of the 1071

second degree, except that if the violation for which sentence 1072
is being imposed is committed on or after March 22, 2019, it 1073
means one of the minimum prison terms prescribed in division (A) 1074
(2) (a) of that section for a felony of the second degree. 1075

(NN) "Maximum first degree felony mandatory prison term" 1076
means the maximum definite prison term prescribed in division 1077
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1078
the first degree, except that if the violation for which 1079
sentence is being imposed is committed on or after March 22, 1080
2019, it means the longest minimum prison term prescribed in 1081
division (A) (1) (a) of that section for a felony of the first 1082
degree. 1083

(OO) "Maximum second degree felony mandatory prison term" 1084
means the maximum definite prison term prescribed in division 1085
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1086
the second degree, except that if the violation for which 1087
sentence is being imposed is committed on or after March 22, 1088
2019, it means the longest minimum prison term prescribed in 1089
division (A) (2) (a) of that section for a felony of the second 1090
degree. 1091

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1092
as in section 928.01 of the Revised Code. 1093

(QQ) "Marihuana plant" means any plant of the genus 1094
cannabis that produces its own food through photosynthesis and 1095
has observable root formation or is in a growth material, except 1096
that it does not include a plant that constitutes "hemp" as 1097
defined in section 928.01 of the Revised Code. 1098

Sec. 2925.04. (A) No person shall knowingly ~~cultivate~~ 1099
~~marihuana or knowingly manufacture or otherwise engage in any~~ 1100

part of the production of a controlled substance. 1101

(B) This section does not apply to the cultivation of 1102
marihuana or to any person listed in division (B) (1), (2), or 1103
(3) of section 2925.03 of the Revised Code to the extent and 1104
under the circumstances described in those divisions. 1105

(C) (1) Whoever commits a violation of division (A) of this 1106
section ~~that involves any drug other than marihuana~~ is guilty of 1107
illegal manufacture of drugs, ~~and whoever commits a violation of~~ 1108
~~division (A) of this section that involves marihuana is guilty~~ 1109
~~of illegal cultivation of marihuana.~~ 1110

(2) Except as otherwise provided in this division, if the 1111
drug involved in the violation of division (A) of this section 1112
is any compound, mixture, preparation, or substance included in 1113
schedule I or II, with the exception of methamphetamine or 1114
marihuana, illegal manufacture of drugs is a felony of the 1115
second degree, and, subject to division (E) of this section, the 1116
court shall impose as a mandatory prison term a second degree 1117
felony mandatory prison term. 1118

If the drug involved in the violation is any compound, 1119
mixture, preparation, or substance included in schedule I or II, 1120
with the exception of methamphetamine or marihuana, and if the 1121
offense was committed in the vicinity of a juvenile or in the 1122
vicinity of a school, illegal manufacture of drugs is a felony 1123
of the first degree, and, subject to division (E) of this 1124
section, the court shall impose as a mandatory prison term a 1125
first degree felony mandatory prison term. 1126

(3) If the drug involved in the violation of division (A) 1127
of this section is methamphetamine, the penalty for the 1128
violation shall be determined as follows: 1129

(a) Except as otherwise provided in division (C) (3) (b) of 1130
this section, if the drug involved in the violation is 1131
methamphetamine, illegal manufacture of drugs is a felony of the 1132
second degree, and, subject to division (E) of this section, the 1133
court shall impose a mandatory prison term on the offender 1134
determined in accordance with this division. Except as otherwise 1135
provided in this division, the court shall impose as a mandatory 1136
prison term a second degree felony mandatory prison term that is 1137
not less than three years. If the offender previously has been 1138
convicted of or pleaded guilty to a violation of division (A) of 1139
this section, a violation of division (B) (6) of section 2919.22 1140
of the Revised Code, or a violation of division (A) of section 1141
2925.041 of the Revised Code, the court shall impose as a 1142
mandatory prison term a second degree felony mandatory prison 1143
term that is not less than five years. 1144

(b) If the drug involved in the violation is 1145
methamphetamine and if the offense was committed in the vicinity 1146
of a juvenile, in the vicinity of a school, or on public 1147
premises, illegal manufacture of drugs is a felony of the first 1148
degree, and, subject to division (E) of this section, the court 1149
shall impose a mandatory prison term on the offender determined 1150
in accordance with this division. Except as otherwise provided 1151
in this division, the court shall impose as a mandatory prison 1152
term a first degree felony mandatory prison term that is not 1153
less than four years. If the offender previously has been 1154
convicted of or pleaded guilty to a violation of division (A) of 1155
this section, a violation of division (B) (6) of section 2919.22 1156
of the Revised Code, or a violation of division (A) of section 1157
2925.041 of the Revised Code, the court shall impose as a 1158
mandatory prison term a first degree felony mandatory prison 1159
term that is not less than five years. 1160

(4) If the drug involved in the violation of division (A) 1161
of this section is any compound, mixture, preparation, or 1162
substance included in schedule III, IV, or V, illegal 1163
manufacture of drugs is a felony of the third degree or, if the 1164
offense was committed in the vicinity of a school or in the 1165
vicinity of a juvenile, a felony of the second degree, and there 1166
is a presumption for a prison term for the offense. 1167

~~(5) If the drug involved in the violation is marihuana, 1168
the penalty for the offense shall be determined as follows: 1169~~

~~(a) Except as otherwise provided in division (C) (5) (b), 1170
(c), (d), (e), or (f) of this section, illegal cultivation of 1171
marihuana is a minor misdemeanor or, if the offense was 1172
committed in the vicinity of a school or in the vicinity of a 1173
juvenile, a misdemeanor of the fourth degree. 1174~~

~~(b) If the amount of marihuana involved equals or exceeds 1175
one hundred grams but is less than two hundred grams, illegal 1176
cultivation of marihuana is a misdemeanor of the fourth degree 1177
or, if the offense was committed in the vicinity of a school or 1178
in the vicinity of a juvenile, a misdemeanor of the third 1179
degree. 1180~~

~~(c) If the amount of marihuana involved equals or exceeds 1181
two hundred grams but is less than one thousand grams, illegal 1182
cultivation of marihuana is a felony of the fifth degree or, if 1183
the offense was committed in the vicinity of a school or in the 1184
vicinity of a juvenile, a felony of the fourth degree, and 1185
division (B) of section 2929.13 of the Revised Code applies in 1186
determining whether to impose a prison term on the offender. 1187~~

~~(d) If the amount of marihuana involved equals or exceeds 1188
one thousand grams but is less than five thousand grams, illegal 1189~~

~~cultivation of marihuana is a felony of the third degree or, if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, a felony of the second degree, and
division (C) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.~~

~~(e) If the amount of marihuana involved equals or exceeds
five thousand grams but is less than twenty thousand grams,
illegal cultivation of marihuana is a felony of the third degree
or, if the offense was committed in the vicinity of a school or
in the vicinity of a juvenile, a felony of the second degree,
and there is a presumption for a prison term for the offense.~~

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

(D) In addition to any prison term authorized or required
by division (C) or (E) 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 offender's
driver's or commercial driver's license or permit in accordance

with division (G) of section 2925.03 of the Revised Code. 1220
However, if the offender pleaded guilty to or was convicted of a 1221
violation of section 4511.19 of the Revised Code or a 1222
substantially similar municipal ordinance or the law of another 1223
state or the United States arising out of the same set of 1224
circumstances as the violation, the court shall suspend the 1225
offender's driver's or commercial driver's license or permit in 1226
accordance with division (G) of section 2925.03 of the Revised 1227
Code. If applicable, the court also shall do the following: 1228

(1) If the violation of division (A) of this section is a 1229
felony of the first, second, or third degree, the court shall 1230
impose upon the offender the mandatory fine specified for the 1231
offense under division (B)(1) of section 2929.18 of the Revised 1232
Code unless, as specified in that division, the court determines 1233
that the offender is indigent. The clerk of the court shall pay 1234
a mandatory fine or other fine imposed for a violation of this 1235
section pursuant to division (A) of section 2929.18 of the 1236
Revised Code in accordance with and subject to the requirements 1237
of division (F) of section 2925.03 of the Revised Code. The 1238
agency that receives the fine shall use the fine as specified in 1239
division (F) of section 2925.03 of the Revised Code. If a person 1240
is charged with a violation of this section that is a felony of 1241
the first, second, or third degree, posts bail, and forfeits the 1242
bail, the clerk shall pay the forfeited bail as if the forfeited 1243
bail were a fine imposed for a violation of this section. 1244

(2) If the offender is a professionally licensed person, 1245
the court immediately shall comply with section 2925.38 of the 1246
Revised Code. 1247

(E) Notwithstanding the prison term otherwise authorized 1248
or required for the offense under division (C) of this section 1249

and sections 2929.13 and 2929.14 of the Revised Code, if the 1250
violation of division (A) of this section involves the sale, 1251
offer to sell, or possession of a schedule I or II controlled 1252
substance, with the exception of marihuana, and if the court 1253
imposing sentence upon the offender finds that the offender as a 1254
result of the violation is a major drug offender and is guilty 1255
of a specification of the type described in division (A) of 1256
section 2941.1410 of the Revised Code, the court, in lieu of the 1257
prison term otherwise authorized or required, shall impose upon 1258
the offender the mandatory prison term specified in division (B) 1259
(3) of section 2929.14 of the Revised Code. 1260

~~(F) It is an affirmative defense, as provided in section 1261
2901.05 of the Revised Code, to a charge under this section for 1262
a fifth degree felony violation of illegal cultivation of 1263
marihuana that the marihuana that gave rise to the charge is in 1264
an amount, is in a form, is prepared, compounded, or mixed with 1265
substances that are not controlled substances in a manner, or is 1266
possessed or cultivated under any other circumstances that 1267
indicate that the marihuana was solely for personal use. 1268~~

~~Notwithstanding any contrary provision of division (F) of 1269
this section, if, in accordance with section 2901.05 of the 1270
Revised Code, a person who is charged with a violation of 1271
illegal cultivation of marihuana that is a felony of the fifth 1272
degree sustains the burden of going forward with evidence of and 1273
establishes by a preponderance of the evidence the affirmative 1274
defense described in this division, the person may be prosecuted 1275
for and may be convicted of or plead guilty to a misdemeanor 1276
violation of illegal cultivation of marihuana. 1277~~

~~(G) Arrest or conviction for a minor misdemeanor violation 1278
of this section does not constitute a criminal record and need 1279~~

~~not be reported by the person so arrested or convicted in~~ 1280
~~response to any inquiries about the person's criminal record,~~ 1281
~~including any inquiries contained in an application for~~ 1282
~~employment, a license, or any other right or privilege or made~~ 1283
~~in connection with the person's appearance as a witness.~~ 1284

~~(H)~~(1) If the sentencing court suspends the offender's 1285
driver's or commercial driver's license or permit under this 1286
section in accordance with division (G) of section 2925.03 of 1287
the Revised Code, the offender may request termination of, and 1288
the court may terminate, the suspension of the offender in 1289
accordance with that division. 1290

(2) Any offender who received a mandatory suspension of 1291
the offender's driver's or commercial driver's license or permit 1292
under this section prior to September 13, 2016, may file a 1293
motion with the sentencing court requesting the termination of 1294
the suspension. However, an offender who pleaded guilty to or 1295
was convicted of a violation of section 4511.19 of the Revised 1296
Code or a substantially similar municipal ordinance or law of 1297
another state or the United States that arose out of the same 1298
set of circumstances as the violation for which the offender's 1299
license or permit was suspended under this section shall not 1300
file such a motion. 1301

Upon the filing of a motion under division ~~(H)~~(F)(2) of 1302
this section, the sentencing court, in its discretion, may 1303
terminate the suspension. 1304

Sec. 2925.042. (A) No person shall knowingly cultivate 1305
more than twelve marihuana plants. 1306

(B) A person who violates this section is guilty of 1307
illegal cultivation of marihuana. Except as provided in division 1308

(C), (D), or (E) of this section, illegal cultivation of 1309
marihuana is a civil infraction, punishable by a fine of up to 1310
five hundred dollars. 1311

(C) If the offender has previously pleaded guilty to or 1312
been convicted of a violation of this section, except as 1313
provided in division (D) or (E) of this section, illegal 1314
cultivation of marihuana is a civil infraction, punishable by a 1315
fine of up to one thousand dollars. 1316

(D) If the offender has twice previously pleaded guilty or 1317
been convicted of a violation of this section, except as 1318
provided in division (E) of this section, illegal cultivation of 1319
marihuana is a minor misdemeanor, punishable by a fine of up to 1320
two thousand dollars. 1321

(E) If the offense involves more than twenty-four 1322
marihuana plants and is habitual, willful, and for a commercial 1323
purpose, or involves violence, illegal cultivation of marihuana 1324
is a misdemeanor of the first degree. 1325

Sec. 2925.043. (A) No person shall knowingly cultivate 1326
marihuana under any of the following circumstances: 1327

(1) In a place that is open to public view without use of 1328
binoculars, aircraft, or other optical aides; 1329

(2) In a place that is not secured by locks or other 1330
functioning security devices that restrict against access by 1331
persons under twenty-one years of age or persons who do not have 1332
the cultivator's permission to access the place. 1333

(B) Violation of this section is a minor misdemeanor, and 1334
notwithstanding division (A)(2) of section 2929.28 of the 1335
Revised Code, the court may fine the offender up to one hundred 1336
dollars and may order forfeiture of the marihuana. 1337

(C) Arrest or conviction for a minor misdemeanor violation 1338
of this section does not constitute a criminal record and need 1339
not be reported by the person so arrested or convicted in 1340
response to any inquiries about the person's criminal record, 1341
including any inquiries contained in an application for 1342
employment, a license, or any other right or privilege or made 1343
in connection with the person's appearance as a witness. 1344

Sec. 2925.11. (A) No person shall knowingly obtain, 1345
possess, or use a controlled substance or a controlled substance 1346
analog. 1347

(B) (1) This section does not apply to any of the 1348
following: 1349

(a) Manufacturers, licensed health professionals 1350
authorized to prescribe drugs, pharmacists, owners of 1351
pharmacies, and other persons whose conduct was in accordance 1352
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1353
4741. of the Revised Code; 1354

(b) If the offense involves an anabolic steroid, any 1355
person who is conducting or participating in a research project 1356
involving the use of an anabolic steroid if the project has been 1357
approved by the United States food and drug administration; 1358

(c) Any person who sells, offers for sale, prescribes, 1359
dispenses, or administers for livestock or other nonhuman 1360
species an anabolic steroid that is expressly intended for 1361
administration through implants to livestock or other nonhuman 1362
species and approved for that purpose under the "Federal Food, 1363
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1364
as amended, and is sold, offered for sale, prescribed, 1365
dispensed, or administered for that purpose in accordance with 1366

that act; 1367

(d) Any person who obtained the controlled substance 1368
pursuant to a prescription issued by a licensed health 1369
professional authorized to prescribe drugs if the prescription 1370
was issued for a legitimate medical purpose and not altered, 1371
forged, or obtained through deception or commission of a theft 1372
offense; 1373

(e) Obtaining, possession, or use of marihuana or hashish. 1374

As used in division (B) (1) (d) of this section, "deception" 1375
and "theft offense" have the same meanings as in section 2913.01 1376
of the Revised Code. 1377

(2) (a) As used in division (B) (2) of this section: 1378

(i) "Community addiction services provider" has the same 1379
meaning as in section 5119.01 of the Revised Code. 1380

(ii) "Community control sanction" and "drug treatment 1381
program" have the same meanings as in section 2929.01 of the 1382
Revised Code. 1383

(iii) "Health care facility" has the same meaning as in 1384
section 2919.16 of the Revised Code. 1385

(iv) "Minor drug possession offense" means a violation of 1386
this section or section 2925.111 of the Revised Code that is a 1387
misdemeanor or a felony of the fifth degree. 1388

(v) "Post-release control sanction" has the same meaning 1389
as in section 2967.28 of the Revised Code. 1390

(vi) "Peace officer" has the same meaning as in section 1391
2935.01 of the Revised Code. 1392

(vii) "Public agency" has the same meaning as in section 1393

2930.01 of the Revised Code. 1394

(viii) "Qualified individual" means a person who is not on 1395
community control or post-release control and is a person acting 1396
in good faith who seeks or obtains medical assistance for 1397
another person who is experiencing a drug overdose, a person who 1398
experiences a drug overdose and who seeks medical assistance for 1399
that overdose, or a person who is the subject of another person 1400
seeking or obtaining medical assistance for that overdose as 1401
described in division (B) (2) (b) of this section. 1402

(ix) "Seek or obtain medical assistance" includes, but is 1403
not limited to making a 9-1-1 call, contacting in person or by 1404
telephone call an on-duty peace officer, or transporting or 1405
presenting a person to a health care facility. 1406

(b) Subject to division (B) (2) (f) of this section, a 1407
qualified individual shall not be arrested, charged, prosecuted, 1408
convicted, or penalized pursuant to this chapter for a minor 1409
drug possession offense if all of the following apply: 1410

(i) The evidence of the obtaining, possession, or use of 1411
the controlled substance or controlled substance analog that 1412
would be the basis of the offense was obtained as a result of 1413
the qualified individual seeking the medical assistance or 1414
experiencing an overdose and needing medical assistance. 1415

(ii) Subject to division (B) (2) (g) of this section, within 1416
thirty days after seeking or obtaining the medical assistance, 1417
the qualified individual seeks and obtains a screening and 1418
receives a referral for treatment from a community addiction 1419
services provider or a properly credentialed addiction treatment 1420
professional. 1421

(iii) Subject to division (B) (2) (g) of this section, the 1422

qualified individual who obtains a screening and receives a 1423
referral for treatment under division (B) (2) (b) (ii) of this 1424
section, upon the request of any prosecuting attorney, submits 1425
documentation to the prosecuting attorney that verifies that the 1426
qualified individual satisfied the requirements of that 1427
division. The documentation shall be limited to the date and 1428
time of the screening obtained and referral received. 1429

(c) If a person is found to be in violation of any 1430
community control sanction and if the violation is a result of 1431
either of the following, the court shall first consider ordering 1432
the person's participation or continued participation in a drug 1433
treatment program or mitigating the penalty specified in section 1434
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 1435
applicable, after which the court has the discretion either to 1436
order the person's participation or continued participation in a 1437
drug treatment program or to impose the penalty with the 1438
mitigating factor specified in any of those applicable sections: 1439

(i) Seeking or obtaining medical assistance in good faith 1440
for another person who is experiencing a drug overdose; 1441

(ii) Experiencing a drug overdose and seeking medical 1442
assistance for that overdose or being the subject of another 1443
person seeking or obtaining medical assistance for that overdose 1444
as described in division (B) (2) (b) of this section. 1445

(d) If a person is found to be in violation of any post- 1446
release control sanction and if the violation is a result of 1447
either of the following, the court or the parole board shall 1448
first consider ordering the person's participation or continued 1449
participation in a drug treatment program or mitigating the 1450
penalty specified in section 2929.141 or 2967.28 of the Revised 1451
Code, whichever is applicable, after which the court or the 1452

parole board has the discretion either to order the person's 1453
participation or continued participation in a drug treatment 1454
program or to impose the penalty with the mitigating factor 1455
specified in either of those applicable sections: 1456

(i) Seeking or obtaining medical assistance in good faith 1457
for another person who is experiencing a drug overdose; 1458

(ii) Experiencing a drug overdose and seeking medical 1459
assistance for that emergency or being the subject of another 1460
person seeking or obtaining medical assistance for that overdose 1461
as described in division (B) (2) (b) of this section. 1462

(e) Nothing in division (B) (2) (b) of this section shall be 1463
construed to do any of the following: 1464

(i) Limit the admissibility of any evidence in connection 1465
with the investigation or prosecution of a crime with regards to 1466
a defendant who does not qualify for the protections of division 1467
(B) (2) (b) of this section or with regards to any crime other 1468
than a minor drug possession offense committed by a person who 1469
qualifies for protection pursuant to division (B) (2) (b) of this 1470
section for a minor drug possession offense; 1471

(ii) Limit any seizure of evidence or contraband otherwise 1472
permitted by law; 1473

(iii) Limit or abridge the authority of a peace officer to 1474
detain or take into custody a person in the course of an 1475
investigation or to effectuate an arrest for any offense except 1476
as provided in that division; 1477

(iv) Limit, modify, or remove any immunity from liability 1478
available pursuant to law in effect prior to September 13, 2016, 1479
to any public agency or to an employee of any public agency. 1480

(f) Division (B) (2) (b) of this section does not apply to 1481
any person who twice previously has been granted an immunity 1482
under division (B) (2) (b) of this section. No person shall be 1483
granted an immunity under division (B) (2) (b) of this section 1484
more than two times. 1485

(g) Nothing in this section shall compel any qualified 1486
individual to disclose protected health information in a way 1487
that conflicts with the requirements of the "Health Insurance 1488
Portability and Accountability Act of 1996," 104 Pub. L. No. 1489
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1490
regulations promulgated by the United States department of 1491
health and human services to implement the act or the 1492
requirements of 42 C.F.R. Part 2. 1493

(C) Whoever violates division (A) of this section is 1494
guilty of one of the following: 1495

(1) If the drug involved in the violation is a compound, 1496
mixture, preparation, or substance included in schedule I or II, 1497
with the exception of marihuana, cocaine, L.S.D., heroin, any 1498
fentanyl-related compound, hashish, and any controlled substance 1499
analog, whoever violates division (A) of this section is guilty 1500
of aggravated possession of drugs. The penalty for the offense 1501
shall be determined as follows: 1502

(a) Except as otherwise provided in division (C) (1) (b), 1503
(c), (d), or (e) of this section, aggravated possession of drugs 1504
is a felony of the fifth degree, and division (B) of section 1505
2929.13 of the Revised Code applies in determining whether to 1506
impose a prison term on the offender. 1507

(b) If the amount of the drug involved equals or exceeds 1508
the bulk amount but is less than five times the bulk amount, 1509

aggravated possession of drugs is a felony of the third degree, 1510
and there is a presumption for a prison term for the offense. 1511

(c) If the amount of the drug involved equals or exceeds 1512
five times the bulk amount but is less than fifty times the bulk 1513
amount, aggravated possession of drugs is a felony of the second 1514
degree, and the court shall impose as a mandatory prison term a 1515
second degree felony mandatory prison term. 1516

(d) If the amount of the drug involved equals or exceeds 1517
fifty times the bulk amount but is less than one hundred times 1518
the bulk amount, aggravated possession of drugs is a felony of 1519
the first degree, and the court shall impose as a mandatory 1520
prison term a first degree felony mandatory prison term. 1521

(e) If the amount of the drug involved equals or exceeds 1522
one hundred times the bulk amount, aggravated possession of 1523
drugs is a felony of the first degree, the offender is a major 1524
drug offender, and the court shall impose as a mandatory prison 1525
term a maximum first degree felony mandatory prison term. 1526

(2) If the drug involved in the violation is a compound, 1527
mixture, preparation, or substance included in schedule III, IV, 1528
or V, whoever violates division (A) of this section is guilty of 1529
possession of drugs. The penalty for the offense shall be 1530
determined as follows: 1531

(a) Except as otherwise provided in division (C) (2) (b), 1532
(c), or (d) of this section, possession of drugs is a 1533
misdemeanor of the first degree or, if the offender previously 1534
has been convicted of a drug abuse offense, a felony of the 1535
fifth degree. 1536

(b) If the amount of the drug involved equals or exceeds 1537
the bulk amount but is less than five times the bulk amount, 1538

possession of drugs is a felony of the fourth degree, and 1539
division (C) of section 2929.13 of the Revised Code applies in 1540
determining whether to impose a prison term on the offender. 1541

(c) If the amount of the drug involved equals or exceeds 1542
five times the bulk amount but is less than fifty times the bulk 1543
amount, possession of drugs is a felony of the third degree, and 1544
there is a presumption for a prison term for the offense. 1545

(d) If the amount of the drug involved equals or exceeds 1546
fifty times the bulk amount, possession of drugs is a felony of 1547
the second degree, and the court shall impose upon the offender 1548
as a mandatory prison term a second degree felony mandatory 1549
prison term. 1550

~~(3) If the drug involved in the violation is marihuana or 1551
a compound, mixture, preparation, or substance containing 1552
marihuana other than hashish, whoever violates division (A) of 1553
this section is guilty of possession of marihuana. The penalty 1554
for the offense shall be determined as follows: 1555~~

~~(a) Except as otherwise provided in division (C) (3) (b), 1556
(c), (d), (e), (f), or (g) of this section, possession of 1557
marihuana is a minor misdemeanor. 1558~~

~~(b) If the amount of the drug involved equals or exceeds 1559
one hundred grams but is less than two hundred grams, possession 1560
of marihuana is a misdemeanor of the fourth degree. 1561~~

~~(c) If the amount of the drug involved equals or exceeds 1562
two hundred grams but is less than one thousand grams, 1563
possession of marihuana is a felony of the fifth degree, and 1564
division (B) of section 2929.13 of the Revised Code applies in 1565
determining whether to impose a prison term on the offender. 1566~~

~~(d) If the amount of the drug involved equals or exceeds 1567~~

~~one thousand grams but is less than five thousand grams, 1568
possession of marihuana is a felony of the third degree, and 1569
division (C) of section 2929.13 of the Revised Code applies in 1570
determining whether to impose a prison term on the offender. 1571~~

~~(e) If the amount of the drug involved equals or exceeds 1572
five thousand grams but is less than twenty thousand grams, 1573
possession of marihuana is a felony of the third degree, and 1574
there is a presumption that a prison term shall be imposed for 1575
the offense. 1576~~

~~(f) If the amount of the drug involved equals or exceeds 1577
twenty thousand grams but is less than forty thousand grams, 1578
possession of marihuana is a felony of the second degree, and 1579
the court shall impose as a mandatory prison term a second 1580
degree felony mandatory prison term of five, six, seven, or 1581
eight years. 1582~~

~~(g) If the amount of the drug involved equals or exceeds 1583
forty thousand grams, possession of marihuana is a felony of the 1584
second degree, and the court shall impose as a mandatory prison- 1585
term a maximum second degree felony mandatory prison term. 1586~~

~~(4) If the drug involved in the violation is cocaine or a 1587
compound, mixture, preparation, or substance containing cocaine, 1588
whoever violates division (A) of this section is guilty of 1589
possession of cocaine. The penalty for the offense shall be 1590
determined as follows: 1591~~

~~(a) Except as otherwise provided in division (C) ~~(4)~~ (3) (b), 1592
(c), (d), (e), or (f) of this section, possession of cocaine is 1593
a felony of the fifth degree, and division (B) of section 1594
2929.13 of the Revised Code applies in determining whether to 1595
impose a prison term on the offender. 1596~~

(b) If the amount of the drug involved equals or exceeds 1597
five grams but is less than ten grams of cocaine, possession of 1598
cocaine is a felony of the fourth degree, and division (B) of 1599
section 2929.13 of the Revised Code applies in determining 1600
whether to impose a prison term on the offender. 1601

(c) If the amount of the drug involved equals or exceeds 1602
ten grams but is less than twenty grams of cocaine, possession 1603
of cocaine is a felony of the third degree, and, except as 1604
otherwise provided in this division, there is a presumption for 1605
a prison term for the offense. If possession of cocaine is a 1606
felony of the third degree under this division and if the 1607
offender two or more times previously has been convicted of or 1608
pleaded guilty to a felony drug abuse offense, the court shall 1609
impose as a mandatory prison term one of the prison terms 1610
prescribed for a felony of the third degree. 1611

(d) If the amount of the drug involved equals or exceeds 1612
twenty grams but is less than twenty-seven grams of cocaine, 1613
possession of cocaine is a felony of the second degree, and the 1614
court shall impose as a mandatory prison term a second degree 1615
felony mandatory prison term. 1616

(e) If the amount of the drug involved equals or exceeds 1617
twenty-seven grams but is less than one hundred grams of 1618
cocaine, possession of cocaine is a felony of the first degree, 1619
and the court shall impose as a mandatory prison term a first 1620
degree felony mandatory prison term. 1621

(f) If the amount of the drug involved equals or exceeds 1622
one hundred grams of cocaine, possession of cocaine is a felony 1623
of the first degree, the offender is a major drug offender, and 1624
the court shall impose as a mandatory prison term a maximum 1625
first degree felony mandatory prison term. 1626

~~(5)~~(4) If the drug involved in the violation is L.S.D., 1627
whoever violates division (A) of this section is guilty of 1628
possession of L.S.D. The penalty for the offense shall be 1629
determined as follows: 1630

(a) Except as otherwise provided in division (C) ~~(5)~~(4) (b), 1631
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 1632
felony of the fifth degree, and division (B) of section 2929.13 1633
of the Revised Code applies in determining whether to impose a 1634
prison term on the offender. 1635

(b) If the amount of L.S.D. involved equals or exceeds ten 1636
unit doses but is less than fifty unit doses of L.S.D. in a 1637
solid form or equals or exceeds one gram but is less than five 1638
grams of L.S.D. in a liquid concentrate, liquid extract, or 1639
liquid distillate form, possession of L.S.D. is a felony of the 1640
fourth degree, and division (C) of section 2929.13 of the 1641
Revised Code applies in determining whether to impose a prison 1642
term on the offender. 1643

(c) If the amount of L.S.D. involved equals or exceeds 1644
fifty unit doses, but is less than two hundred fifty unit doses 1645
of L.S.D. in a solid form or equals or exceeds five grams but is 1646
less than twenty-five grams of L.S.D. in a liquid concentrate, 1647
liquid extract, or liquid distillate form, possession of L.S.D. 1648
is a felony of the third degree, and there is a presumption for 1649
a prison term for the offense. 1650

(d) If the amount of L.S.D. involved equals or exceeds two 1651
hundred fifty unit doses but is less than one thousand unit 1652
doses of L.S.D. in a solid form or equals or exceeds twenty-five 1653
grams but is less than one hundred grams of L.S.D. in a liquid 1654
concentrate, liquid extract, or liquid distillate form, 1655
possession of L.S.D. is a felony of the second degree, and the 1656

court shall impose as a mandatory prison term a second degree 1657
felony mandatory prison term. 1658

(e) If the amount of L.S.D. involved equals or exceeds one 1659
thousand unit doses but is less than five thousand unit doses of 1660
L.S.D. in a solid form or equals or exceeds one hundred grams 1661
but is less than five hundred grams of L.S.D. in a liquid 1662
concentrate, liquid extract, or liquid distillate form, 1663
possession of L.S.D. is a felony of the first degree, and the 1664
court shall impose as a mandatory prison term a first degree 1665
felony mandatory prison term. 1666

(f) If the amount of L.S.D. involved equals or exceeds 1667
five thousand unit doses of L.S.D. in a solid form or equals or 1668
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1669
liquid extract, or liquid distillate form, possession of L.S.D. 1670
is a felony of the first degree, the offender is a major drug 1671
offender, and the court shall impose as a mandatory prison term 1672
a maximum first degree felony mandatory prison term. 1673

~~(6)~~(5) If the drug involved in the violation is heroin or 1674
a compound, mixture, preparation, or substance containing 1675
heroin, whoever violates division (A) of this section is guilty 1676
of possession of heroin. The penalty for the offense shall be 1677
determined as follows: 1678

(a) Except as otherwise provided in division (C) ~~(6)~~(5) (b), 1679
(c), (d), (e), or (f) of this section, possession of heroin is a 1680
felony of the fifth degree, and division (B) of section 2929.13 1681
of the Revised Code applies in determining whether to impose a 1682
prison term on the offender. 1683

(b) If the amount of the drug involved equals or exceeds 1684
ten unit doses but is less than fifty unit doses or equals or 1685

exceeds one gram but is less than five grams, possession of 1686
heroin is a felony of the fourth degree, and division (C) of 1687
section 2929.13 of the Revised Code applies in determining 1688
whether to impose a prison term on the offender. 1689

(c) If the amount of the drug involved equals or exceeds 1690
fifty unit doses but is less than one hundred unit doses or 1691
equals or exceeds five grams but is less than ten grams, 1692
possession of heroin is a felony of the third degree, and there 1693
is a presumption for a prison term for the offense. 1694

(d) If the amount of the drug involved equals or exceeds 1695
one hundred unit doses but is less than five hundred unit doses 1696
or equals or exceeds ten grams but is less than fifty grams, 1697
possession of heroin is a felony of the second degree, and the 1698
court shall impose as a mandatory prison term a second degree 1699
felony mandatory prison term. 1700

(e) If the amount of the drug involved equals or exceeds 1701
five hundred unit doses but is less than one thousand unit doses 1702
or equals or exceeds fifty grams but is less than one hundred 1703
grams, possession of heroin is a felony of the first degree, and 1704
the court shall impose as a mandatory prison term a first degree 1705
felony mandatory prison term. 1706

(f) If the amount of the drug involved equals or exceeds 1707
one thousand unit doses or equals or exceeds one hundred grams, 1708
possession of heroin is a felony of the first degree, the 1709
offender is a major drug offender, and the court shall impose as 1710
a mandatory prison term a maximum first degree felony mandatory 1711
prison term. 1712

~~(7) If the drug involved in the violation is hashish or a 1713
compound, mixture, preparation, or substance containing hashish, 1714~~

~~whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:~~ 1715
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~~(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.~~ 1718
1719
1720

~~(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.~~ 1721
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~~(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1727
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~~(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1735
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~~(e) If the amount of the drug involved equals or exceeds~~ 1743

~~two hundred fifty grams but is less than one thousand grams of~~ 1744
~~hashish in a solid form or equals or exceeds fifty grams but is~~ 1745
~~less than two hundred grams of hashish in a liquid concentrate,~~ 1746
~~liquid extract, or liquid distillate form, possession of hashish~~ 1747
~~is a felony of the third degree, and there is a presumption that~~ 1748
~~a prison term shall be imposed for the offense.~~ 1749

~~(f) If the amount of the drug involved equals or exceeds~~ 1750
~~one thousand grams but is less than two thousand grams of~~ 1751
~~hashish in a solid form or equals or exceeds two hundred grams~~ 1752
~~but is less than four hundred grams of hashish in a liquid~~ 1753
~~concentrate, liquid extract, or liquid distillate form,~~ 1754
~~possession of hashish is a felony of the second degree, and the~~ 1755
~~court shall impose as a mandatory prison term a second degree~~ 1756
~~felony mandatory prison term of five, six, seven, or eight~~ 1757
~~years.~~ 1758

~~(g) If the amount of the drug involved equals or exceeds~~ 1759
~~two thousand grams of hashish in a solid form or equals or~~ 1760
~~exceeds four hundred grams of hashish in a liquid concentrate,~~ 1761
~~liquid extract, or liquid distillate form, possession of hashish~~ 1762
~~is a felony of the second degree, and the court shall impose as~~ 1763
~~a mandatory prison term a maximum second degree felony mandatory~~ 1764
~~prison term.~~ 1765

~~(8)~~ (6) If the drug involved is a controlled substance 1766
analog or compound, mixture, preparation, or substance that 1767
contains a controlled substance analog, whoever violates 1768
division (A) of this section is guilty of possession of a 1769
controlled substance analog. The penalty for the offense shall 1770
be determined as follows: 1771

(a) Except as otherwise provided in division (C) ~~(8)~~ (6) (b), 1772
(c), (d), (e), or (f) of this section, possession of a 1773

controlled substance analog is a felony of the fifth degree, and 1774
division (B) of section 2929.13 of the Revised Code applies in 1775
determining whether to impose a prison term on the offender. 1776

(b) If the amount of the drug involved equals or exceeds 1777
ten grams but is less than twenty grams, possession of a 1778
controlled substance analog is a felony of the fourth degree, 1779
and there is a presumption for a prison term for the offense. 1780

(c) If the amount of the drug involved equals or exceeds 1781
twenty grams but is less than thirty grams, possession of a 1782
controlled substance analog is a felony of the third degree, and 1783
there is a presumption for a prison term for the offense. 1784

(d) If the amount of the drug involved equals or exceeds 1785
thirty grams but is less than forty grams, possession of a 1786
controlled substance analog is a felony of the second degree, 1787
and the court shall impose as a mandatory prison term a second 1788
degree felony mandatory prison term. 1789

(e) If the amount of the drug involved equals or exceeds 1790
forty grams but is less than fifty grams, possession of a 1791
controlled substance analog is a felony of the first degree, and 1792
the court shall impose as a mandatory prison term a first degree 1793
felony mandatory prison term. 1794

(f) If the amount of the drug involved equals or exceeds 1795
fifty grams, possession of a controlled substance analog is a 1796
felony of the first degree, the offender is a major drug 1797
offender, and the court shall impose as a mandatory prison term 1798
a maximum first degree felony mandatory prison term. 1799

~~(9)~~ (7) If the drug involved in the violation is a 1800
compound, mixture, preparation, or substance that is a 1801
combination of a fentanyl-related compound and marihuana, one of 1802

the following applies: 1803

(a) Except as otherwise provided in division (C) ~~(9)~~ (7) (b) 1804
of this section, the offender is guilty of possession of 1805
~~marihuana and shall be punished as provided in division (C) (3)~~ 1806
~~of this section. Except as otherwise provided in division (C) (9)~~ 1807
~~(b) of this section, the offender is not guilty of possession of~~ 1808
a fentanyl-related compound under division (C) ~~(11)~~ (9) of this 1809
section and shall not be charged with, convicted of, or punished 1810
under division (C) ~~(11)~~ (9) of this section for possession of a 1811
fentanyl-related compound. 1812

(b) If the offender knows or has reason to know that the 1813
compound, mixture, preparation, or substance that is the drug 1814
involved contains a fentanyl-related compound, the offender is 1815
guilty of possession of a fentanyl-related compound and shall be 1816
punished under division (C) ~~(11)~~ (9) of this section. 1817

~~(10)~~ (8) If the drug involved in the violation is a 1818
compound, mixture, preparation, or substance that is a 1819
combination of a fentanyl-related compound and any schedule III, 1820
schedule IV, or schedule V controlled substance that is not a 1821
fentanyl-related compound, one of the following applies: 1822

(a) Except as otherwise provided in division (C) ~~(10)~~ (8) (b) 1823
of this section, the offender is guilty of possession of drugs 1824
and shall be punished as provided in division (C) (2) of this 1825
section. Except as otherwise provided in division (C) ~~(10)~~ (8) (b) 1826
of this section, the offender is not guilty of possession of a 1827
fentanyl-related compound under division (C) ~~(11)~~ (9) of this 1828
section and shall not be charged with, convicted of, or punished 1829
under division (C) ~~(11)~~ (9) of this section for possession of a 1830
fentanyl-related compound. 1831

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

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

(a) Except as otherwise provided in division (C) ~~(11)~~ (9)
(b), (c), (d), (e), (f), or (g) of this section, possession of a
fentanyl-related compound is a felony of the fifth degree, and
division (B) of section 2929.13 of the Revised Code applies in
determining whether to impose a prison term on the offender.

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

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

possession of a fentanyl-related compound is a felony of the 1862
third degree, and there is a presumption for a prison term for 1863
the offense. 1864

(d) If the amount of the drug involved equals or exceeds 1865
one hundred unit doses but is less than two hundred unit doses 1866
or equals or exceeds ten grams but is less than twenty grams, 1867
possession of a fentanyl-related compound is a felony of the 1868
second degree, and the court shall impose as a mandatory prison 1869
term one of the prison terms prescribed for a felony of the 1870
second degree. 1871

(e) If the amount of the drug involved equals or exceeds 1872
two hundred unit doses but is less than five hundred unit doses 1873
or equals or exceeds twenty grams but is less than fifty grams, 1874
possession of a fentanyl-related compound is a felony of the 1875
first degree, and the court shall impose as a mandatory prison 1876
term one of the prison terms prescribed for a felony of the 1877
first degree. 1878

(f) If the amount of the drug involved equals or exceeds 1879
five hundred unit doses but is less than one thousand unit doses 1880
or equals or exceeds fifty grams but is less than one hundred 1881
grams, possession of a fentanyl-related compound is a felony of 1882
the first degree, and the court shall impose as a mandatory 1883
prison term the maximum prison term prescribed for a felony of 1884
the first degree. 1885

(g) If the amount of the drug involved equals or exceeds 1886
one thousand unit doses or equals or exceeds one hundred grams, 1887
possession of a fentanyl-related compound is a felony of the 1888
first degree, the offender is a major drug offender, and the 1889
court shall impose as a mandatory prison term the maximum prison 1890
term prescribed for a felony of the first degree. 1891

(D) Arrest or conviction for a minor misdemeanor violation 1892
of this section as it existed prior to the effective date of 1893
this amendment does not constitute a criminal record and need 1894
not be reported by the person so arrested or convicted in 1895
response to any inquiries about the person's criminal record, 1896
including any inquiries contained in any application for 1897
employment, license, or other right or privilege, or made in 1898
connection with the person's appearance as a witness. 1899

(E) In addition to any prison term or jail term authorized 1900
or required by division (C) of this section and sections 1901
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 1902
Code and in addition to any other sanction that is imposed for 1903
the offense under this section, sections 2929.11 to 2929.18, or 1904
sections 2929.21 to 2929.28 of the Revised Code, the court that 1905
sentences an offender who is convicted of or pleads guilty to a 1906
violation of division (A) of this section may suspend the 1907
offender's driver's or commercial driver's license or permit for 1908
not more than five years. However, if the offender pleaded 1909
guilty to or was convicted of a violation of section 4511.19 of 1910
the Revised Code or a substantially similar municipal ordinance 1911
or the law of another state or the United States arising out of 1912
the same set of circumstances as the violation, the court shall 1913
suspend the offender's driver's or commercial driver's license 1914
or permit for not more than five years. If applicable, the court 1915
also shall do the following: 1916

(1) (a) If the violation is a felony of the first, second, 1917
or third degree, the court shall impose upon the offender the 1918
mandatory fine specified for the offense under division (B) (1) 1919
of section 2929.18 of the Revised Code unless, as specified in 1920
that division, the court determines that the offender is 1921
indigent. 1922

(b) Notwithstanding any contrary provision of section 1923
3719.21 of the Revised Code, the clerk of the court shall pay a 1924
mandatory fine or other fine imposed for a violation of this 1925
section pursuant to division (A) of section 2929.18 of the 1926
Revised Code in accordance with and subject to the requirements 1927
of division (F) of section 2925.03 of the Revised Code. The 1928
agency that receives the fine shall use the fine as specified in 1929
division (F) of section 2925.03 of the Revised Code. 1930

(c) If a person is charged with a violation of this 1931
section that is a felony of the first, second, or third degree, 1932
posts bail, and forfeits the bail, the clerk shall pay the 1933
forfeited bail pursuant to division (E)(1)(b) of this section as 1934
if it were a mandatory fine imposed under division (E)(1)(a) of 1935
this section. 1936

(2) If the offender is a professionally licensed person, 1937
in addition to any other sanction imposed for a violation of 1938
this section, the court immediately shall comply with section 1939
2925.38 of the Revised Code. 1940

(F) It is an affirmative defense, as provided in section 1941
2901.05 of the Revised Code, to a charge of a fourth degree 1942
felony violation under this section that the controlled 1943
substance that gave rise to the charge is in an amount, is in a 1944
form, is prepared, compounded, or mixed with substances that are 1945
not controlled substances in a manner, or is possessed under any 1946
other circumstances, that indicate that the substance was 1947
possessed solely for personal use. Notwithstanding any contrary 1948
provision of this section, if, in accordance with section 1949
2901.05 of the Revised Code, an accused who is charged with a 1950
fourth degree felony violation of division (C)(2), (3), (4), or 1951
(5), ~~or (6)~~ of this section sustains the burden of going forward 1952

with evidence of and establishes by a preponderance of the 1953
evidence the affirmative defense described in this division, the 1954
accused may be prosecuted for and may plead guilty to or be 1955
convicted of a misdemeanor violation of division (C) (2) of this 1956
section or a fifth degree felony violation of division (C) (3), 1957
(4), or (5),~~or (6)~~ of this section respectively. 1958

(G) When a person is charged with possessing a bulk amount 1959
or multiple of a bulk amount, division (E) of section 2925.03 of 1960
the Revised Code applies regarding the determination of the 1961
amount of the controlled substance involved at the time of the 1962
offense. 1963

(H) It is an affirmative defense to a charge of possession 1964
of a controlled substance analog under division (C) ~~(8)~~ (6) of 1965
this section that the person charged with violating that offense 1966
obtained, possessed, or used one of the following items that are 1967
excluded from the meaning of "controlled substance analog" under 1968
section 3719.01 of the Revised Code: 1969

(1) A controlled substance; 1970

(2) Any substance for which there is an approved new drug 1971
application; 1972

(3) With respect to a particular person, any substance if 1973
an exemption is in effect for investigational use for that 1974
person pursuant to federal law to the extent that conduct with 1975
respect to that substance is pursuant to that exemption. 1976

(I) Any offender who received a mandatory suspension of 1977
the offender's driver's or commercial driver's license or permit 1978
under this section prior to September 13, 2016, may file a 1979
motion with the sentencing court requesting the termination of 1980
the suspension. However, an offender who pleaded guilty to or 1981

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

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

Sec. 2925.111. (A) Except as provided in division (F) of this section, no person shall knowingly obtain or possess more than five ounces of marihuana or fifteen grams of hashish.

(B) Whoever violates division (A) of this section is guilty of possession of marihuana or hashish. Except as provided in division (C), (D), (E), or (F) of this section, possession of marihuana or hashish is a minor misdemeanor subject to a fine of one hundred dollars and forfeiture of the marihuana or hashish.

(C) If the offense involves more than ten ounces of marihuana or more than thirty grams of hashish, except as provided in division (D), (E), or (F) of this section, possession of marihuana or hashish is a minor misdemeanor subject to a fine of up to five hundred dollars and forfeiture of the marihuana or hashish.

(D) If the offense involves more than ten ounces of marihuana or more than thirty grams of hashish and the offender has previously been convicted of or pleaded guilty to a violation of this section under the circumstances described in division (C) of this section, except as provided in division (E) or (F) of this section, possession of marihuana or hashish is a

minor misdemeanor subject to a fine of up to one thousand 2011
dollars and forfeiture of the marihuana or hashish. 2012

(E) If the offense involves more than ten ounces of 2013
marihuana or more than thirty grams of hashish, and the offender 2014
has been convicted of or pleaded guilty to a violation of this 2015
section under the circumstances described in division (C) or (D) 2016
of this section at least twice previously, possession of 2017
marihuana or hashish is a minor misdemeanor subject to a fine of 2018
up to two thousand dollars and forfeiture of the marihuana or 2019
hashish. 2020

(F) Amounts cultivated, harvested, and stored in 2021
accordance with sections 2925.042 and 2925.043 of the Revised 2022
Code shall not be used for purposes of determining the amount of 2023
marihuana or hashish involved in a violation of this section. 2024

Sec. 2925.14. (A) As used in this section, "drug 2025
paraphernalia" means any equipment, product, or material of any 2026
kind that is used by the offender, intended by the offender for 2027
use, or designed for use, in propagating, cultivating, growing, 2028
harvesting, manufacturing, compounding, converting, producing, 2029
processing, preparing, testing, analyzing, packaging, 2030
repackaging, storing, containing, concealing, injecting, 2031
ingesting, inhaling, or otherwise introducing into the human 2032
body, a controlled substance other than marihuana or hashish in 2033
violation of this chapter. "Drug paraphernalia" includes, but is 2034
not limited to, any of the following equipment, products, or 2035
materials that are used by the offender, intended by the 2036
offender for use, or designed by the offender for use, in any of 2037
the following manners: 2038

(1) A kit for propagating, cultivating, growing, or 2039
harvesting any species of a plant that is a controlled substance 2040

<u>other than marihuana or hashish</u> or from which a controlled	2041
substance can be derived;	2042
(2) A kit for manufacturing, compounding, converting,	2043
producing, processing, or preparing a controlled substance;	2044
(3) Any object, instrument, or device for manufacturing,	2045
compounding, converting, producing, processing, or preparing	2046
methamphetamine;	2047
(4) An isomerization device for increasing the potency of	2048
any species of a plant that is a controlled substance <u>other than</u>	2049
<u>marihuana or hashish</u> ;	2050
(5) Testing equipment for identifying, or analyzing the	2051
strength, effectiveness, or purity of, a controlled substance	2052
<u>other than marihuana or hashish</u> ;	2053
(6) A scale or balance for weighing or measuring a	2054
controlled substance <u>other than marihuana or hashish</u> ;	2055
(7) A diluent or adulterant, such as quinine	2056
hydrochloride, mannitol, mannite, dextrose, or lactose, for	2057
cutting a controlled substance <u>other than marihuana or hashish</u> ;	2058
(8) A separation gin or sifter for removing twigs and	2059
seeds from, or otherwise cleaning or refining, marihuana;	2060
(9) A blender, bowl, container, spoon, or mixing device	2061
for compounding a controlled substance <u>other than marihuana or</u>	2062
<u>hashish</u> ;	2063
(10) <u>(9)</u> A capsule, balloon, envelope, or container for	2064
packaging small quantities of a controlled substance <u>other than</u>	2065
<u>marihuana or hashish</u> ;	2066
(11) <u>(10)</u> A container or device for storing or concealing	2067

a controlled substance other than marihuana or hashish; 2068

~~(12)~~ (11) A hypodermic syringe, needle, or instrument for 2069
parenterally injecting a controlled substance into the human 2070
body; 2071

~~(13)~~ (12) An object, instrument, or device for ingesting, 2072
inhaling, or otherwise introducing cocaine into the human body, 2073
~~marihuana, cocaine, hashish, or hashish oil,~~ such as a metal, 2074
wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or 2075
without a screen, permanent screen, ~~hashish head,~~ or punctured 2076
metal bowl; water pipe; carburation tube or device; smoking or 2077
carburation mask; ~~roach clip or similar object used to hold-~~ 2078
~~burning material, such as a marihuana cigarette, that has become-~~ 2079
~~too small or too short to be held in the hand;~~ miniature cocaine 2080
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 2081
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2082

(B) In determining if any equipment, product, or material 2083
is drug paraphernalia, a court or law enforcement officer shall 2084
consider, in addition to other relevant factors, the following: 2085

(1) Any statement by the owner, or by anyone in control, 2086
of the equipment, product, or material, concerning its use; 2087

(2) The proximity in time or space of the equipment, 2088
product, or material, or of the act relating to the equipment, 2089
product, or material, to a violation of any provision of this 2090
chapter; 2091

(3) The proximity of the equipment, product, or material 2092
to any controlled substance other than marihuana or hashish; 2093

(4) The existence of any residue of a controlled substance 2094
on the equipment, product, or material other than marihuana or 2095
hashish; 2096

- (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of this chapter. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of this chapter does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.
- (6) Any oral or written instruction provided with the equipment, product, or material concerning its use;
- (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;
- (8) National or local advertising concerning the use of the equipment, product, or material;
- (9) The manner and circumstances in which the equipment, product, or material is displayed for sale;
- (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;
- (11) The existence and scope of legitimate uses of the equipment, product, or material in the community;
- (12) Expert testimony concerning the use of the equipment, product, or material.
- ~~(C) (1) Subject to division (D) (2) of this section, no~~ No person shall knowingly use, or possess with purpose to use, drug

paraphernalia. 2125

(2) No person shall knowingly sell, or possess or 2126
manufacture with purpose to sell, drug paraphernalia, if the 2127
person knows or reasonably should know that the equipment, 2128
product, or material will be used as drug paraphernalia. 2129

(3) No person shall place an advertisement in any 2130
newspaper, magazine, handbill, or other publication that is 2131
published and printed and circulates primarily within this 2132
state, if the person knows that the purpose of the advertisement 2133
is to promote the illegal sale in this state of the equipment, 2134
product, or material that the offender intended or designed for 2135
use as drug paraphernalia. 2136

~~(D)(1)~~ (D) This section does not apply to manufacturers, 2137
licensed health professionals authorized to prescribe drugs, 2138
pharmacists, owners of pharmacies, and other persons whose 2139
conduct is in accordance with Chapters 3719., 4715., 4723., 2140
4729., 4730., 4731., and 4741. of the Revised Code. This section 2141
shall not be construed to prohibit the possession or use of a 2142
hypodermic as authorized by section 3719.172 of the Revised 2143
Code. 2144

~~(2) Division (C)(1) of this section does not apply to a 2145
person's use, or possession with purpose to use, any drug 2146
paraphernalia that is equipment, a product, or material of any 2147
kind that is used by the person, intended by the person for use, 2148
or designed for use in storing, containing, concealing, 2149
injecting, ingesting, inhaling, or otherwise introducing into 2150
the human body marihuana. 2151~~

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2152
drug paraphernalia that was used, possessed, sold, or 2153

manufactured in a violation of this section shall be seized, 2154
after a conviction for that violation shall be forfeited, and 2155
upon forfeiture shall be disposed of pursuant to division (B) of 2156
section 2981.12 of the Revised Code. 2157

(F) (1) Whoever violates division (C) (1) of this section is 2158
guilty of illegal use or possession of drug paraphernalia, a 2159
misdemeanor of the fourth degree. 2160

(2) Except as provided in division (F) (3) of this section, 2161
whoever violates division (C) (2) of this section is guilty of 2162
dealing in drug paraphernalia, a misdemeanor of the second 2163
degree. 2164

(3) Whoever violates division (C) (2) of this section by 2165
selling drug paraphernalia to a juvenile is guilty of selling 2166
drug paraphernalia to juveniles, a misdemeanor of the first 2167
degree. 2168

(4) Whoever violates division (C) (3) of this section is 2169
guilty of illegal advertising of drug paraphernalia, a 2170
misdemeanor of the second degree. 2171

(G) (1) In addition to any other sanction imposed upon an 2172
offender for a violation of this section, the court may suspend 2173
for not more than five years the offender's driver's or 2174
commercial driver's license or permit. However, if the offender 2175
pleaded guilty to or was convicted of a violation of section 2176
4511.19 of the Revised Code or a substantially similar municipal 2177
ordinance or the law of another state or the United States 2178
arising out of the same set of circumstances as the violation, 2179
the court shall suspend the offender's driver's or commercial 2180
driver's license or permit for not more than five years. If the 2181
offender is a professionally licensed person, in addition to any 2182

other sanction imposed for a violation of this section, the 2183
court immediately shall comply with section 2925.38 of the 2184
Revised Code. 2185

(2) Any offender who received a mandatory suspension of 2186
the offender's driver's or commercial driver's license or permit 2187
under this section prior to ~~the effective date of this amendment~~ 2188
September 13, 2016, may file a motion with the sentencing court 2189
requesting the termination of the suspension. However, an 2190
offender who pleaded guilty to or was convicted of a violation 2191
of section 4511.19 of the Revised Code or a substantially 2192
similar municipal ordinance or law of another state or the 2193
United States that arose out of the same set of circumstances as 2194
the violation for which the offender's license or permit was 2195
suspended under this section shall not file such a motion. 2196

Upon the filing of a motion under division (G) (2) of this 2197
section, the sentencing court, in its discretion, may terminate 2198
the suspension. 2199

Sec. 2925.38. If a person who is convicted of or pleads 2200
guilty to a violation of section 2925.02, 2925.03, 2925.04, 2201
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2202
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2203
2925.37 of the Revised Code is a professionally licensed person, 2204
in addition to any other sanctions imposed for the violation, 2205
the court, except as otherwise provided in this section, 2206
immediately shall transmit a certified copy of the judgment 2207
entry of conviction to the regulatory or licensing board or 2208
agency that has the administrative authority to suspend or 2209
revoke the offender's professional license. If the 2210
professionally licensed person who is convicted of or pleads 2211
guilty to a violation of any section listed in this section is a 2212

person who has been admitted to the bar by order of the supreme 2213
court in compliance with its prescribed and published rules, in 2214
addition to any other sanctions imposed for the violation, the 2215
court immediately shall transmit a certified copy of the 2216
judgment entry of conviction to the secretary of the board of 2217
commissioners on grievances and discipline of the supreme court 2218
and to either the disciplinary counsel or the president, 2219
secretary, and chairperson of each certified grievance 2220
committee. 2221

Sec. 2927.30. (A) As used in this section and sections 2222
2927.31 and 2927.32 of the Revised Code: 2223

(1) "Age verification" means a service provided by an 2224
independent third party (other than a manufacturer, producer, 2225
distributor, wholesaler, or retailer of marihuana or marihuana 2226
products) that compares information available from a 2227
commercially available database, or aggregate of databases, that 2228
regularly are used by government and businesses for the purpose 2229
of age and identity verification to personal information 2230
provided during an internet sale or other remote method of sale 2231
to establish that the purchaser is twenty-one years of age or 2232
older. 2233

(2) "Marihuana" has the same meaning as in section 3719.01 2234
of the Revised Code. 2235

(3) "Child" means a person under the age of twenty-one. 2236

(4) "Distribute" means to furnish, give, or provide 2237
marihuana or marihuana products to the ultimate consumer of the 2238
marihuana or marihuana products. 2239

(5) "Proof of age" means a driver's license, a commercial 2240
driver's license, a military identification card, a passport, or 2241

an identification card issued under sections 4507.50 to 4507.52 2242
of the Revised Code that shows that a person is twenty-one years 2243
of age or older. 2244

(B) No person shall do any of the following: 2245

(1) Recklessly give, sell, or otherwise distribute 2246
marihuana or marihuana products to any child; 2247

(2) Recklessly give away, sell, or distribute marihuana or 2248
marihuana products in any place that does not have posted in a 2249
conspicuous place a sign stating that giving, selling, or 2250
otherwise distributing marihuana or marihuana products to a 2251
person under twenty-one years of age is prohibited by law; 2252

(3) Knowingly furnish any false information regarding the 2253
name, age, or other identification of any child with purpose to 2254
obtain marihuana or marihuana products for that child; 2255

(4) Recklessly give, sell, or otherwise distribute 2256
marihuana or marihuana products over the internet or through 2257
another remote method without age verification. 2258

(C) The following are affirmative defenses to a charge 2259
under division (B) (1) of this section: 2260

(1) The child was accompanied by a parent, spouse who is 2261
twenty-one years of age or older, or legal guardian of the 2262
child. 2263

(2) The person who gave, sold, or distributed marihuana or 2264
marihuana products to a child under division (B) (1) of this 2265
section is a parent, spouse who is twenty-one years of age or 2266
older, or legal guardian of the child. 2267

(D) It is not a violation of division (B) (1) or (2) of 2268
this section for a person to give or otherwise distribute to a 2269

child marihuana or marihuana products while the child is 2270
participating in a research protocol if all of the following 2271
apply: 2272

(1) The parent, guardian, or legal custodian of the child 2273
has consented in writing to the child participating in the 2274
research protocol. 2275

(2) An institutional human subjects protection review 2276
board, or an equivalent entity, has approved the research 2277
protocol. 2278

(3) The child is participating in the research protocol at 2279
the facility or location specified in the research protocol. 2280

(E) (1) Whoever violates division (B) (1), (2), or (4) of 2281
this section is guilty of illegal distribution of marihuana or 2282
marihuana products. Except as otherwise provided in this 2283
division, illegal distribution of marihuana or marihuana 2284
products is a misdemeanor of the fourth degree. If the offender 2285
previously has been convicted of a violation of division (B) (1), 2286
(2), or (4) of this section, illegal distribution of marihuana 2287
or marihuana products is a misdemeanor of the third degree. 2288

(2) Whoever violates division (B) (3) of this section is 2289
guilty of permitting children to use marihuana or marihuana 2290
products. Except as otherwise provided in this division, 2291
permitting children to use marihuana or marihuana products is a 2292
misdemeanor of the fourth degree. If the offender previously has 2293
been convicted of a violation of division (B) (3) of this 2294
section, permitting children to use marihuana or marihuana 2295
products is a misdemeanor of the third degree. 2296

(F) Any marihuana or marihuana products that are given, 2297
sold, or otherwise distributed to a child in violation of this 2298

section and that are used, possessed, purchased, or received by 2299
a child in violation of section 2925.111 of the Revised Code are 2300
subject to seizure and forfeiture as contraband under Chapter 2301
2981. of the Revised Code. 2302

Sec. 2927.31. (A) As used in this section and section 2303
2927.32 of the Revised Code: 2304

(1) "Card holder" means any person who presents a driver's 2305
or commercial driver's license or an identification card to a 2306
seller, or an agent or employee of a seller, to purchase or 2307
receive marihuana or marihuana products from the seller, agent, 2308
or employee. 2309

(2) "Identification card" means an identification card 2310
issued under sections 4507.50 to 4507.52 of the Revised Code. 2311

(3) "Seller" means a seller of marihuana or marihuana 2312
products and includes any person whose gift of or other 2313
distribution of marihuana or marihuana products is subject to 2314
the prohibitions of section 2927.30 of the Revised Code. 2315

(4) "Transaction scan" means the process by which a seller 2316
or an agent or employee of a seller checks, by means of a 2317
transaction scan device, the validity of a driver's or 2318
commercial driver's license or an identification card that is 2319
presented as a condition for purchasing or receiving marihuana 2320
or marihuana products. 2321

(5) "Transaction scan device" means any commercial device 2322
or combination of devices used at a point of sale that is 2323
capable of deciphering in an electronically readable format the 2324
information encoded on the magnetic strip or bar code of a 2325
driver's or commercial driver's license or an identification 2326
card. 2327

(B) (1) A seller or an agent or employee of a seller may 2328
perform a transaction scan by means of a transaction scan device 2329
to check the validity of a driver's or commercial driver's 2330
license or identification card presented by a card holder as a 2331
condition for selling, giving away, or otherwise distributing to 2332
the card holder marihuana or marihuana products. 2333

(2) If the information deciphered by the transaction scan 2334
performed under division (B) (1) of this section fails to match 2335
the information printed on the driver's or commercial driver's 2336
license or identification card presented by the card holder, or 2337
if the transaction scan indicates that the information so 2338
printed is false or fraudulent, neither the seller nor any agent 2339
or employee of the seller shall sell, give away, or otherwise 2340
distribute any marihuana or marihuana products to the card 2341
holder. 2342

(3) Division (B) (1) of this section does not preclude a 2343
seller or an agent or employee of a seller from using a 2344
transaction scan device to check the validity of a document 2345
other than a driver's or commercial driver's license or an 2346
identification card, if the document includes a bar code or 2347
magnetic strip that may be scanned by the device, as a condition 2348
for selling, giving away, or otherwise distributing marihuana or 2349
marihuana products to the person presenting the document. 2350

(C) Rules adopted by the registrar of motor vehicles under 2351
division (C) of section 4301.61 of the Revised Code apply to the 2352
use of transaction scan devices for purposes of this section and 2353
section 2927.32 of the Revised Code. 2354

(D) (1) No seller or agent or employee of a seller shall 2355
electronically or mechanically record or maintain any 2356
information derived from a transaction scan, except the 2357

following: 2358

(a) The name and date of birth of the person listed on the driver's or commercial driver's license or identification card presented by a card holder; 2359
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(b) The expiration date and identification number of the driver's or commercial driver's license or identification card presented by a card holder. 2362
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(2) No seller or agent or employee of a seller shall use the information that is derived from a transaction scan or that is permitted to be recorded and maintained under division (D) (1) of this section, except for purposes of section 2927.32 of the Revised Code. 2365
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(3) No seller or agent or employee of a seller shall use a transaction scan device for a purpose other than the purpose specified in division (B) (1) of this section. 2370
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(4) No seller or agent or employee of a seller shall sell or otherwise disseminate the information derived from a transaction scan to any third party, including, but not limited to, selling or otherwise disseminating that information for any marketing, advertising, or promotional activities, but a seller or agent or employee of a seller may release that information pursuant to a court order or as specifically authorized by section 2927.32 or another section of the Revised Code. 2373
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(E) Nothing in this section or section 2927.32 of the Revised Code relieves a seller or an agent or employee of a seller of any responsibility to comply with any other applicable state or federal laws or rules governing the sale, giving away, or other distribution of marihuana or marihuana products. 2381
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(F) Whoever violates division (B) (2) or (D) of this 2386

section is guilty of engaging in an illegal marihuana or 2387
marihuana product transaction scan, and the court may impose 2388
upon the offender a civil penalty of up to one thousand dollars 2389
for each violation. The clerk of the court shall pay each 2390
collected civil penalty to the county treasurer for deposit into 2391
the county treasury. 2392

Sec. 2927.32. (A) A seller or an agent or employee of a 2393
seller may not be found guilty of a charge of a violation of 2394
section 2927.30 of the Revised Code in which the age of the 2395
purchaser or other recipient of marihuana or marihuana products 2396
is an element of the alleged violation, if the seller, agent, or 2397
employee raises and proves as an affirmative defense that all of 2398
the following occurred: 2399

(1) A card holder attempting to purchase or receive 2400
marihuana or marihuana products presented a driver's or 2401
commercial driver's license or an identification card. 2402

(2) A transaction scan of the driver's or commercial 2403
driver's license or identification card that the card holder 2404
presented indicated that the license or card was valid. 2405

(3) The marihuana or marihuana products were sold, given 2406
away, or otherwise distributed to the card holder in reasonable 2407
reliance upon the identification presented and the completed 2408
transaction scan. 2409

(B) In determining whether a seller or an agent or 2410
employee of a seller has proven the affirmative defense provided 2411
by division (A) of this section, the trier of fact in the action 2412
for the alleged violation of section 2927.30 of the Revised Code 2413
shall consider any written policy that the seller has adopted 2414
and implemented and that is intended to prevent violations of 2415

section 2927.30 of the Revised Code. For purposes of division 2416
(A) (3) of this section, the trier of fact shall consider that 2417
reasonable reliance upon the identification presented and the 2418
completed transaction scan may require a seller or an agent or 2419
employee of a seller to exercise reasonable diligence to 2420
determine, and that the use of a transaction scan device does 2421
not excuse a seller or an agent or employee of a seller from 2422
exercising reasonable diligence to determine, the following: 2423

(1) Whether a person to whom the seller or agent or 2424
employee of a seller sells, gives away, or otherwise distributes 2425
marihuana or marihuana products is twenty-one years of age or 2426
older; 2427

(2) Whether the description and picture appearing on the 2428
driver's or commercial driver's license or identification card 2429
presented by a card holder is that of the card holder. 2430

(C) In any criminal action in which the affirmative 2431
defense provided by division (A) of this section is raised, the 2432
registrar of motor vehicles or a deputy registrar who issued an 2433
identification card under sections 4507.50 to 4507.52 of the 2434
Revised Code shall be permitted to submit certified copies of 2435
the records of that issuance in lieu of the testimony of the 2436
personnel of or contractors with the bureau of motor vehicles in 2437
the action. 2438

Sec. 2929.14. (A) Except as provided in division (B) (1), 2439
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 2440
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 2441
in division (D) (6) of section 2919.25 of the Revised Code and 2442
except in relation to an offense for which a sentence of death 2443
or life imprisonment is to be imposed, if the court imposing a 2444
sentence upon an offender for a felony elects or is required to 2445

impose a prison term on the offender pursuant to this chapter, 2446
the court shall impose a prison term that shall be one of the 2447
following: 2448

(1) (a) For a felony of the first degree committed on or 2449
~~after the effective date of this amendment~~ March 22, 2019, the 2450
prison term shall be an indefinite prison term with a stated 2451
minimum term selected by the court of three, four, five, six, 2452
seven, eight, nine, ten, or eleven years and a maximum term that 2453
is determined pursuant to section 2929.144 of the Revised Code, 2454
except that if the section that criminalizes the conduct 2455
constituting the felony specifies a different minimum term or 2456
penalty for the offense, the specific language of that section 2457
shall control in determining the minimum term or otherwise 2458
sentencing the offender but the minimum term or sentence imposed 2459
under that specific language shall be considered for purposes of 2460
the Revised Code as if it had been imposed under this division. 2461

(b) For a felony of the first degree committed prior to 2462
~~the effective date of this amendment~~ March 22, 2019, the prison 2463
term shall be a definite prison term of three, four, five, six, 2464
seven, eight, nine, ten, or eleven years. 2465

(2) (a) For a felony of the second degree committed on or 2466
~~after the effective date of this amendment~~ March 22, 2019, the 2467
prison term shall be an indefinite prison term with a stated 2468
minimum term selected by the court of two, three, four, five, 2469
six, seven, or eight years and a maximum term that is determined 2470
pursuant to section 2929.144 of the Revised Code, except that if 2471
the section that criminalizes the conduct constituting the 2472
felony specifies a different minimum term or penalty for the 2473
offense, the specific language of that section shall control in 2474
determining the minimum term or otherwise sentencing the 2475

offender but the minimum term or sentence imposed under that 2476
specific language shall be considered for purposes of the 2477
Revised Code as if it had been imposed under this division. 2478

(b) For a felony of the second degree committed prior to 2479
~~the effective date of this amendment~~ March 22, 2019, the prison 2480
term shall be a definite term of two, three, four, five, six, 2481
seven, or eight years. 2482

(3) (a) For a felony of the third degree that is a 2483
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2484
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 2485
Code or that is a violation of section 2911.02 or 2911.12 of the 2486
Revised Code if the offender previously has been convicted of or 2487
pleaded guilty in two or more separate proceedings to two or 2488
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 2489
of the Revised Code, the prison term shall be a definite term of 2490
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 2491
forty-eight, fifty-four, or sixty months. 2492

(b) For a felony of the third degree that is not an 2493
offense for which division (A) (3) (a) of this section applies, 2494
the prison term shall be a definite term of nine, twelve, 2495
eighteen, twenty-four, thirty, or thirty-six months. 2496

(4) For a felony of the fourth degree, the prison term 2497
shall be a definite term of six, seven, eight, nine, ten, 2498
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 2499
or eighteen months. 2500

(5) For a felony of the fifth degree, the prison term 2501
shall be a definite term of six, seven, eight, nine, ten, 2502
eleven, or twelve months. 2503

(B) (1) (a) Except as provided in division (B) (1) (e) of this 2504

section, if an offender who is convicted of or pleads guilty to 2505
a felony also is convicted of or pleads guilty to a 2506
specification of the type described in section 2941.141, 2507
2941.144, or 2941.145 of the Revised Code, the court shall 2508
impose on the offender one of the following prison terms: 2509

(i) A prison term of six years if the specification is of 2510
the type described in division (A) of section 2941.144 of the 2511
Revised Code that charges the offender with having a firearm 2512
that is an automatic firearm or that was equipped with a firearm 2513
muffler or suppressor on or about the offender's person or under 2514
the offender's control while committing the offense; 2515

(ii) A prison term of three years if the specification is 2516
of the type described in division (A) of section 2941.145 of the 2517
Revised Code that charges the offender with having a firearm on 2518
or about the offender's person or under the offender's control 2519
while committing the offense and displaying the firearm, 2520
brandishing the firearm, indicating that the offender possessed 2521
the firearm, or using it to facilitate the offense; 2522

(iii) A prison term of one year if the specification is of 2523
the type described in division (A) of section 2941.141 of the 2524
Revised Code that charges the offender with having a firearm on 2525
or about the offender's person or under the offender's control 2526
while committing the offense; 2527

(iv) A prison term of nine years if the specification is 2528
of the type described in division (D) of section 2941.144 of the 2529
Revised Code that charges the offender with having a firearm 2530
that is an automatic firearm or that was equipped with a firearm 2531
muffler or suppressor on or about the offender's person or under 2532
the offender's control while committing the offense and 2533
specifies that the offender previously has been convicted of or 2534

pleaded guilty to a specification of the type described in 2535
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2536
the Revised Code; 2537

(v) A prison term of fifty-four months if the 2538
specification is of the type described in division (D) of 2539
section 2941.145 of the Revised Code that charges the offender 2540
with having a firearm on or about the offender's person or under 2541
the offender's control while committing the offense and 2542
displaying the firearm, brandishing the firearm, indicating that 2543
the offender possessed the firearm, or using the firearm to 2544
facilitate the offense and that the offender previously has been 2545
convicted of or pleaded guilty to a specification of the type 2546
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2547
2941.1412 of the Revised Code; 2548

(vi) A prison term of eighteen months if the specification 2549
is of the type described in division (D) of section 2941.141 of 2550
the Revised Code that charges the offender with having a firearm 2551
on or about the offender's person or under the offender's 2552
control while committing the offense and that the offender 2553
previously has been convicted of or pleaded guilty to a 2554
specification of the type described in section 2941.141, 2555
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 2556

(b) If a court imposes a prison term on an offender under 2557
division (B)(1)(a) of this section, the prison term shall not be 2558
reduced pursuant to section 2967.19, section 2929.20, section 2559
2967.193, or any other provision of Chapter 2967. or Chapter 2560
5120. of the Revised Code. Except as provided in division (B)(1) 2561
(g) of this section, a court shall not impose more than one 2562
prison term on an offender under division (B)(1)(a) of this 2563
section for felonies committed as part of the same act or 2564

transaction. 2565

(c) (i) Except as provided in division (B) (1) (e) of this 2566
section, if an offender who is convicted of or pleads guilty to 2567
a violation of section 2923.161 of the Revised Code or to a 2568
felony that includes, as an essential element, purposely or 2569
knowingly causing or attempting to cause the death of or 2570
physical harm to another, also is convicted of or pleads guilty 2571
to a specification of the type described in division (A) of 2572
section 2941.146 of the Revised Code that charges the offender 2573
with committing the offense by discharging a firearm from a 2574
motor vehicle other than a manufactured home, the court, after 2575
imposing a prison term on the offender for the violation of 2576
section 2923.161 of the Revised Code or for the other felony 2577
offense under division (A), (B) (2), or (B) (3) of this section, 2578
shall impose an additional prison term of five years upon the 2579
offender that shall not be reduced pursuant to section 2929.20, 2580
section 2967.19, section 2967.193, or any other provision of 2581
Chapter 2967. or Chapter 5120. of the Revised Code. 2582

(ii) Except as provided in division (B) (1) (e) of this 2583
section, if an offender who is convicted of or pleads guilty to 2584
a violation of section 2923.161 of the Revised Code or to a 2585
felony that includes, as an essential element, purposely or 2586
knowingly causing or attempting to cause the death of or 2587
physical harm to another, also is convicted of or pleads guilty 2588
to a specification of the type described in division (C) of 2589
section 2941.146 of the Revised Code that charges the offender 2590
with committing the offense by discharging a firearm from a 2591
motor vehicle other than a manufactured home and that the 2592
offender previously has been convicted of or pleaded guilty to a 2593
specification of the type described in section 2941.141, 2594
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 2595

the court, after imposing a prison term on the offender for the 2596
violation of section 2923.161 of the Revised Code or for the 2597
other felony offense under division (A), (B) (2), or (3) of this 2598
section, shall impose an additional prison term of ninety months 2599
upon the offender that shall not be reduced pursuant to section 2600
2929.20, 2967.19, 2967.193, or any other provision of Chapter 2601
2967. or Chapter 5120. of the Revised Code. 2602

(iii) A court shall not impose more than one additional 2603
prison term on an offender under division (B) (1) (c) of this 2604
section for felonies committed as part of the same act or 2605
transaction. If a court imposes an additional prison term on an 2606
offender under division (B) (1) (c) of this section relative to an 2607
offense, the court also shall impose a prison term under 2608
division (B) (1) (a) of this section relative to the same offense, 2609
provided the criteria specified in that division for imposing an 2610
additional prison term are satisfied relative to the offender 2611
and the offense. 2612

(d) If an offender who is convicted of or pleads guilty to 2613
an offense of violence that is a felony also is convicted of or 2614
pleads guilty to a specification of the type described in 2615
section 2941.1411 of the Revised Code that charges the offender 2616
with wearing or carrying body armor while committing the felony 2617
offense of violence, the court shall impose on the offender an 2618
additional prison term of two years. The prison term so imposed, 2619
subject to divisions (C) to (I) of section 2967.19 of the 2620
Revised Code, shall not be reduced pursuant to section 2929.20, 2621
section 2967.19, section 2967.193, or any other provision of 2622
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2623
shall not impose more than one prison term on an offender under 2624
division (B) (1) (d) of this section for felonies committed as 2625
part of the same act or transaction. If a court imposes an 2626

additional prison term under division (B) (1) (a) or (c) of this 2627
section, the court is not precluded from imposing an additional 2628
prison term under division (B) (1) (d) of this section. 2629

(e) The court shall not impose any of the prison terms 2630
described in division (B) (1) (a) of this section or any of the 2631
additional prison terms described in division (B) (1) (c) of this 2632
section upon an offender for a violation of section 2923.12 or 2633
2923.123 of the Revised Code. The court shall not impose any of 2634
the prison terms described in division (B) (1) (a) or (b) of this 2635
section upon an offender for a violation of section 2923.122 2636
that involves a deadly weapon that is a firearm other than a 2637
dangerous ordnance, section 2923.16, or section 2923.121 of the 2638
Revised Code. The court shall not impose any of the prison terms 2639
described in division (B) (1) (a) of this section or any of the 2640
additional prison terms described in division (B) (1) (c) of this 2641
section upon an offender for a violation of section 2923.13 of 2642
the Revised Code unless all of the following apply: 2643

(i) The offender previously has been convicted of 2644
aggravated murder, murder, or any felony of the first or second 2645
degree. 2646

(ii) Less than five years have passed since the offender 2647
was released from prison or post-release control, whichever is 2648
later, for the prior offense. 2649

(f) (i) If an offender is convicted of or pleads guilty to 2650
a felony that includes, as an essential element, causing or 2651
attempting to cause the death of or physical harm to another and 2652
also is convicted of or pleads guilty to a specification of the 2653
type described in division (A) of section 2941.1412 of the 2654
Revised Code that charges the offender with committing the 2655
offense by discharging a firearm at a peace officer as defined 2656

in section 2935.01 of the Revised Code or a corrections officer, 2657
as defined in section 2941.1412 of the Revised Code, the court, 2658
after imposing a prison term on the offender for the felony 2659
offense under division (A), (B) (2), or (B) (3) of this section, 2660
shall impose an additional prison term of seven years upon the 2661
offender that shall not be reduced pursuant to section 2929.20, 2662
section 2967.19, section 2967.193, or any other provision of 2663
Chapter 2967. or Chapter 5120. of the Revised Code. 2664

(ii) If an offender is convicted of or pleads guilty to a 2665
felony that includes, as an essential element, causing or 2666
attempting to cause the death of or physical harm to another and 2667
also is convicted of or pleads guilty to a specification of the 2668
type described in division (B) of section 2941.1412 of the 2669
Revised Code that charges the offender with committing the 2670
offense by discharging a firearm at a peace officer, as defined 2671
in section 2935.01 of the Revised Code, or a corrections 2672
officer, as defined in section 2941.1412 of the Revised Code, 2673
and that the offender previously has been convicted of or 2674
pleaded guilty to a specification of the type described in 2675
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 2676
the Revised Code, the court, after imposing a prison term on the 2677
offender for the felony offense under division (A), (B) (2), or 2678
(3) of this section, shall impose an additional prison term of 2679
one hundred twenty-six months upon the offender that shall not 2680
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 2681
any other provision of Chapter 2967. or 5120. of the Revised 2682
Code. 2683

(iii) If an offender is convicted of or pleads guilty to 2684
two or more felonies that include, as an essential element, 2685
causing or attempting to cause the death or physical harm to 2686
another and also is convicted of or pleads guilty to a 2687

specification of the type described under division (B) (1) (f) of 2688
this section in connection with two or more of the felonies of 2689
which the offender is convicted or to which the offender pleads 2690
guilty, the sentencing court shall impose on the offender the 2691
prison term specified under division (B) (1) (f) of this section 2692
for each of two of the specifications of which the offender is 2693
convicted or to which the offender pleads guilty and, in its 2694
discretion, also may impose on the offender the prison term 2695
specified under that division for any or all of the remaining 2696
specifications. If a court imposes an additional prison term on 2697
an offender under division (B) (1) (f) of this section relative to 2698
an offense, the court shall not impose a prison term under 2699
division (B) (1) (a) or (c) of this section relative to the same 2700
offense. 2701

(g) If an offender is convicted of or pleads guilty to two 2702
or more felonies, if one or more of those felonies are 2703
aggravated murder, murder, attempted aggravated murder, 2704
attempted murder, aggravated robbery, felonious assault, or 2705
rape, and if the offender is convicted of or pleads guilty to a 2706
specification of the type described under division (B) (1) (a) of 2707
this section in connection with two or more of the felonies, the 2708
sentencing court shall impose on the offender the prison term 2709
specified under division (B) (1) (a) of this section for each of 2710
the two most serious specifications of which the offender is 2711
convicted or to which the offender pleads guilty and, in its 2712
discretion, also may impose on the offender the prison term 2713
specified under that division for any or all of the remaining 2714
specifications. 2715

(2) (a) If division (B) (2) (b) of this section does not 2716
apply, the court may impose on an offender, in addition to the 2717
longest prison term authorized or required for the offense or, 2718

for offenses for which division (A) (1) (a) or (2) (a) of this 2719
section applies, in addition to the longest minimum prison term 2720
authorized or required for the offense, an additional definite 2721
prison term of one, two, three, four, five, six, seven, eight, 2722
nine, or ten years if all of the following criteria are met: 2723

(i) The offender is convicted of or pleads guilty to a 2724
specification of the type described in section 2941.149 of the 2725
Revised Code that the offender is a repeat violent offender. 2726

(ii) The offense of which the offender currently is 2727
convicted or to which the offender currently pleads guilty is 2728
aggravated murder and the court does not impose a sentence of 2729
death or life imprisonment without parole, murder, terrorism and 2730
the court does not impose a sentence of life imprisonment 2731
without parole, any felony of the first degree that is an 2732
offense of violence and the court does not impose a sentence of 2733
life imprisonment without parole, or any felony of the second 2734
degree that is an offense of violence and the trier of fact 2735
finds that the offense involved an attempt to cause or a threat 2736
to cause serious physical harm to a person or resulted in 2737
serious physical harm to a person. 2738

(iii) The court imposes the longest prison term for the 2739
offense or the longest minimum prison term for the offense, 2740
whichever is applicable, that is not life imprisonment without 2741
parole. 2742

(iv) The court finds that the prison terms imposed 2743
pursuant to division (B) (2) (a) (iii) of this section and, if 2744
applicable, division (B) (1) or (3) of this section are 2745
inadequate to punish the offender and protect the public from 2746
future crime, because the applicable factors under section 2747
2929.12 of the Revised Code indicating a greater likelihood of 2748

recidivism outweigh the applicable factors under that section 2749
indicating a lesser likelihood of recidivism. 2750

(v) The court finds that the prison terms imposed pursuant 2751
to division (B) (2) (a) (iii) of this section and, if applicable, 2752
division (B) (1) or (3) of this section are demeaning to the 2753
seriousness of the offense, because one or more of the factors 2754
under section 2929.12 of the Revised Code indicating that the 2755
offender's conduct is more serious than conduct normally 2756
constituting the offense are present, and they outweigh the 2757
applicable factors under that section indicating that the 2758
offender's conduct is less serious than conduct normally 2759
constituting the offense. 2760

(b) The court shall impose on an offender the longest 2761
prison term authorized or required for the offense or, for 2762
offenses for which division (A) (1) (a) or (2) (a) of this section 2763
applies, the longest minimum prison term authorized or required 2764
for the offense, and shall impose on the offender an additional 2765
definite prison term of one, two, three, four, five, six, seven, 2766
eight, nine, or ten years if all of the following criteria are 2767
met: 2768

(i) The offender is convicted of or pleads guilty to a 2769
specification of the type described in section 2941.149 of the 2770
Revised Code that the offender is a repeat violent offender. 2771

(ii) The offender within the preceding twenty years has 2772
been convicted of or pleaded guilty to three or more offenses 2773
described in division (CC) (1) of section 2929.01 of the Revised 2774
Code, including all offenses described in that division of which 2775
the offender is convicted or to which the offender pleads guilty 2776
in the current prosecution and all offenses described in that 2777
division of which the offender previously has been convicted or 2778

to which the offender previously pleaded guilty, whether 2779
prosecuted together or separately. 2780

(iii) The offense or offenses of which the offender 2781
currently is convicted or to which the offender currently pleads 2782
guilty is aggravated murder and the court does not impose a 2783
sentence of death or life imprisonment without parole, murder, 2784
terrorism and the court does not impose a sentence of life 2785
imprisonment without parole, any felony of the first degree that 2786
is an offense of violence and the court does not impose a 2787
sentence of life imprisonment without parole, or any felony of 2788
the second degree that is an offense of violence and the trier 2789
of fact finds that the offense involved an attempt to cause or a 2790
threat to cause serious physical harm to a person or resulted in 2791
serious physical harm to a person. 2792

(c) For purposes of division (B) (2) (b) of this section, 2793
two or more offenses committed at the same time or as part of 2794
the same act or event shall be considered one offense, and that 2795
one offense shall be the offense with the greatest penalty. 2796

(d) A sentence imposed under division (B) (2) (a) or (b) of 2797
this section shall not be reduced pursuant to section 2929.20, 2798
section 2967.19, or section 2967.193, or any other provision of 2799
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 2800
shall serve an additional prison term imposed under division (B) 2801
(2) (a) or (b) of this section consecutively to and prior to the 2802
prison term imposed for the underlying offense. 2803

(e) When imposing a sentence pursuant to division (B) (2) 2804
(a) or (b) of this section, the court shall state its findings 2805
explaining the imposed sentence. 2806

(3) Except when an offender commits a violation of section 2807

2903.01 or 2907.02 of the Revised Code and the penalty imposed 2808
for the violation is life imprisonment or commits a violation of 2809
section 2903.02 of the Revised Code, if the offender commits a 2810
violation of section 2925.03 or 2925.11 of the Revised Code and 2811
that section classifies the offender as a major drug offender, 2812
if the offender commits a violation of section 2925.05 of the 2813
Revised Code and division (E)(1) of that section classifies the 2814
offender as a major drug offender, if the offender commits a 2815
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2816
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2817
division (C) or (D) of section 3719.172, division (E) of section 2818
4729.51, or division (J) of section 4729.54 of the Revised Code 2819
that includes the sale, offer to sell, or possession of a 2820
schedule I or II controlled substance, with the exception of 2821
marihuana, and the court imposing sentence upon the offender 2822
finds that the offender is guilty of a specification of the type 2823
described in division (A) of section 2941.1410 of the Revised 2824
Code charging that the offender is a major drug offender, if the 2825
court imposing sentence upon an offender for a felony finds that 2826
the offender is guilty of corrupt activity with the most serious 2827
offense in the pattern of corrupt activity being a felony of the 2828
first degree, or if the offender is guilty of an attempted 2829
violation of section 2907.02 of the Revised Code and, had the 2830
offender completed the violation of section 2907.02 of the 2831
Revised Code that was attempted, the offender would have been 2832
subject to a sentence of life imprisonment or life imprisonment 2833
without parole for the violation of section 2907.02 of the 2834
Revised Code, the court shall impose upon the offender for the 2835
felony violation a mandatory prison term determined as described 2836
in this division that, subject to divisions (C) to (I) of 2837
section 2967.19 of the Revised Code, cannot be reduced pursuant 2838
to section 2929.20, section 2967.19, or any other provision of 2839

Chapter 2967. or 5120. of the Revised Code. The mandatory prison 2840
term shall be the maximum definite prison term prescribed in 2841
division (A) (1) (b) of this section for a felony of the first 2842
degree, except that for offenses for which division (A) (1) (a) of 2843
this section applies, the mandatory prison term shall be the 2844
longest minimum prison term prescribed in that division for the 2845
offense. 2846

(4) If the offender is being sentenced for a third or 2847
fourth degree felony OVI offense under division (G) (2) of 2848
section 2929.13 of the Revised Code, the sentencing court shall 2849
impose upon the offender a mandatory prison term in accordance 2850
with that division. In addition to the mandatory prison term, if 2851
the offender is being sentenced for a fourth degree felony OVI 2852
offense, the court, notwithstanding division (A) (4) of this 2853
section, may sentence the offender to a definite prison term of 2854
not less than six months and not more than thirty months, and if 2855
the offender is being sentenced for a third degree felony OVI 2856
offense, the sentencing court may sentence the offender to an 2857
additional prison term of any duration specified in division (A) 2858
(3) of this section. In either case, the additional prison term 2859
imposed shall be reduced by the sixty or one hundred twenty days 2860
imposed upon the offender as the mandatory prison term. The 2861
total of the additional prison term imposed under division (B) 2862
(4) of this section plus the sixty or one hundred twenty days 2863
imposed as the mandatory prison term shall equal a definite term 2864
in the range of six months to thirty months for a fourth degree 2865
felony OVI offense and shall equal one of the authorized prison 2866
terms specified in division (A) (3) of this section for a third 2867
degree felony OVI offense. If the court imposes an additional 2868
prison term under division (B) (4) of this section, the offender 2869
shall serve the additional prison term after the offender has 2870

served the mandatory prison term required for the offense. In 2871
addition to the mandatory prison term or mandatory and 2872
additional prison term imposed as described in division (B) (4) 2873
of this section, the court also may sentence the offender to a 2874
community control sanction under section 2929.16 or 2929.17 of 2875
the Revised Code, but the offender shall serve all of the prison 2876
terms so imposed prior to serving the community control 2877
sanction. 2878

If the offender is being sentenced for a fourth degree 2879
felony OVI offense under division (G) (1) of section 2929.13 of 2880
the Revised Code and the court imposes a mandatory term of local 2881
incarceration, the court may impose a prison term as described 2882
in division (A) (1) of that section. 2883

(5) If an offender is convicted of or pleads guilty to a 2884
violation of division (A) (1) or (2) of section 2903.06 of the 2885
Revised Code and also is convicted of or pleads guilty to a 2886
specification of the type described in section 2941.1414 of the 2887
Revised Code that charges that the victim of the offense is a 2888
peace officer, as defined in section 2935.01 of the Revised 2889
Code, or an investigator of the bureau of criminal 2890
identification and investigation, as defined in section 2903.11 2891
of the Revised Code, the court shall impose on the offender a 2892
prison term of five years. If a court imposes a prison term on 2893
an offender under division (B) (5) of this section, the prison 2894
term, subject to divisions (C) to (I) of section 2967.19 of the 2895
Revised Code, shall not be reduced pursuant to section 2929.20, 2896
section 2967.19, section 2967.193, or any other provision of 2897
Chapter 2967. or Chapter 5120. of the Revised Code. A court 2898
shall not impose more than one prison term on an offender under 2899
division (B) (5) of this section for felonies committed as part 2900
of the same act. 2901

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

(7) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater

than eleven years, except that if the offense is a felony of the 2933
first degree committed on or after ~~the effective date of this~~ 2934
~~amendment~~ March 22, 2019, the court shall impose as the minimum 2935
prison term a mandatory term of not less than five years and not 2936
greater than eleven years; 2937

(ii) If the offense is a felony of the second or third 2938
degree, a definite prison term of not less than three years and 2939
not greater than the maximum prison term allowed for the offense 2940
by division (A) (2) (b) or (3) of this section, except that if the 2941
offense is a felony of the second degree committed on or after 2942
~~the effective date of this amendment~~ March 22, 2019, the court 2943
shall impose as the minimum prison term a mandatory term of not 2944
less than three years and not greater than eight years; 2945

(iii) If the offense is a felony of the fourth or fifth 2946
degree, a definite prison term that is the maximum prison term 2947
allowed for the offense by division (A) of section 2929.14 of 2948
the Revised Code. 2949

(b) Subject to divisions (C) to (I) of section 2967.19 of 2950
the Revised Code, the prison term imposed under division (B) (7) 2951
(a) of this section shall not be reduced pursuant to section 2952
2929.20, section 2967.19, section 2967.193, or any other 2953
provision of Chapter 2967. of the Revised Code. A court shall 2954
not impose more than one prison term on an offender under 2955
division (B) (7) (a) of this section for felonies committed as 2956
part of the same act, scheme, or plan. 2957

(8) If an offender is convicted of or pleads guilty to a 2958
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2959
Revised Code and also is convicted of or pleads guilty to a 2960
specification of the type described in section 2941.1423 of the 2961
Revised Code that charges that the victim of the violation was a 2962

woman whom the offender knew was pregnant at the time of the 2963
violation, notwithstanding the range prescribed in division (A) 2964
of this section as the definite prison term or minimum prison 2965
term for felonies of the same degree as the violation, the court 2966
shall impose on the offender a mandatory prison term that is 2967
either a definite prison term of six months or one of the prison 2968
terms prescribed in division (A) of this section for felonies of 2969
the same degree as the violation, except that if the violation 2970
is a felony of the first or second degree committed on or after 2971
~~the effective date of this amendment~~ March 22, 2019, the court 2972
shall impose as the minimum prison term under division (A) (1) (a) 2973
or (2) (a) of this section a mandatory term that is one of the 2974
terms prescribed in that division, whichever is applicable, for 2975
the offense. 2976

(9) (a) If an offender is convicted of or pleads guilty to 2977
a violation of division (A) (1) or (2) of section 2903.11 of the 2978
Revised Code and also is convicted of or pleads guilty to a 2979
specification of the type described in section 2941.1425 of the 2980
Revised Code, the court shall impose on the offender a mandatory 2981
prison term of six years if either of the following applies: 2982

(i) The violation is a violation of division (A) (1) of 2983
section 2903.11 of the Revised Code and the specification 2984
charges that the offender used an accelerant in committing the 2985
violation and the serious physical harm to another or to 2986
another's unborn caused by the violation resulted in a 2987
permanent, serious disfigurement or permanent, substantial 2988
incapacity; 2989

(ii) The violation is a violation of division (A) (2) of 2990
section 2903.11 of the Revised Code and the specification 2991
charges that the offender used an accelerant in committing the 2992

violation, that the violation caused physical harm to another or 2993
to another's unborn, and that the physical harm resulted in a 2994
permanent, serious disfigurement or permanent, substantial 2995
incapacity. 2996

(b) If a court imposes a prison term on an offender under 2997
division (B) (9) (a) of this section, the prison term shall not be 2998
reduced pursuant to section 2929.20, section 2967.19, section 2999
2967.193, or any other provision of Chapter 2967. or Chapter 3000
5120. of the Revised Code. A court shall not impose more than 3001
one prison term on an offender under division (B) (9) of this 3002
section for felonies committed as part of the same act. 3003

(c) The provisions of divisions (B) (9) and (C) (6) of this 3004
section and of division (D) (2) of section 2903.11, division (F) 3005
(20) of section 2929.13, and section 2941.1425 of the Revised 3006
Code shall be known as "Judy's Law." 3007

(10) If an offender is convicted of or pleads guilty to a 3008
violation of division (A) of section 2903.11 of the Revised Code 3009
and also is convicted of or pleads guilty to a specification of 3010
the type described in section 2941.1426 of the Revised Code that 3011
charges that the victim of the offense suffered permanent 3012
disabling harm as a result of the offense and that the victim 3013
was under ten years of age at the time of the offense, 3014
regardless of whether the offender knew the age of the victim, 3015
the court shall impose upon the offender an additional definite 3016
prison term of six years. A prison term imposed on an offender 3017
under division (B) (10) of this section shall not be reduced 3018
pursuant to section 2929.20, section 2967.193, or any other 3019
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 3020
If a court imposes an additional prison term on an offender 3021
under this division relative to a violation of division (A) of 3022

section 2903.11 of the Revised Code, the court shall not impose 3023
any other additional prison term on the offender relative to the 3024
same offense. 3025

(11) If an offender is convicted of or pleads guilty to a 3026
felony violation of section 2925.03 or 2925.05 of the Revised 3027
Code or a felony violation of section 2925.11 of the Revised 3028
Code for which division (C) ~~(11)~~ (9) of that section applies in 3029
determining the sentence for the violation, if the drug involved 3030
in the violation is a fentanyl-related compound or a compound, 3031
mixture, preparation, or substance containing a fentanyl-related 3032
compound, and if the offender also is convicted of or pleads 3033
guilty to a specification of the type described in division (B) 3034
of section 2941.1410 of the Revised Code that charges that the 3035
offender is a major drug offender, in addition to any other 3036
penalty imposed for the violation, the court shall impose on the 3037
offender a mandatory prison term of three, four, five, six, 3038
seven, or eight years. If a court imposes a prison term on an 3039
offender under division (B) (11) of this section, the prison 3040
term, subject to divisions (C) to (I) of section 2967.19 of the 3041
Revised Code, shall not be reduced pursuant to section 2929.20, 3042
2967.19, or 2967.193, or any other provision of Chapter 2967. or 3043
5120. of the Revised Code. A court shall not impose more than 3044
one prison term on an offender under division (B) (11) of this 3045
section for felonies committed as part of the same act. 3046

(C) (1) (a) Subject to division (C) (1) (b) of this section, 3047
if a mandatory prison term is imposed upon an offender pursuant 3048
to division (B) (1) (a) of this section for having a firearm on or 3049
about the offender's person or under the offender's control 3050
while committing a felony, if a mandatory prison term is imposed 3051
upon an offender pursuant to division (B) (1) (c) of this section 3052
for committing a felony specified in that division by 3053

discharging a firearm from a motor vehicle, or if both types of 3054
mandatory prison terms are imposed, the offender shall serve any 3055
mandatory prison term imposed under either division 3056
consecutively to any other mandatory prison term imposed under 3057
either division or under division (B) (1) (d) of this section, 3058
consecutively to and prior to any prison term imposed for the 3059
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 3060
this section or any other section of the Revised Code, and 3061
consecutively to any other prison term or mandatory prison term 3062
previously or subsequently imposed upon the offender. 3063

(b) If a mandatory prison term is imposed upon an offender 3064
pursuant to division (B) (1) (d) of this section for wearing or 3065
carrying body armor while committing an offense of violence that 3066
is a felony, the offender shall serve the mandatory term so 3067
imposed consecutively to any other mandatory prison term imposed 3068
under that division or under division (B) (1) (a) or (c) of this 3069
section, consecutively to and prior to any prison term imposed 3070
for the underlying felony under division (A), (B) (2), or (B) (3) 3071
of this section or any other section of the Revised Code, and 3072
consecutively to any other prison term or mandatory prison term 3073
previously or subsequently imposed upon the offender. 3074

(c) If a mandatory prison term is imposed upon an offender 3075
pursuant to division (B) (1) (f) of this section, the offender 3076
shall serve the mandatory prison term so imposed consecutively 3077
to and prior to any prison term imposed for the underlying 3078
felony under division (A), (B) (2), or (B) (3) of this section or 3079
any other section of the Revised Code, and consecutively to any 3080
other prison term or mandatory prison term previously or 3081
subsequently imposed upon the offender. 3082

(d) If a mandatory prison term is imposed upon an offender 3083

pursuant to division (B) (7) or (8) of this section, the offender 3084
shall serve the mandatory prison term so imposed consecutively 3085
to any other mandatory prison term imposed under that division 3086
or under any other provision of law and consecutively to any 3087
other prison term or mandatory prison term previously or 3088
subsequently imposed upon the offender. 3089

(e) If a mandatory prison term is imposed upon an offender 3090
pursuant to division (B) (11) of this section, the offender shall 3091
serve the mandatory prison term consecutively to any other 3092
mandatory prison term imposed under that division, consecutively 3093
to and prior to any prison term imposed for the underlying 3094
felony, and consecutively to any other prison term or mandatory 3095
prison term previously or subsequently imposed upon the 3096
offender. 3097

(2) If an offender who is an inmate in a jail, prison, or 3098
other residential detention facility violates section 2917.02, 3099
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 3100
(2) of section 2921.34 of the Revised Code, if an offender who 3101
is under detention at a detention facility commits a felony 3102
violation of section 2923.131 of the Revised Code, or if an 3103
offender who is an inmate in a jail, prison, or other 3104
residential detention facility or is under detention at a 3105
detention facility commits another felony while the offender is 3106
an escapee in violation of division (A) (1) or (2) of section 3107
2921.34 of the Revised Code, any prison term imposed upon the 3108
offender for one of those violations shall be served by the 3109
offender consecutively to the prison term or term of 3110
imprisonment the offender was serving when the offender 3111
committed that offense and to any other prison term previously 3112
or subsequently imposed upon the offender. 3113

(3) If a prison term is imposed for a violation of 3114
division (B) of section 2911.01 of the Revised Code, a violation 3115
of division (A) of section 2913.02 of the Revised Code in which 3116
the stolen property is a firearm or dangerous ordnance, or a 3117
felony violation of division (B) of section 2921.331 of the 3118
Revised Code, the offender shall serve that prison term 3119
consecutively to any other prison term or mandatory prison term 3120
previously or subsequently imposed upon the offender. 3121

(4) If multiple prison terms are imposed on an offender 3122
for convictions of multiple offenses, the court may require the 3123
offender to serve the prison terms consecutively if the court 3124
finds that the consecutive service is necessary to protect the 3125
public from future crime or to punish the offender and that 3126
consecutive sentences are not disproportionate to the 3127
seriousness of the offender's conduct and to the danger the 3128
offender poses to the public, and if the court also finds any of 3129
the following: 3130

(a) The offender committed one or more of the multiple 3131
offenses while the offender was awaiting trial or sentencing, 3132
was under a sanction imposed pursuant to section 2929.16, 3133
2929.17, or 2929.18 of the Revised Code, or was under post- 3134
release control for a prior offense. 3135

(b) At least two of the multiple offenses were committed 3136
as part of one or more courses of conduct, and the harm caused 3137
by two or more of the multiple offenses so committed was so 3138
great or unusual that no single prison term for any of the 3139
offenses committed as part of any of the courses of conduct 3140
adequately reflects the seriousness of the offender's conduct. 3141

(c) The offender's history of criminal conduct 3142
demonstrates that consecutive sentences are necessary to protect 3143

the public from future crime by the offender. 3144

(5) If a mandatory prison term is imposed upon an offender 3145
pursuant to division (B) (5) or (6) of this section, the offender 3146
shall serve the mandatory prison term consecutively to and prior 3147
to any prison term imposed for the underlying violation of 3148
division (A) (1) or (2) of section 2903.06 of the Revised Code 3149
pursuant to division (A) of this section or section 2929.142 of 3150
the Revised Code. If a mandatory prison term is imposed upon an 3151
offender pursuant to division (B) (5) of this section, and if a 3152
mandatory prison term also is imposed upon the offender pursuant 3153
to division (B) (6) of this section in relation to the same 3154
violation, the offender shall serve the mandatory prison term 3155
imposed pursuant to division (B) (5) of this section 3156
consecutively to and prior to the mandatory prison term imposed 3157
pursuant to division (B) (6) of this section and consecutively to 3158
and prior to any prison term imposed for the underlying 3159
violation of division (A) (1) or (2) of section 2903.06 of the 3160
Revised Code pursuant to division (A) of this section or section 3161
2929.142 of the Revised Code. 3162

(6) If a mandatory prison term is imposed on an offender 3163
pursuant to division (B) (9) of this section, the offender shall 3164
serve the mandatory prison term consecutively to and prior to 3165
any prison term imposed for the underlying violation of division 3166
(A) (1) or (2) of section 2903.11 of the Revised Code and 3167
consecutively to and prior to any other prison term or mandatory 3168
prison term previously or subsequently imposed on the offender. 3169

(7) If a mandatory prison term is imposed on an offender 3170
pursuant to division (B) (10) of this section, the offender shall 3171
serve that mandatory prison term consecutively to and prior to 3172
any prison term imposed for the underlying felonious assault. 3173

Except as otherwise provided in division (C) of this section, 3174
any other prison term or mandatory prison term previously or 3175
subsequently imposed upon the offender may be served 3176
concurrently with, or consecutively to, the prison term imposed 3177
pursuant to division (B)(10) of this section. 3178

(8) Any prison term imposed for a violation of section 3179
2903.04 of the Revised Code that is based on a violation of 3180
section 2925.03 or 2925.11 of the Revised Code or on a violation 3181
of section 2925.05 of the Revised Code that is not funding of 3182
marihuana trafficking shall run consecutively to any prison term 3183
imposed for the violation of section 2925.03 or 2925.11 of the 3184
Revised Code or for the violation of section 2925.05 of the 3185
Revised Code that is not funding of marihuana trafficking. 3186

(9) When consecutive prison terms are imposed pursuant to 3187
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 3188
division (H)(1) or (2) of this section, subject to division (C) 3189
(10) of this section, the term to be served is the aggregate of 3190
all of the terms so imposed. 3191

(10) When a court sentences an offender to a non-life 3192
felony indefinite prison term, any definite prison term or 3193
mandatory definite prison term previously or subsequently 3194
imposed on the offender in addition to that indefinite sentence 3195
that is required to be served consecutively to that indefinite 3196
sentence shall be served prior to the indefinite sentence. 3197

(11) If a court is sentencing an offender for a felony of 3198
the first or second degree, if division (A)(1)(a) or (2)(a) of 3199
this section applies with respect to the sentencing for the 3200
offense, and if the court is required under the Revised Code 3201
section that sets forth the offense or any other Revised Code 3202
provision to impose a mandatory prison term for the offense, the 3203

court shall impose the required mandatory prison term as the 3204
minimum term imposed under division (A) (1) (a) or (2) (a) of this 3205
section, whichever is applicable. 3206

(D) (1) If a court imposes a prison term, other than a term 3207
of life imprisonment, for a felony of the first degree, for a 3208
felony of the second degree, for a felony sex offense, or for a 3209
felony of the third degree that is an offense of violence and 3210
that is not a felony sex offense, it shall include in the 3211
sentence a requirement that the offender be subject to a period 3212
of post-release control after the offender's release from 3213
imprisonment, in accordance with section 2967.28 of the Revised 3214
Code. If a court imposes a sentence including a prison term of a 3215
type described in this division on or after July 11, 2006, the 3216
failure of a court to include a post-release control requirement 3217
in the sentence pursuant to this division does not negate, 3218
limit, or otherwise affect the mandatory period of post-release 3219
control that is required for the offender under division (B) of 3220
section 2967.28 of the Revised Code. Section 2929.191 of the 3221
Revised Code applies if, prior to July 11, 2006, a court imposed 3222
a sentence including a prison term of a type described in this 3223
division and failed to include in the sentence pursuant to this 3224
division a statement regarding post-release control. 3225

(2) If a court imposes a prison term for a felony of the 3226
third, fourth, or fifth degree that is not subject to division 3227
(D) (1) of this section, it shall include in the sentence a 3228
requirement that the offender be subject to a period of post- 3229
release control after the offender's release from imprisonment, 3230
in accordance with that division, if the parole board determines 3231
that a period of post-release control is necessary. Section 3232
2929.191 of the Revised Code applies if, prior to July 11, 2006, 3233
a court imposed a sentence including a prison term of a type 3234

described in this division and failed to include in the sentence 3235
pursuant to this division a statement regarding post-release 3236
control. 3237

(E) The court shall impose sentence upon the offender in 3238
accordance with section 2971.03 of the Revised Code, and Chapter 3239
2971. of the Revised Code applies regarding the prison term or 3240
term of life imprisonment without parole imposed upon the 3241
offender and the service of that term of imprisonment if any of 3242
the following apply: 3243

(1) A person is convicted of or pleads guilty to a violent 3244
sex offense or a designated homicide, assault, or kidnapping 3245
offense, and, in relation to that offense, the offender is 3246
adjudicated a sexually violent predator. 3247

(2) A person is convicted of or pleads guilty to a 3248
violation of division (A) (1) (b) of section 2907.02 of the 3249
Revised Code committed on or after January 2, 2007, and either 3250
the court does not impose a sentence of life without parole when 3251
authorized pursuant to division (B) of section 2907.02 of the 3252
Revised Code, or division (B) of section 2907.02 of the Revised 3253
Code provides that the court shall not sentence the offender 3254
pursuant to section 2971.03 of the Revised Code. 3255

(3) A person is convicted of or pleads guilty to attempted 3256
rape committed on or after January 2, 2007, and a specification 3257
of the type described in section 2941.1418, 2941.1419, or 3258
2941.1420 of the Revised Code. 3259

(4) A person is convicted of or pleads guilty to a 3260
violation of section 2905.01 of the Revised Code committed on or 3261
after January 1, 2008, and that section requires the court to 3262
sentence the offender pursuant to section 2971.03 of the Revised 3263

Code. 3264

(5) A person is convicted of or pleads guilty to 3265
aggravated murder committed on or after January 1, 2008, and 3266
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 3267
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 3268
(a) (iv) of section 2929.03, or division (A) or (B) of section 3269
2929.06 of the Revised Code requires the court to sentence the 3270
offender pursuant to division (B) (3) of section 2971.03 of the 3271
Revised Code. 3272

(6) A person is convicted of or pleads guilty to murder 3273
committed on or after January 1, 2008, and division (B) (2) of 3274
section 2929.02 of the Revised Code requires the court to 3275
sentence the offender pursuant to section 2971.03 of the Revised 3276
Code. 3277

(F) If a person who has been convicted of or pleaded 3278
guilty to a felony is sentenced to a prison term or term of 3279
imprisonment under this section, sections 2929.02 to 2929.06 of 3280
the Revised Code, section 2929.142 of the Revised Code, section 3281
2971.03 of the Revised Code, or any other provision of law, 3282
section 5120.163 of the Revised Code applies regarding the 3283
person while the person is confined in a state correctional 3284
institution. 3285

(G) If an offender who is convicted of or pleads guilty to 3286
a felony that is an offense of violence also is convicted of or 3287
pleads guilty to a specification of the type described in 3288
section 2941.142 of the Revised Code that charges the offender 3289
with having committed the felony while participating in a 3290
criminal gang, the court shall impose upon the offender an 3291
additional prison term of one, two, or three years. 3292

(H) (1) If an offender who is convicted of or pleads guilty to aggravated murder, murder, or a felony of the first, second, or third degree that is an offense of violence also is convicted of or pleads guilty to a specification of the type described in section 2941.143 of the Revised Code that charges the offender with having committed the offense in a school safety zone or towards a person in a school safety zone, the court shall impose upon the offender an additional prison term of two years. The offender shall serve the additional two years consecutively to and prior to the prison term imposed for the underlying offense.

(2) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 of the Revised Code and to a specification of the type described in section 2941.1421 of the Revised Code and if the court imposes a prison term on the offender for the felony violation, the court may impose upon the offender an additional prison term as follows:

(i) Subject to division (H) (2) (a) (ii) of this section, an additional prison term of one, two, three, four, five, or six months;

(ii) If the offender previously has been convicted of or pleaded guilty to one or more felony or misdemeanor violations of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised Code and also was convicted of or pleaded guilty to a specification of the type described in section 2941.1421 of the Revised Code regarding one or more of those violations, an additional prison term of one, two, three, four, five, six, seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under division (H) (2) (a) of this section, the court may directly

impose on the offender a sanction that requires the offender to 3323
wear a real-time processing, continual tracking electronic 3324
monitoring device during the period of time specified by the 3325
court. The period of time specified by the court shall equal the 3326
duration of an additional prison term that the court could have 3327
imposed upon the offender under division (H) (2) (a) of this 3328
section. A sanction imposed under this division shall commence 3329
on the date specified by the court, provided that the sanction 3330
shall not commence until after the offender has served the 3331
prison term imposed for the felony violation of section 2907.22, 3332
2907.24, 2907.241, or 2907.25 of the Revised Code and any 3333
residential sanction imposed for the violation under section 3334
2929.16 of the Revised Code. A sanction imposed under this 3335
division shall be considered to be a community control sanction 3336
for purposes of section 2929.15 of the Revised Code, and all 3337
provisions of the Revised Code that pertain to community control 3338
sanctions shall apply to a sanction imposed under this division, 3339
except to the extent that they would by their nature be clearly 3340
inapplicable. The offender shall pay all costs associated with a 3341
sanction imposed under this division, including the cost of the 3342
use of the monitoring device. 3343

(I) At the time of sentencing, the court may recommend the 3344
offender for placement in a program of shock incarceration under 3345
section 5120.031 of the Revised Code or for placement in an 3346
intensive program prison under section 5120.032 of the Revised 3347
Code, disapprove placement of the offender in a program of shock 3348
incarceration or an intensive program prison of that nature, or 3349
make no recommendation on placement of the offender. In no case 3350
shall the department of rehabilitation and correction place the 3351
offender in a program or prison of that nature unless the 3352
department determines as specified in section 5120.031 or 3353

5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code

and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (c) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the prison term imposed for the underlying offense. The prison term shall not be reduced pursuant to section 2929.20 or 2967.19 or any other provision of Chapter 2967. or 5120. of the Revised Code. A court may not impose more than one sentence under division (B) (2) (a) of this section and this division for acts committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

(L) If an offender receives or received a sentence of life imprisonment without parole, a sentence of life imprisonment, a definite sentence, or a sentence to an indefinite prison term under this chapter for a felony offense that was committed when the offender was under eighteen years of age, the offender's parole eligibility shall be determined under section 2967.132 of the Revised Code.

Sec. 2953.39. (A) As used in this section:

(1) "Expunge" means to destroy, delete, or erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(2) "Official records" has the same meaning as in section 2953.51 of the Revised Code.

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

(4) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.

(5) "Qualified marihuana offense" means any of the following:

(a) A violation of section 2925.11 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the obtaining, possession, or use of five ounces of marihuana or less, or that involved the obtaining, possession, or use of fifteen grams of hashish or less;

(b) A violation of section 2925.04 of the Revised Code, as that section existed prior to the effective date of this amendment, that involved the cultivation of twelve or fewer

marihuana plants; 3442

(c) A violation of section 2925.141 of the Revised Code, 3443
as that section existed prior to the effective date of this 3444
section. 3445

(B) Any person who is convicted of, was convicted of, 3446
pleads guilty to, or has pleaded guilty to a qualified marihuana 3447
offense may file an application under this section for the 3448
expungement of the record of conviction. The person may file the 3449
application at any time on or after the effective date of this 3450
act. The application shall do all of the following: 3451

(1) Identify the applicant, the offense for which the 3452
expungement is sought, the date of the conviction or plea of 3453
guilty to that offense, and the court in which the conviction 3454
occurred or the plea of guilty was entered. 3455

(2) Include evidence that the offense was a qualified 3456
marihuana offense. 3457

(3) Include a request for expungement of the record of 3458
conviction of that offense under this section. 3459

(C) Upon the filing of an application under division (B) 3460
of this section and the payment of the fee described in division 3461
(G) of this section, if applicable, the court shall set a date 3462
for a hearing and shall notify the prosecutor for the case of 3463
the hearing on the application. The prosecutor may object to the 3464
granting of the application by filing an objection with the 3465
court prior to the date set for the hearing. The prosecutor 3466
shall specify in the objection the reasons for believing a 3467
denial of the application is justified. The court shall hold the 3468
hearing scheduled under this division. 3469

(D) (1) At the hearing held under division (C) of this 3470

section, the court shall do each of the following: 3471

(a) If the prosecutor has filed an objection in accordance 3472
with division (C) of this section, consider the reasons against 3473
granting the application specified by the prosecutor in the 3474
objection; 3475

(b) Determine whether the applicant has been convicted of 3476
or pleaded guilty to a qualified marihuana offense. 3477

(E) If the court determines at the hearing held under 3478
division (D) of this section that an offense that is the subject 3479
of an application under this section is a qualified marihuana 3480
offense, the court shall order the expungement of all official 3481
records pertaining to the case and the deletion of all index 3482
references to the case and, if it does order the expungement, 3483
shall send notice of the order to each public office or agency 3484
that the court has reason to believe may have an official record 3485
pertaining to the case. 3486

(F) The proceedings in the case that is the subject of an 3487
order issued under division (E) of this section shall be 3488
considered not to have occurred and the conviction or guilty 3489
plea of the person who is the subject of the proceedings shall 3490
be expunged. The record of the conviction shall not be used for 3491
any purpose, including, but not limited to, a criminal records 3492
check under section 109.572 of the Revised Code or a 3493
determination under section 2923.125 or 2923.1213 of the Revised 3494
Code of eligibility for a concealed handgun license. The 3495
applicant may, and the court shall, reply that no record exists 3496
with respect to the applicant upon any inquiry into the matter. 3497

(G) Upon the filing of an application under this section, 3498
the applicant, unless indigent, shall pay a fee of fifty 3499

dollars. The court shall pay thirty dollars of the fee into the 3500
state treasury, with fifteen dollars of that amount credited to 3501
the attorney general reimbursement fund created by section 3502
109.11 of the Revised Code. The court shall pay twenty dollars 3503
of the fee into the county general revenue fund if the sealed 3504
conviction or bail forfeiture was pursuant to a state statute, 3505
or into the general revenue fund of the municipal corporation 3506
involved if the sealed conviction or bail forfeiture was 3507
pursuant to a municipal ordinance. 3508

Sec. 3775.01. (A) The purpose of this chapter is to 3509
control the commercial production and distribution of marihuana 3510
under a system that licenses and regulates the businesses 3511
involved. 3512

(B) The intent of this chapter is to do all of the 3513
following: 3514

(1) Remove the commercial production and distribution of 3515
marihuana from the illicit market; 3516

(2) Prevent revenue generated from commerce in marihuana 3517
from going to criminal enterprises or gangs; 3518

(3) Prevent the distribution of marihuana to persons under 3519
twenty-one years of age; 3520

(4) Prevent the diversion of marihuana to illicit markets; 3521

(5) Ensure the safety of marihuana and marihuana-infused 3522
products; 3523

(6) Ensure the security of marihuana establishments. 3524

(C) To the fullest extent possible, this chapter shall be 3525
interpreted in accordance with the purpose and intent set forth 3526
in this section. 3527

<u>Sec. 3775.02. As used in this chapter:</u>	3528
<u>(A) "Cultivate" means to propagate, breed, grow, harvest,</u>	3529
<u>dry, cure, or separate parts of the marihuana plant by manual or</u>	3530
<u>mechanical means.</u>	3531
<u>(B) "Industrial hemp" means a plant of the genus cannabis</u>	3532
<u>and any part of that plant, whether growing or not, with a</u>	3533
<u>delta-9 tetrahydrocannabinol concentration of three tenths of</u>	3534
<u>one per cent or less on a dry-weight basis or per volume or</u>	3535
<u>weight of marihuana-infused product, or for which the combined</u>	3536
<u>per cent of delta-9-tetrahydrocannabinol and</u>	3537
<u>tetrahydrocannabinolic acid in any part of the plant, regardless</u>	3538
<u>of moisture content, is three-tenths of one per cent or less.</u>	3539
<u>(C) "Licensee" means a person holding a state license or a</u>	3540
<u>local license.</u>	3541
<u>(D) "Local license" means a license issued by a</u>	3542
<u>municipality or a township pursuant to section 3775.10 of the</u>	3543
<u>Revised Code that allows a person to operate a marihuana</u>	3544
<u>establishment in that municipality or the unincorporated areas</u>	3545
<u>of that township.</u>	3546
<u>(E) (1) "Marihuana" means all parts of the plant of the</u>	3547
<u>genus cannabis, growing or not, including all of the following:</u>	3548
<u>(a) The seeds of the plant;</u>	3549
<u>(b) The resin extracted from any part of the plant;</u>	3550
<u>(c) Every compound, manufacture, salt, derivative,</u>	3551
<u>mixture, or preparation of the plant or its seeds or resin,</u>	3552
<u>including marihuana concentrate and marihuana-infused products.</u>	3553
<u>(2) Marihuana does not include any of the following:</u>	3554

<u>(a) The mature stalks of the plant, fiber produced from</u>	3555
<u>the mature stalks, oil, or cake made from the seeds of the</u>	3556
<u>plant, or any other compound, manufacture, salt, derivative,</u>	3557
<u>mixture, or preparation of the mature stalks;</u>	3558
<u>(b) Industrial hemp;</u>	3559
<u>(c) Any other ingredient combined with marihuana to</u>	3560
<u>prepare topical or oral administrations, food, drink, or other</u>	3561
<u>products.</u>	3562
<u>(F) "Marihuana accessories" means any equipment, product,</u>	3563
<u>material, or combination of equipment, products, or materials,</u>	3564
<u>that is specifically designed for use in planting, propagating,</u>	3565
<u>cultivating, growing, harvesting, manufacturing, compounding,</u>	3566
<u>converting, producing, processing, preparing, testing,</u>	3567
<u>analyzing, packaging, repackaging, storing, containing,</u>	3568
<u>ingesting, inhaling, or otherwise introducing marihuana into the</u>	3569
<u>human body.</u>	3570
<u>(G) "Marihuana concentrate" means the resin extracted from</u>	3571
<u>any part of the plant of the genus cannabis.</u>	3572
<u>(H) "Marihuana establishment" means a marihuana grower,</u>	3573
<u>marihuana safety compliance facility, marihuana processor,</u>	3574
<u>marihuana microbusiness, marihuana retailer, marihuana secure</u>	3575
<u>transporter, or any other type of marihuana-related business</u>	3576
<u>licensed by the department of commerce.</u>	3577
<u>(I) "Marihuana grower" means a person licensed to</u>	3578
<u>cultivate marihuana and sell or otherwise transfer marihuana to</u>	3579
<u>marihuana establishments.</u>	3580
<u>(J) "Marihuana-infused product" means a topical</u>	3581
<u>formulation, tincture, beverage, edible substance, or similar</u>	3582
<u>product containing marihuana and other ingredients and that is</u>	3583

intended for human consumption. 3584

(K) "Marihuana microbusiness" means a person licensed to 3585
do all of the following: 3586

(1) Cultivate not more than one hundred fifty marihuana 3587
plants; 3588

(2) Process and package marihuana; 3589

(3) Sell or otherwise transfer marihuana to individuals 3590
who are twenty-one years of age or older or to a marihuana 3591
safety compliance facility, but not to other marihuana 3592
establishments. 3593

(L) "Marihuana processor" means a person licensed to 3594
obtain marihuana from marihuana establishments, process and 3595
package marihuana, and sell or otherwise transfer marihuana to 3596
marihuana establishments. 3597

(M) "Marihuana retailer" means a person licensed to obtain 3598
marihuana from marihuana establishments and to sell or otherwise 3599
transfer marihuana to marihuana establishments and to 3600
individuals who are twenty-one years of age or older. 3601

(N) "Marihuana secure transporter" means a person licensed 3602
to obtain marihuana from marihuana establishments in order to 3603
transport marihuana to marihuana establishments. 3604

(O) "Marihuana safety compliance facility" means a person 3605
licensed to test marihuana, including certification for potency 3606
and the presence of contaminants. 3607

(P) "Process" or "processing" means to separate or 3608
otherwise prepare parts of the marihuana plant and to compound, 3609
blend, extract, infuse, or otherwise make or prepare marihuana 3610
concentrate or marihuana-infused products. 3611

(Q) "State license" means a license issued by the 3612
marijuana regulatory agency pursuant to this chapter that allows 3613
a person to operate a marihuana establishment. 3614

(R) "Unreasonably impracticable" means that the measures 3615
necessary to comply with the rules or ordinances adopted 3616
pursuant to this chapter subject licensees to unreasonable risk 3617
or require such a high investment of money, time, or any other 3618
resource or asset that a reasonably prudent business person 3619
would not operate the marihuana establishment. 3620

Sec. 3775.03. (A) This chapter shall not be construed as 3621
authorizing any of the following: 3622

(1) The operation, navigation, or physical control of any 3623
motor vehicle, aircraft, snowmobile, off-road recreational 3624
vehicle, or motorboat while under the influence of marihuana; 3625

(2) The transfer of marihuana or marihuana accessories to 3626
a person under the age of twenty-one; 3627

(3) The possession, consumption, cultivation, processing, 3628
transportation, or purchase or other acquisition of marihuana by 3629
a person under the age of twenty-one; 3630

(4) The separation of plant resin by butane extraction or 3631
another method that utilizes a substance with a flashpoint below 3632
one hundred degrees Fahrenheit in any public place, motor 3633
vehicle, or within the curtilage of any residential structure; 3634

(5) (a) The consumption of marihuana in a public place or 3635
smoking marihuana where prohibited by the person who owns, 3636
occupies, or manages the property. 3637

(b) For purposes of division (A) (5) (a) of this section, a 3638
public place does not include an area designated for marihuana 3639

consumption within a municipality or a township that has 3640
authorized consumption in designated areas that are not 3641
accessible to persons under twenty-one years of age. 3642

(6) The cultivation of marihuana plants that are visible 3643
from a public place without the use of binoculars, aircraft, or 3644
other optical aids or that are outside of an enclosed area 3645
equipped with locks or other functioning security devices that 3646
restrict access to the area; 3647

(7) The consumption of marihuana while operating, 3648
navigating, or being in physical control of any motor vehicle, 3649
aircraft, snowmobile, off-road recreational vehicle, or 3650
motorboat, or smoking marihuana within the passenger area of a 3651
vehicle upon a public way; 3652

(8) The possession or consumption of marihuana, or the 3653
possession of marihuana accessories, on any of the following 3654
locations: 3655

(a) The grounds of a public or private school where 3656
children attend classes in preschool programs, kindergarten 3657
programs, or grades one through twelve; 3658

(b) A school bus; 3659

(c) The grounds of any correctional facility. 3660

(9) The possession of more than two and one-half ounces of 3661
marihuana within a person's place of residence unless the excess 3662
marihuana is stored in a container or area equipped with locks 3663
or other functioning security devices that restrict access to 3664
the contents of the container or area. 3665

(B) This chapter shall not be construed as limiting any 3666
privileges, rights, immunities, or defenses of a person as 3667

provided in Chapter 3796. of the Revised Code or any other law 3668
of this state allowing for or regulating marijuana for medical 3669
use. 3670

(C) This chapter shall not be construed as doing any of 3671
the following: 3672

(1) Requiring an employer to permit or accommodate the 3673
consumption or possession of marihuana in any workplace or on 3674
the employer's property. 3675

(2) Prohibiting an employer from disciplining an employee 3676
for violating a workplace drug policy or for working while under 3677
the influence of marihuana. 3678

(3) Preventing an employer from refusing to hire, 3679
discharging, disciplining, or otherwise taking an adverse 3680
employment action against a person because of that person 3681
violated a workplace drug policy or because that person worked 3682
while under the influence of marihuana. 3683

(4) Prohibiting a person from prohibiting or otherwise 3684
regulating the consumption, cultivation, distribution, 3685
processing, sale, or display of marihuana and marihuana 3686
accessories on property the person owns, occupies, or manages, 3687
except that a lease agreement may not prohibit a tenant from 3688
lawfully possessing and consuming marihuana by means other than 3689
smoking. 3690

(D) All other laws inconsistent with this chapter shall 3691
not apply to conduct that is permitted by this chapter. 3692

Sec. 3775.04. (A) (1) Except as otherwise provided in this 3693
section, a municipality or township may completely prohibit or 3694
limit the number of marihuana establishments within the 3695
municipality's boundaries or the boundaries of the 3696

unincorporated areas of the township. 3697

(2) (a) Individuals who are residents of a municipality or 3698
the unincorporated areas of a township may petition to initiate 3699
an ordinance or resolution to provide for the number of 3700
marihuana establishments allowed within that municipality or 3701
those unincorporated areas or to completely prohibit marihuana 3702
establishments within the municipality or the unincorporated 3703
areas of the township. 3704

(b) When such a petition is signed by qualified electors 3705
in the municipality or unincorporated areas in a number greater 3706
than five per cent of the votes cast for governor by qualified 3707
electors in the municipality or unincorporated areas at the last 3708
gubernatorial election, such an ordinance or resolution shall be 3709
submitted to the electors of the municipality or the 3710
unincorporated areas of the township at the next regular 3711
election. 3712

(c) A petition under division (A) of this section shall 3713
meet all relevant requirements of Chapter 3501. of the Revised 3714
Code. 3715

(B) A municipality or township may adopt other ordinances 3716
or resolutions related to the regulation of marihuana so long as 3717
those ordinances are not unreasonably impracticable and do not 3718
conflict with the provisions of this chapter or with any rule 3719
adopted pursuant to this chapter. Such ordinances or resolutions 3720
may relate to any of the following topics: 3721

(1) Establishing reasonable restrictions on public signs 3722
related to marihuana establishments; 3723

(2) Regulating the time, place, and manner of operation of 3724
marihuana establishments and of the production, manufacture, 3725

sale, or display of marihuana accessories; 3726

(3) Authorizing the sale of marihuana for consumption in 3727
designated areas that are not accessible to persons under 3728
twenty-one years of age, or at special events in limited areas 3729
and for a limited time; 3730

(4) Designating a violation of the ordinance or resolution 3731
and establishing a penalty for that violation by a marihuana 3732
establishment, provided that such violation is a civil 3733
infraction and such penalty is a civil fine of not more than 3734
five hundred dollars. 3735

(C) A municipality or township may adopt an ordinance or 3736
resolution requiring a marihuana establishment with a physical 3737
location within the municipality or within or the unincorporated 3738
areas of the township to obtain a local license, but may not 3739
impose qualifications for licensure that conflict with this 3740
chapter or rules adopted under this chapter. 3741

(D) A municipality or township may charge an annual fee of 3742
not more than five thousand dollars to defray application, 3743
administrative, and enforcement costs associated with the 3744
operation of the marihuana establishments in the municipality or 3745
the unincorporated areas of the township. 3746

(E) A municipality or township shall not adopt an 3747
ordinance or resolution that does either of the following: 3748

(1) Restricts the transportation of marihuana through the 3749
municipality or township; 3750

(2) Prohibits a marihuana grower, marihuana processor, or 3751
marihuana retailer that holds a valid license from operating 3752
within a single facility or from operating at a location shared 3753
with a medical marijuana facility operating pursuant to Chapter 3754

3796. of the Revised Code. 3755

Sec. 3775.05. (A) The department of commerce is 3756
responsible for implementing this chapter and has the power and 3757
authority necessary to control the commercial production and 3758
distribution of marihuana. 3759

(B) The department of commerce shall employ personnel, and 3760
may contract with advisors and consultants, as necessary to 3761
adequately perform its duties under this chapter. 3762

(C) No person who holds a pecuniary interest, either 3763
directly or indirectly, in any marihuana establishment may be an 3764
employee, advisor, or consultant involved in the implementation, 3765
administration, or enforcement of this chapter. 3766

(D) An employee, advisor, or consultant of the department 3767
of commerce shall not be personally liable for any action at law 3768
for damages sustained by a person because of an action performed 3769
or done in the performance of their duties in the 3770
implementation, administration, or enforcement of this chapter. 3771

(E) The attorney general shall cooperate and assist the 3772
department of commerce in conducting background checks of 3773
applicants. 3774

(F) Responsibilities of the department of commerce include 3775
all of the following: 3776

(1) Adopting rules as necessary to implement, administer, 3777
and enforce this chapter; 3778

(2) Granting or denying each application for licensure and 3779
investigating each applicant to determine eligibility for 3780
licensure, including conducting a background check on each 3781
person holding an ownership interest in the applicant; 3782

(3) Ensuring compliance with this chapter and the rules 3783
adopted thereunder by marihuana establishments by performing 3784
investigations of compliance and regular inspections of 3785
marihuana establishments and by taking appropriate disciplinary 3786
action against a licensee, including prescribing civil fines for 3787
violations of this chapter or associated rules and suspending, 3788
restricting, or revoking a state license; 3789

(4) Holding at least four public meetings each calendar 3790
year for the purpose of hearing complaints and receiving the 3791
views of the public with respect to administration of this 3792
chapter; 3793

(5) Collecting fees for licensure and fines for violations 3794
of this chapter or associated rules, depositing all fees 3795
collected in the marihuana regulation fund established by 3796
section 5755.13 of the Revised Code, and remitting all fines 3797
collected to the general revenue fund; 3798

(6) (a) Submitting an annual report to the governor 3799
covering the previous year. 3800

(b) The report shall include all of the following: 3801

(i) The number of state licenses of each class issued; 3802

(ii) Demographic information on licensees; 3803

(iii) A description of enforcement and disciplinary 3804
actions taken against licensees; 3805

(iv) A statement of revenues and expenses of the 3806
department of commerce related to the implementation, 3807
administration, and enforcement of this chapter. 3808

Sec. 3775.06. (A) There is hereby created within the 3809
department of commerce the marijuana regulatory agency. 3810

(B) The marijuana regulatory agency shall adopt rules to 3811
implement and administer this chapter. Such rules shall address 3812
all of the following: 3813

(1) Procedures for issuing a state license pursuant to 3814
section 3775.07 of the Revised Code and for renewing, 3815
suspending, and revoking a state license; 3816

(2) A schedule of fees in amounts not more than necessary 3817
to pay for the implementation, administration, and enforcement 3818
costs of this chapter and that are proportional to the size of 3819
each licensee or the volume of business conducted by the 3820
licensee; 3821

(3) (a) Qualifications for licensure. 3822

(b) Such qualifications shall be directly and demonstrably 3823
related to the operation of a marihuana establishment. 3824

(c) A prior conviction solely for a marihuana-related 3825
offense shall not disqualify an individual or otherwise affect 3826
eligibility for licensure, unless the offense involved 3827
distribution of a controlled substance to a minor. 3828

(4) Requirements and standards for safe cultivation, 3829
processing, and distribution of marihuana by marihuana 3830
establishments, including health standards to ensure the safe 3831
preparation of marihuana-infused products and prohibitions on 3832
pesticides that are not safe for use on marihuana; 3833

(5) Testing, packaging, and labeling standards, 3834
procedures, and requirements for marihuana, including all of the 3835
following: 3836

(a) A maximum tetrahydrocannabinol level for marihuana- 3837
infused products; 3838

- (b) A requirement that a representative sample of marihuana be tested by a marihuana safety compliance facility; 3839
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- (c) A requirement that the amount of marihuana or marihuana concentrate contained within a marihuana-infused product be specified on the product label; 3841
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- (d) A requirement that all marihuana sold through marihuana retailers and marihuana microbusinesses include on the exterior of the marihuana packaging the following warning printed in clearly legible type and surrounded by a continuous heavy line: WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL PROBLEMS FOR THE CHILD. 3844
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- (6) (a) Security requirements, including lighting, physical security, and alarm requirements, and requirements for securely transporting marihuana between marihuana establishments; 3852
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- (b) Such requirements shall not prohibit cultivation of marihuana outdoors or in greenhouses. 3855
3856
- (7) Record keeping requirements for marihuana establishments and monitoring requirements to track the transfer of marihuana by licensees; 3857
3858
3859
- (8) Requirements for the operation of marihuana secure transporters to ensure that all marihuana establishments are properly serviced. 3860
3861
3862
- (9) Reasonable restrictions on advertising, marketing, and display of marihuana and marihuana establishments; 3863
3864
- (10) A plan to promote and encourage participation in the marihuana industry by people from communities that have been 3865
3866

disproportionately impacted by marihuana prohibition and 3867
enforcement and to positively impact those communities; 3868

(11) Penalties for failure to comply with any rule adopted 3869
pursuant to this section or for any violation of this chapter by 3870
a licensee, including civil fines and suspension, revocation, or 3871
restriction of a state license; 3872

(12) Informational pamphlet standards for marihuana 3873
retailers and marihuana microbusinesses, including a requirement 3874
to make available to every customer at the time of sale a 3875
pamphlet measuring three and one-half inches by five inches that 3876
includes safety information related to marihuana use by minors 3877
and the poison control hotline number; 3878

(13) Procedures and standards for approving an appointee 3879
to operate a marihuana establishment in accordance with section 3880
3775.08 of the Revised Code. 3881

(C) The marijuana regulatory agency may adopt rules to do 3882
any of the following: 3883

(1) Provide for the issuance of additional types or 3884
classes of state licenses to operate marihuana-related 3885
businesses, including licenses that authorize any of the 3886
following: 3887

(a) Limited cultivation, processing, transportation, 3888
delivery, storage, sale, or purchase of marihuana; 3889

(b) Consumption of marihuana within designated areas; 3890

(c) Consumption of marihuana at special events in limited 3891
areas and for a limited time; 3892

(d) Cultivation for purposes of propagation; 3893

<u>(e) Facilitation of scientific research or education.</u>	3894
<u>(2) Regulate the cultivation, processing, distribution,</u> <u>and sale of industrial hemp.</u>	3895 3896
<u>(D) The marijuana regulatory agency shall not adopt a rule</u> <u>that does any of the following:</u>	3897 3898
<u>(1) Establishes a limit on the number of any type of state</u> <u>licenses that may be granted;</u>	3899 3900
<u>(2) Requires a customer to provide a marihuana retailer</u> <u>with identifying information other than identification to</u> <u>determine the customer's age or requires the marihuana retailer</u> <u>to acquire or record personal information about customers other</u> <u>than information typically required in a retail transaction;</u>	3901 3902 3903 3904 3905
<u>(3) Prohibits a marihuana establishment from operating at</u> <u>a shared location of a marihuana facility operating pursuant to</u> <u>Chapter 3796. of the Revised Code;</u>	3906 3907 3908
<u>(4) Prohibits a marihuana grower, marihuana processor, or</u> <u>marihuana retailer from operating within a single facility;</u>	3909 3910
<u>(5) Is unreasonably impracticable.</u>	3911
<u>(E) All rules adopted under this chapter shall be adopted</u> <u>in accordance with Chapter 119. of the Revised Code.</u>	3912 3913
<u>(F) The requirements of division (F) of section 121.95 of</u> <u>the Revised Code shall not apply to rules adopted under this</u> <u>chapter.</u>	3914 3915 3916
<u>Sec. 3775.07. (A) Each application for a state license</u> <u>shall be submitted to the marijuana regulatory agency.</u>	3917 3918
<u>(B) Upon receipt of a complete application and application</u> <u>fee, the marijuana regulatory agency shall do all of the</u>	3919 3920

following: 3921

(1) Within fifteen days of receipt of the application, 3922
forward a copy of the application to the municipality or 3923
township in which the marihuana establishment is to be located; 3924

(2) Determine whether the applicant and the premises 3925
qualify for the state license and comply with this chapter and 3926
the rules adopted thereunder; 3927

(3) Within ninety days after receiving the application, 3928
either issue the appropriate state license or send the applicant 3929
a notice of rejection that sets forth specific reasons for the 3930
rejection. 3931

(C) The marijuana regulatory agency shall issue the 3932
following state license types: 3933

(1) Marihuana retailer; 3934

(2) Marihuana safety compliance facility; 3935

(3) Marihuana secure transporter; 3936

(4) Marihuana processor; 3937

(5) Marihuana microbusiness; 3938

(6) Class A marihuana grower, authorizing cultivation of 3939
not more than one hundred marihuana plants; 3940

(7) Class B marihuana grower, authorizing cultivation of 3941
not more than five hundred marihuana plants; 3942

(8) Class C marihuana grower, authorizing cultivation of 3943
not more than two thousand marihuana plants. 3944

(D) Except as otherwise provided in this section, the 3945
marijuana regulatory agency shall approve a state license 3946

application and issue a state license if all of the following 3947
criteria are met: 3948

(1) The applicant has submitted an application in 3949
compliance with the rules adopted by the marijuana regulatory 3950
agency, is in compliance with this chapter and the related 3951
rules, and has paid the required fee; 3952

(2) (a) The municipality or township in which the proposed 3953
marihuana establishment will be located notifies the marijuana 3954
regulatory agency that the proposed marihuana establishment is 3955
in compliance with all ordinances or resolutions adopted in 3956
accordance with section 3775.04 of the Revised Code and that are 3957
in effect at the time of application; 3958

(b) If the municipality or township does not send a 3959
notification within thirty days of receiving a copy of the the 3960
application, the marijuana regulatory agency shall consider the 3961
applicant to be in compliance with all relevant ordinances or 3962
resolutions. 3963

(3) The property where the proposed marihuana 3964
establishment is to be located is not within an area zoned 3965
exclusively for residential use and is not within one thousand 3966
feet of a pre-existing public or private school providing 3967
education in kindergarten or any of grades one through twelve, 3968
unless a municipality or township adopts an ordinance or 3969
resolution that reduces this distance requirement; 3970

(4) The applicant has submitted an attestation signed by a 3971
bona fide labor organization stating that the applicant has 3972
entered into a labor peace agreement with the bona fide labor 3973
organization. 3974

(E) The marijuana regulatory agency shall not approve an 3975

application if any person who would hold an ownership interest 3976
in the proposed marihuana establishment meets any of the 3977
following: 3978

(1) The person holds an ownership interest in both a 3979
marihuana safety compliance facility or a marihuana secure 3980
transporter and in a marihuana grower, a marihuana processor, a 3981
marihuana retailer, or a marihuana microbusiness; 3982

(2) The person holds an ownership interest in both a 3983
marihuana microbusiness and in a marihuana grower, a marihuana 3984
processor, a marihuana retailer, a marihuana safety compliance 3985
facility, or a marihuana secure transporter; 3986

(3) (a) Except as provided in division (E) (3) (b) of this 3987
section, the person holds an ownership interest in more than 3988
five marihuana growers or in more than one marihuana 3989
microbusiness. 3990

(b) The marijuana regulatory agency may approve a license 3991
application from a person who holds an ownership interest in 3992
more than five marihuana growers or more than one marihuana 3993
microbusiness if, after January 1, 2025, the department of 3994
commerce adopts a rule authorizing an individual to hold an 3995
ownership interest in more than five marihuana growers or in 3996
more than one marihuana microbusiness. 3997

(F) (1) All licensees shall maintain and abide by a labor 3998
peace agreement entered into with a bona fide labor 3999
organization. 4000

(2) A labor peace agreement is an ongoing material 4001
condition of the license and the marijuana regulatory agency may 4002
take punitive action against a licensee who violates the terms 4003
of a labor peace agreement, including suspension or revocation 4004

of the license. 4005

(3) (a) Divisions (F) (1) and (2) of this section do not 4006
apply to microbusiness licensees. 4007

(b) For license applicants, if there is no bona fide labor 4008
organization operating in the municipality or township of the 4009
applicant at the time of application, then divisions (F) (1) and 4010
(2) of this section shall not apply at the time of application 4011
nor for the one-year duration of the license. 4012

(c) For licensees seeking license renewal, if there is no 4013
bona fide labor organization operating in the municipality or 4014
township of the licensee at the time of application for renewal, 4015
then divisions (F) (1) and (2) of this section shall not apply at 4016
the time of application nor for the one-year duration of the 4017
license. 4018

(4) As used in this section: 4019

(a) "Bona fide labor organization" means a labor union 4020
that represents, or is actively seeking to represent, cannabis 4021
workers. 4022

(b) "Labor peace agreement" means an agreement between a 4023
marihuana establishment and a bona fide labor organization that 4024
protects the state's proprietary interests by, at a minimum, 4025
prohibiting the labor organization from engaging in picketing, 4026
work stoppages, or boycotts against the cannabis establishment. 4027

(G) If a municipality or township limits the number of 4028
marihuana establishments that may be licensed in the 4029
municipality or the unincorporated areas of the township 4030
pursuant to section 3775.04 of the Revised Code and that limit 4031
prevents the marijuana regulatory agency from issuing a state 4032
license to all applicants who meet the requirements of division 4033

(D) of this section, the municipality or township shall decide 4034
among competing applications by a competitive process intended 4035
to select applicants who are best suited to operate in 4036
compliance with this chapter within the municipality or 4037
township. 4038

(H) All state licenses are effective for one year. 4039

(I) The marijuana regulatory agency shall renew a license 4040
upon receipt of a complete renewal application and a renewal fee 4041
from any marihuana establishment in good standing. 4042

(J) The department of commerce shall begin accepting 4043
applications for marihuana establishments within twelve months 4044
after the effective date of this section. 4045

(K) Except as otherwise provided in division (K) of this 4046
section, for two years after the marijuana regulatory agency 4047
begins to receive applications for marihuana establishments, the 4048
agency shall only accept applications for licensure as follows: 4049

(1) For a class A marihuana grower or for a marihuana 4050
microbusiness, from persons who are residents of this state; 4051

(2) For a marihuana retailer, marihuana processor, class B 4052
marihuana grower, class C marihuana grower, or a marihuana 4053
secure transporter, from persons holding a state operating 4054
license pursuant to Chapter 3796. of the Revised Code; 4055

(3) For a marihuana safety compliance facility, from any 4056
applicant. 4057

(L) One year after the marijuana regulatory agency begins 4058
to accept applications pursuant to this section, the agency 4059
shall begin accepting applications from any applicant if the 4060
agency determines that additional state licenses are necessary 4061

to minimize the illegal market for marihuana in this state, to 4062
efficiently meet the demand for marihuana, or to provide for 4063
reasonable access to marihuana in rural areas. 4064

(M) Two years after the marijuana regulatory agency begins 4065
to accept applications pursuant to this section, the agency 4066
shall accept applications from all applicants. 4067

(N) Information obtained from an applicant related to 4068
licensure under this chapter is confidential, not subject to a 4069
public records request under section 149.43 of the Revised Code, 4070
and shall not be released. 4071

Sec. 3775.08. (A) The marijuana regulatory agency may 4072
approve the operation of a marihuana establishment by any of the 4073
following: 4074

(1) A court-appointed personal representative, guardian, 4075
or conservator of an individual who holds a state license or has 4076
an interest in a person that holds a state license; 4077

(2) A court-appointed receiver or trustee. 4078

(B) If an individual approved to operate a marihuana 4079
establishment under division (A) of this section receives notice 4080
from the marijuana regulatory agency that the marihuana 4081
establishment the individual is operating is in violation of 4082
this chapter or the related rules, the individual shall notify 4083
the court that appointed the individual of the notice of 4084
violation within two days after receiving the notice of 4085
violation. 4086

Sec. 3775.09. (A) A marihuana establishment shall not 4087
allow the cultivation, processing, sale, or display of marihuana 4088
or marihuana accessories to be visible from a public place 4089
outside of the marihuana establishment without the use of 4090

binoculars, aircraft, or other optical aids. 4091

(B) A marihuana establishment shall not cultivate, 4092
process, test, or store marihuana at any location other than a 4093
physical address approved by the marijuana regulatory agency and 4094
within an enclosed area that is secured in a manner that 4095
prevents access by persons not permitted by the marihuana 4096
establishment to access the area. 4097

(C) (1) A marihuana establishment shall secure every 4098
entrance to the establishment so that access to areas containing 4099
marihuana is restricted to employees and other persons permitted 4100
by the marihuana establishment to access the area and to agents 4101
of the department of commerce or state and local law enforcement 4102
officers and emergency personnel. 4103

(2) The establishment shall secure its inventory and 4104
equipment during and after operating hours to deter and prevent 4105
theft of marihuana and marihuana accessories. 4106

(D) A marihuana establishment shall not refuse 4107
representatives of the department of commerce the right during 4108
the hours of operation to inspect the licensed premises or to 4109
audit the books and records of the marihuana establishment. 4110

(E) A marihuana establishment shall not allow a person 4111
under twenty-one years of age to volunteer or work for the 4112
marihuana establishment. 4113

(F) No marihuana establishment may sell or otherwise 4114
transfer marihuana that was not produced, distributed, and taxed 4115
in compliance with this chapter or Chapter 5755. of the Revised 4116
Code. 4117

(G) A marihuana grower, marihuana retailer, marihuana 4118
processor, marihuana microbusiness, or marihuana testing 4119

facility, or agents acting on their behalf, shall not transport 4120
more than fifteen ounces of marihuana or more than sixty grams 4121
of marihuana concentrate at one time. 4122

(H) A marihuana secure transporter may not hold title to 4123
marihuana. 4124

(I) A marihuana processor shall not process and a 4125
marihuana retailer shall not sell edible marihuana-infused candy 4126
in shapes or packages that are attractive to children or that 4127
are easily confused with commercially sold candy that does not 4128
contain marihuana. 4129

(J) A marihuana retailer shall not sell or otherwise 4130
transfer marihuana that is not contained in an opaque, 4131
resealable, child-resistant package designed to be significantly 4132
difficult for children under five years of age to open and not 4133
difficult for normal adults to use properly as defined by 16 4134
C.F.R. 1700.20, unless the marihuana is transferred for 4135
consumption on the premises where sold. 4136

(K) A marihuana establishment shall not sell or otherwise 4137
transfer tobacco. 4138

Sec. 3775.10. (A) If the department of commerce or 4139
marijuana regulatory agency does not timely adopt rules or 4140
accept or process applications as specified in this section, 4141
beginning one year after the effective date of this section, an 4142
applicant may submit an application for a marihuana 4143
establishment directly to the municipality or township where the 4144
marihuana establishment will be located, if the municipality or 4145
township has adopted ordinances or resolutions as necessary to 4146
process applications and oversee licensees. 4147

(B) If a marihuana establishment submits an application to 4148

a municipality or township under this section, the municipality 4149
or township shall issue a local license to the applicant within 4150
ninety days after receipt of the application unless the 4151
municipality or township finds and notifies the applicant that 4152
the applicant is not in compliance with an ordinance, 4153
resolution, or rule adopted pursuant to this chapter. 4154

(C) If a municipality or township issues a local license 4155
pursuant to this section, the municipality or township shall 4156
notify the department of commerce that the local license has 4157
been issued. 4158

(D) A local license has the same force and effect as a 4159
state license. 4160

(E) The holder of a local license is not subject to 4161
regulation or enforcement by the department of commerce during 4162
the local license term. 4163

(F) If, after the term of a local license has expired, the 4164
department of commerce or marijuana regulatory agency has 4165
adopted rules and is accepting applications as specified under 4166
this chapter, the local license holder shall apply for a new 4167
license with the agency. 4168

Sec. 3775.11. This chapter shall be broadly construed to 4169
accomplish its intent as stated in section 3775.01 of the 4170
Revised Code. Nothing in this chapter purports to supersede any 4171
applicable federal law, except where allowed by federal law. All 4172
provisions of this chapter are self-executing. 4173

Sec. 4510.17. (A) The registrar of motor vehicles shall 4174
impose a class D suspension of the person's driver's license, 4175
commercial driver's license, temporary instruction permit, 4176
probationary license, or nonresident operating privilege for the 4177

period of time specified in division (B) (4) of section 4510.02 4178
of the Revised Code on any person who is a resident of this 4179
state and is convicted of or pleads guilty to a violation of a 4180
statute of any other state or any federal statute that is 4181
substantially similar to section 2925.02, 2925.03, 2925.04, 4182
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 4183
~~2925.141~~, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 4184
2925.37 of the Revised Code. Upon receipt of a report from a 4185
court, court clerk, or other official of any other state or from 4186
any federal authority that a resident of this state was 4187
convicted of or pleaded guilty to an offense described in this 4188
division, the registrar shall send a notice by regular first 4189
class mail to the person, at the person's last known address as 4190
shown in the records of the bureau of motor vehicles, informing 4191
the person of the suspension, that the suspension will take 4192
effect twenty-one days from the date of the notice, and that, if 4193
the person wishes to appeal the suspension or denial, the person 4194
must file a notice of appeal within twenty-one days of the date 4195
of the notice requesting a hearing on the matter. If the person 4196
requests a hearing, the registrar shall hold the hearing not 4197
more than forty days after receipt by the registrar of the 4198
notice of appeal. The filing of a notice of appeal does not stay 4199
the operation of the suspension that must be imposed pursuant to 4200
this division. The scope of the hearing shall be limited to 4201
whether the person actually was convicted of or pleaded guilty 4202
to the offense for which the suspension is to be imposed. 4203

The suspension the registrar is required to impose under 4204
this division shall end either on the last day of the class D 4205
suspension period or of the suspension of the person's 4206
nonresident operating privilege imposed by the state or federal 4207
court, whichever is earlier. 4208

The registrar shall subscribe to or otherwise participate 4209
in any information system or register, or enter into reciprocal 4210
and mutual agreements with other states and federal authorities, 4211
in order to facilitate the exchange of information with other 4212
states and the United States government regarding persons who 4213
plead guilty to or are convicted of offenses described in this 4214
division and therefore are subject to the suspension or denial 4215
described in this division. 4216

(B) The registrar shall impose a class D suspension of the 4217
person's driver's license, commercial driver's license, 4218
temporary instruction permit, probationary license, or 4219
nonresident operating privilege for the period of time specified 4220
in division (B) (4) of section 4510.02 of the Revised Code on any 4221
person who is a resident of this state and is convicted of or 4222
pleads guilty to a violation of a statute of any other state or 4223
a municipal ordinance of a municipal corporation located in any 4224
other state that is substantially similar to section 4511.19 of 4225
the Revised Code. Upon receipt of a report from another state 4226
made pursuant to section 4510.61 of the Revised Code indicating 4227
that a resident of this state was convicted of or pleaded guilty 4228
to an offense described in this division, the registrar shall 4229
send a notice by regular first class mail to the person, at the 4230
person's last known address as shown in the records of the 4231
bureau of motor vehicles, informing the person of the 4232
suspension, that the suspension or denial will take effect 4233
twenty-one days from the date of the notice, and that, if the 4234
person wishes to appeal the suspension, the person must file a 4235
notice of appeal within twenty-one days of the date of the 4236
notice requesting a hearing on the matter. If the person 4237
requests a hearing, the registrar shall hold the hearing not 4238
more than forty days after receipt by the registrar of the 4239

notice of appeal. The filing of a notice of appeal does not stay 4240
the operation of the suspension that must be imposed pursuant to 4241
this division. The scope of the hearing shall be limited to 4242
whether the person actually was convicted of or pleaded guilty 4243
to the offense for which the suspension is to be imposed. 4244

The suspension the registrar is required to impose under 4245
this division shall end either on the last day of the class D 4246
suspension period or of the suspension of the person's 4247
nonresident operating privilege imposed by the state or federal 4248
court, whichever is earlier. 4249

(C) The registrar shall impose a class D suspension of the 4250
child's driver's license, commercial driver's license, temporary 4251
instruction permit, or nonresident operating privilege for the 4252
period of time specified in division (B) (4) of section 4510.02 4253
of the Revised Code on any child who is a resident of this state 4254
and is convicted of or pleads guilty to a violation of a statute 4255
of any other state or any federal statute that is substantially 4256
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 4257
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141~~, 2925.22, 4258
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 4259
Code. Upon receipt of a report from a court, court clerk, or 4260
other official of any other state or from any federal authority 4261
that a child who is a resident of this state was convicted of or 4262
pleaded guilty to an offense described in this division, the 4263
registrar shall send a notice by regular first class mail to the 4264
child, at the child's last known address as shown in the records 4265
of the bureau of motor vehicles, informing the child of the 4266
suspension, that the suspension or denial will take effect 4267
twenty-one days from the date of the notice, and that, if the 4268
child wishes to appeal the suspension, the child must file a 4269
notice of appeal within twenty-one days of the date of the 4270

notice requesting a hearing on the matter. If the child requests 4271
a hearing, the registrar shall hold the hearing not more than 4272
forty days after receipt by the registrar of the notice of 4273
appeal. The filing of a notice of appeal does not stay the 4274
operation of the suspension that must be imposed pursuant to 4275
this division. The scope of the hearing shall be limited to 4276
whether the child actually was convicted of or pleaded guilty to 4277
the offense for which the suspension is to be imposed. 4278

The suspension the registrar is required to impose under 4279
this division shall end either on the last day of the class D 4280
suspension period or of the suspension of the child's 4281
nonresident operating privilege imposed by the state or federal 4282
court, whichever is earlier. If the child is a resident of this 4283
state who is sixteen years of age or older and does not have a 4284
current, valid Ohio driver's or commercial driver's license or 4285
permit, the notice shall inform the child that the child will be 4286
denied issuance of a driver's or commercial driver's license or 4287
permit for six months beginning on the date of the notice. If 4288
the child has not attained the age of sixteen years on the date 4289
of the notice, the notice shall inform the child that the period 4290
of denial of six months shall commence on the date the child 4291
attains the age of sixteen years. 4292

The registrar shall subscribe to or otherwise participate 4293
in any information system or register, or enter into reciprocal 4294
and mutual agreements with other states and federal authorities, 4295
in order to facilitate the exchange of information with other 4296
states and the United States government regarding children who 4297
are residents of this state and plead guilty to or are convicted 4298
of offenses described in this division and therefore are subject 4299
to the suspension or denial described in this division. 4300

(D) The registrar shall impose a class D suspension of the 4301
child's driver's license, commercial driver's license, temporary 4302
instruction permit, probationary license, or nonresident 4303
operating privilege for the period of time specified in division 4304
(B) (4) of section 4510.02 of the Revised Code on any child who 4305
is a resident of this state and is convicted of or pleads guilty 4306
to a violation of a statute of any other state or a municipal 4307
ordinance of a municipal corporation located in any other state 4308
that is substantially similar to section 4511.19 of the Revised 4309
Code. Upon receipt of a report from another state made pursuant 4310
to section 4510.61 of the Revised Code indicating that a child 4311
who is a resident of this state was convicted of or pleaded 4312
guilty to an offense described in this division, the registrar 4313
shall send a notice by regular first class mail to the child, at 4314
the child's last known address as shown in the records of the 4315
bureau of motor vehicles, informing the child of the suspension, 4316
that the suspension will take effect twenty-one days from the 4317
date of the notice, and that, if the child wishes to appeal the 4318
suspension, the child must file a notice of appeal within 4319
twenty-one days of the date of the notice requesting a hearing 4320
on the matter. If the child requests a hearing, the registrar 4321
shall hold the hearing not more than forty days after receipt by 4322
the registrar of the notice of appeal. The filing of a notice of 4323
appeal does not stay the operation of the suspension that must 4324
be imposed pursuant to this division. The scope of the hearing 4325
shall be limited to whether the child actually was convicted of 4326
or pleaded guilty to the offense for which the suspension is to 4327
be imposed. 4328

The suspension the registrar is required to impose under 4329
this division shall end either on the last day of the class D 4330
suspension period or of the suspension of the child's 4331

nonresident operating privilege imposed by the state or federal 4332
court, whichever is earlier. If the child is a resident of this 4333
state who is sixteen years of age or older and does not have a 4334
current, valid Ohio driver's or commercial driver's license or 4335
permit, the notice shall inform the child that the child will be 4336
denied issuance of a driver's or commercial driver's license or 4337
permit for six months beginning on the date of the notice. If 4338
the child has not attained the age of sixteen years on the date 4339
of the notice, the notice shall inform the child that the period 4340
of denial of six months shall commence on the date the child 4341
attains the age of sixteen years. 4342

(E) (1) Any person whose license or permit has been 4343
suspended pursuant to this section may file a petition in the 4344
municipal or county court, or in case the person is under 4345
eighteen years of age, the juvenile court, in whose jurisdiction 4346
the person resides, requesting limited driving privileges and 4347
agreeing to pay the cost of the proceedings. Except as provided 4348
in division (E) (2) or (3) of this section, the judge may grant 4349
the person limited driving privileges during the period during 4350
which the suspension otherwise would be imposed for any of the 4351
purposes set forth in division (A) of section 4510.021 of the 4352
Revised Code. 4353

(2) No judge shall grant limited driving privileges for 4354
employment as a driver of a commercial motor vehicle to any 4355
person who would be disqualified from operating a commercial 4356
motor vehicle under section 4506.16 of the Revised Code if the 4357
violation had occurred in this state. Further, no judge shall 4358
grant limited driving privileges during any of the following 4359
periods of time: 4360

(a) The first fifteen days of a suspension under division 4361

(B) or (D) of this section, if the person has not been convicted 4362
within ten years of the date of the offense giving rise to the 4363
suspension under this section of a violation of any of the 4364
following: 4365

(i) Section 4511.19 of the Revised Code, or a municipal 4366
ordinance relating to operating a vehicle while under the 4367
influence of alcohol, a drug of abuse, or alcohol and a drug of 4368
abuse; 4369

(ii) A municipal ordinance relating to operating a motor 4370
vehicle with a prohibited concentration of alcohol, a controlled 4371
substance, or a metabolite of a controlled substance in the 4372
whole blood, blood serum or plasma, breath, or urine; 4373

(iii) Section 2903.04 of the Revised Code in a case in 4374
which the person was subject to the sanctions described in 4375
division (D) of that section; 4376

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 4377
of section 2903.08 of the Revised Code or a municipal ordinance 4378
that is substantially similar to either of those divisions; 4379

(v) Division (A)(2), (3), or (4) of section 2903.06, 4380
division (A)(2) of section 2903.08, or as it existed prior to 4381
March 23, 2000, section 2903.07 of the Revised Code, or a 4382
municipal ordinance that is substantially similar to any of 4383
those divisions or that former section, in a case in which the 4384
jury or judge found that the person was under the influence of 4385
alcohol, a drug of abuse, or alcohol and a drug of abuse. 4386

(b) The first thirty days of a suspension under division 4387
(B) or (D) of this section, if the person has been convicted one 4388
time within ten years of the date of the offense giving rise to 4389
the suspension under this section of any violation identified in 4390

division (E) (1) (a) of this section. 4391

(c) The first one hundred eighty days of a suspension 4392
under division (B) or (D) of this section, if the person has 4393
been convicted two times within ten years of the date of the 4394
offense giving rise to the suspension under this section of any 4395
violation identified in division (E) (1) (a) of this section. 4396

(3) No limited driving privileges may be granted if the 4397
person has been convicted three or more times within five years 4398
of the date of the offense giving rise to a suspension under 4399
division (B) or (D) of this section of any violation identified 4400
in division (E) (1) (a) of this section. 4401

(4) In accordance with section 4510.022 of the Revised 4402
Code, a person may petition for, and a judge may grant, 4403
unlimited driving privileges with a certified ignition interlock 4404
device during the period of suspension imposed under division 4405
(B) or (D) of this section to a person described in division (E) 4406
(2) (a) of this section. 4407

(5) If a person petitions for limited driving privileges 4408
under division (E) (1) of this section or unlimited driving 4409
privileges with a certified ignition interlock device as 4410
provided in division (E) (4) of this section, the registrar shall 4411
be represented by the county prosecutor of the county in which 4412
the person resides if the petition is filed in a juvenile court 4413
or county court, except that if the person resides within a city 4414
or village that is located within the jurisdiction of the county 4415
in which the petition is filed, the city director of law or 4416
village solicitor of that city or village shall represent the 4417
registrar. If the petition is filed in a municipal court, the 4418
registrar shall be represented as provided in section 1901.34 of 4419
the Revised Code. 4420

(6) (a) In issuing an order granting limited driving 4421
privileges under division (E) (1) of this section, the court may 4422
impose any condition it considers reasonable and necessary to 4423
limit the use of a vehicle by the person. The court shall 4424
deliver to the person a copy of the order setting forth the 4425
time, place, and other conditions limiting the person's use of a 4426
motor vehicle. Unless division (E) (6) (b) of this section 4427
applies, the grant of limited driving privileges shall be 4428
conditioned upon the person's having the order in the person's 4429
possession at all times during which the person is operating a 4430
vehicle. 4431

(b) If, under the order, the court requires the use of an 4432
immobilizing or disabling device as a condition of the grant of 4433
limited or unlimited driving privileges, the person shall 4434
present to the registrar or to a deputy registrar the copy of 4435
the order granting limited driving privileges and a certificate 4436
affirming the installation of an immobilizing or disabling 4437
device that is in a form established by the director of public 4438
safety and is signed by the person who installed the device. 4439
Upon presentation of the order and the certificate to the 4440
registrar or a deputy registrar, the registrar or deputy 4441
registrar shall issue to the offender a restricted license, 4442
unless the offender's driver's or commercial driver's license or 4443
permit is suspended under any other provision of law and limited 4444
driving privileges have not been granted with regard to that 4445
suspension. A restricted license issued under this division 4446
shall be identical to an Ohio driver's license, except that it 4447
shall have printed on its face a statement that the offender is 4448
prohibited from operating any motor vehicle that is not equipped 4449
with an immobilizing or disabling device in violation of the 4450
order. 4451

(7) (a) Unless division (E) (7) (b) applies, a person granted 4452
limited driving privileges who operates a vehicle for other than 4453
limited purposes, in violation of any condition imposed by the 4454
court or without having the order in the person's possession, is 4455
guilty of a violation of section 4510.11 of the Revised Code. 4456

(b) No person who has been granted limited or unlimited 4457
driving privileges under division (E) of this section subject to 4458
an immobilizing or disabling device order shall operate a motor 4459
vehicle prior to obtaining a restricted license. Any person who 4460
violates this prohibition is subject to the penalties prescribed 4461
in section 4510.14 of the Revised Code. 4462

(c) The offenses established under division (E) (7) of this 4463
section are strict liability offenses and section 2901.20 of the 4464
Revised Code does not apply. 4465

(F) The provisions of division (A) (8) of section 4510.13 4466
of the Revised Code apply to a person who has been granted 4467
limited or unlimited driving privileges with a certified 4468
ignition interlock device under this section and who either 4469
commits an ignition interlock device violation as defined under 4470
section 4510.46 of the Revised Code or operates a motor vehicle 4471
that is not equipped with a certified ignition interlock device. 4472

(G) Any person whose license or permit has been suspended 4473
under division (A) or (C) of this section may file a petition in 4474
the municipal or county court, or in case the person is under 4475
eighteen years of age, the juvenile court, in whose jurisdiction 4476
the person resides, requesting the termination of the suspension 4477
and agreeing to pay the cost of the proceedings. If the court, 4478
in its discretion, determines that a termination of the 4479
suspension is appropriate, the court shall issue an order to the 4480
registrar to terminate the suspension. Upon receiving such an 4481

order, the registrar shall reinstate the license. 4482

(H) As used in divisions (C) and (D) of this section: 4483

(1) "Child" means a person who is under the age of 4484
eighteen years, except that any person who violates a statute or 4485
ordinance described in division (C) or (D) of this section prior 4486
to attaining eighteen years of age shall be deemed a "child" 4487
irrespective of the person's age at the time the complaint or 4488
other equivalent document is filed in the other state or a 4489
hearing, trial, or other proceeding is held in the other state 4490
on the complaint or other equivalent document, and irrespective 4491
of the person's age when the period of license suspension or 4492
denial prescribed in division (C) or (D) of this section is 4493
imposed. 4494

(2) "Is convicted of or pleads guilty to" means, as it 4495
relates to a child who is a resident of this state, that in a 4496
proceeding conducted in a state or federal court located in 4497
another state for a violation of a statute or ordinance 4498
described in division (C) or (D) of this section, the result of 4499
the proceeding is any of the following: 4500

(a) Under the laws that govern the proceedings of the 4501
court, the child is adjudicated to be or admits to being a 4502
delinquent child or a juvenile traffic offender for a violation 4503
described in division (C) or (D) of this section that would be a 4504
crime if committed by an adult; 4505

(b) Under the laws that govern the proceedings of the 4506
court, the child is convicted of or pleads guilty to a violation 4507
described in division (C) or (D) of this section; 4508

(c) Under the laws that govern the proceedings of the 4509
court, irrespective of the terminology utilized in those laws, 4510

the result of the court's proceedings is the functional 4511
equivalent of division (H) (2) (a) or (b) of this section. 4512

Sec. 5703.052. (A) There is hereby created in the state 4513
treasury the tax refund fund, from which refunds shall be paid 4514
for taxes illegally or erroneously assessed or collected, or for 4515
any other reason overpaid, that are levied by Chapter 4301., 4516
4305., 5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 4517
5741., 5743., 5747., 5748., 5749., 5751., ~~or 5753.~~, or 5755. and 4518
sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 4519
5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. 4520
Refunds for fees or wireless 9-1-1 charges illegally or 4521
erroneously assessed or collected, or for any other reason 4522
overpaid, that are levied by sections 128.42 or 3734.90 to 4523
3734.9014 of the Revised Code also shall be paid from the fund. 4524
Refunds for amounts illegally or erroneously assessed or 4525
collected by the tax commissioner, or for any other reason 4526
overpaid, that are due under section 1509.50 of the Revised Code 4527
shall be paid from the fund. Refunds for amounts illegally or 4528
erroneously assessed or collected by the commissioner, or for 4529
any other reason overpaid to the commissioner, under sections 4530
718.80 to 718.95 of the Revised Code shall be paid from the 4531
fund. However, refunds for taxes levied under section 5739.101 4532
of the Revised Code shall not be paid from the tax refund fund, 4533
but shall be paid as provided in section 5739.104 of the Revised 4534
Code. 4535

(B) (1) Upon certification by the tax commissioner to the 4536
treasurer of state of a tax refund, a wireless 9-1-1 charge 4537
refund, or another amount refunded, or by the superintendent of 4538
insurance of a domestic or foreign insurance tax refund, the 4539
treasurer of state shall place the amount certified to the 4540
credit of the fund. The certified amount transferred shall be 4541

derived from the receipts of the same tax, fee, wireless 9-1-1 charge, or other amount from which the refund arose.

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, or other amount that is not levied by the state or that was illegally or erroneously distributed to a taxing jurisdiction, the tax commissioner shall recover the amount of that refund from the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount that otherwise would be made to the taxing jurisdiction. If the amount to be recovered would exceed twenty-five per cent of the next distribution of that tax, fee, wireless 9-1-1 charge, or other amount, the commissioner may spread the recovery over more than one future distribution, taking into account the amount to be recovered and the amount of the anticipated future distributions. In no event may the commissioner spread the recovery over a period to exceed thirty-six months.

Sec. 5703.053. As used in this section, "postal service" means the United States postal service.

An application to the tax commissioner for a tax refund under section 4307.05, 4307.07, 718.91, 5726.30, 5727.28, 5727.91, 5728.061, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5736.08, 5739.07, 5741.10, 5743.05, 5743.53, 5745.11, 5749.08, ~~or 5751.08,~~ or 5755.07 of the Revised Code or division (B) of section 5703.05 of the Revised Code, or a fee refunded under section 3734.905 of the Revised Code, that is received after the last day for filing under such section shall be considered to have been filed in a timely manner if:

(A) The application is delivered by the postal service and the earliest postal service postmark on the cover in which the application is enclosed is not later than the last day for

filing the application; 4572

(B) The application is delivered by the postal service, 4573
the only postmark on the cover in which the application is 4574
enclosed was affixed by a private postal meter, the date of that 4575
postmark is not later than the last day for filing the 4576
application, and the application is received within seven days 4577
of such last day; or 4578

(C) The application is delivered by the postal service, no 4579
postmark date was affixed to the cover in which the application 4580
is enclosed or the date of the postmark so affixed is not 4581
legible, and the application is received within seven days of 4582
the last day for making the application. 4583

Sec. 5703.19. (A) To carry out the purposes of the laws 4584
that the tax commissioner is required to administer, the 4585
commissioner or any person employed by the commissioner for that 4586
purpose, upon demand, may inspect books, accounts, records, and 4587
memoranda of any person or public utility subject to those laws, 4588
and may examine under oath any officer, agent, or employee of 4589
that person or public utility. Any person other than the 4590
commissioner who makes a demand pursuant to this section shall 4591
produce the person's authority to make the inspection. 4592

(B) If a person or public utility receives at least ten 4593
days' written notice of a demand made under division (A) of this 4594
section and refuses to comply with that demand, a penalty of 4595
five hundred dollars shall be imposed upon the person or public 4596
utility for each day the person or public utility refuses to 4597
comply with the demand. Penalties imposed under this division 4598
may be assessed and collected in the same manner as assessments 4599
made under Chapter 3769., 4305., 5727., 5728., 5733., 5735., 4600
5736., 5739., 5743., 5745., 5747., 5749., 5751., ~~or~~ 5753., or 4601

5755., or under sections 718.90~~7~~or 3734.90 to 3734.9014~~7~~ of the Revised Code. 4602
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Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the Revised Code: 4604
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(A) "Tax" includes only those taxes imposed on tangible personal property listed in accordance with Chapter 5711. of the Revised Code, taxes imposed under Chapters 5733., 5736., 5739., 5741., 5747., ~~and 5751.~~, and 5755. of the Revised Code, and the tax administered under sections 718.80 to 718.95 of the Revised Code. 4606
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(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code. 4612
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(C) "Audit" means the examination of a taxpayer or the inspection of the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax. 4615
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(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 718.90, 5711.26, 5711.32, 5733.11, 5736.09, 5739.13, 5741.11, 5741.13, 5747.13, ~~or 5751.09,~~ or 5755.08 of the Revised Code. 4618
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(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located. 4622
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Sec. 5703.70. (A) On the filing of an application for refund under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, ~~or 5753.06,~~ or 5755.07 of the Revised Code, or an 4625
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application for compensation under section 5739.061 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both.

(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall take no further action, and the refund or compensation amount denied becomes final.

(C) (1) If the applicant requests a hearing within the time prescribed by division (A) of this section, the tax commissioner shall assign a time and place for the hearing and notify the applicant of such time and place, but the commissioner may continue the hearing from time to time as necessary. After the hearing, the commissioner may make such adjustments to the refund or compensation as the commissioner finds proper, and shall issue a final determination thereon.

(2) If the applicant does not request a hearing, but provides additional information, within the time prescribed by division (A) of this section, the commissioner shall review the information, make such adjustments to the refund or compensation as the commissioner finds proper, and issue a final determination thereon.

(3) The commissioner shall serve a copy of the final 4661
determination made under division (C) (1) or (2) of this section 4662
on the applicant in the manner provided in section 5703.37 of 4663
the Revised Code, and the decision is final, subject to appeal 4664
under section 5717.02 of the Revised Code. 4665

(D) The tax commissioner shall certify to the director of 4666
budget and management and treasurer of state for payment from 4667
the tax refund fund created by section 5703.052 of the Revised 4668
Code, the amount of the refund to be refunded under division (B) 4669
or (C) of this section. The commissioner also shall certify to 4670
the director and treasurer of state for payment from the general 4671
revenue fund the amount of compensation to be paid under 4672
division (B) or (C) of this section. 4673

Sec. 5703.77. (A) As used in this section: 4674

(1) "Taxpayer" means a person subject to or previously 4675
subject to a tax or fee, a person that remits a tax or fee, or a 4676
person required to or previously required to withhold or collect 4677
and remit a tax or fee on behalf of another person. 4678

(2) "Tax or fee" means a tax or fee administered by the 4679
tax commissioner. 4680

(3) "Credit account balance" means the amount of a tax or 4681
fee that a taxpayer remits to the state in excess of the amount 4682
required to be remitted, after accounting for factors applicable 4683
to the taxpayer such as accelerated payments, estimated 4684
payments, tax credits, and tax credit balances that may be 4685
carried forward. 4686

(4) "Tax debt" means an unpaid tax or fee or any unpaid 4687
penalty, interest, or additional charge on such a tax or fee due 4688
the state. 4689

(B) As soon as practicable, but not later than sixty days 4690
before the expiration of the period of time during which a 4691
taxpayer may file a refund application for a tax or fee, the tax 4692
commissioner shall review the taxpayer's accounts for the tax or 4693
fee and notify the taxpayer of any credit account balance for 4694
which the commissioner is required to issue a refund if the 4695
taxpayer were to file a refund application for that balance, 4696
regardless of whether the taxpayer files a refund application or 4697
amended return with respect to that tax or fee. The notice shall 4698
be made using contact information for the taxpayer on file with 4699
the commissioner. 4700

(C) Notwithstanding sections 128.47, 3734.905, 4307.05, 4701
5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 5736.08, 4702
5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 4703
5751.08, 5753.06, 5755.07, and any other section of the Revised 4704
Code governing refunds of taxes or fees, the commissioner may 4705
apply the amount of any credit account balance for which the 4706
commissioner is required to issue a refund if the taxpayer were 4707
to file a refund application for that balance as a credit 4708
against the taxpayer's liability for the tax or fee in the 4709
taxpayer's next reporting period for that tax or fee or issue a 4710
refund of that credit account balance to the taxpayer, subject 4711
to division (D) of this section. 4712

(D) Before issuing a refund to a taxpayer under division 4713
(C) of this section, the tax commissioner shall withhold from 4714
that refund the amount of any of the taxpayer's tax debt 4715
certified to the attorney general under section 131.02 of the 4716
Revised Code and the amount of the taxpayer's liability, if any, 4717
for a tax or fee. The commissioner shall apply any amount 4718
withheld first in satisfaction of the amount of the taxpayer's 4719
certified tax debt and then in satisfaction of the taxpayer's 4720

liability. 4721

(E) The tax commissioner may adopt rules to administer 4722
this section. 4723

Sec. 5755.01. As used in this chapter: 4724

(A) "Marihuana receipts" means the total amount received 4725
by a marihuana retailer or marihuana microbusiness, without 4726
deduction for the cost of goods sold, taxes paid, or other 4727
expenses incurred, from the sale or other disposition of 4728
marihuana to consumers as authorized under Chapter 3775. of the 4729
Revised Code. 4730

(B) "Calendar quarter" means a three-month period ending 4731
on the thirty-first day of March, the thirtieth day of June, the 4732
thirtieth day of September, or the thirty-first day of December. 4733

(C) "Tax period" means the calendar quarter on the basis 4734
of which a taxpayer is required to pay the tax imposed under 4735
this chapter. 4736

(D) "Agent" and "received" have the same meanings as in 4737
section 5751.01 of the Revised Code. 4738

(E) "Marihuana" has the same meaning as in section 3775.02 4739
of the Revised Code and includes marihuana-infused products. 4740
"Marihuana" does not include medical marijuana as defined in 4741
section 3796.01 of the Revised Code. 4742

(F) "Sale" includes exchange, barter, gift, offer for 4743
sale, and distribution, and includes transactions in interstate 4744
or foreign commerce. 4745

(G) "Consumer" means a person twenty-one years of age or 4746
older who purchases marihuana for personal use, but not for 4747
resale to others. 4748

(H) "Taxpayer" means any person liable for the tax imposed 4749
by this chapter. 4750

(I) "Marijuana regulatory agency" means the marijuana 4751
regulatory agency created within the department of commerce by 4752
section 3775.06 of the Revised Code. 4753

(J) "Marihuana retail store" means the location at which a 4754
marihuana retailer or marihuana microbusiness sells or otherwise 4755
disposes of marihuana to consumers as authorized under Chapter 4756
3775. of the Revised Code. 4757

(K) "Marihuana retailer," "marihuana microbusiness," and 4758
"marihuana-infused product" have the same meanings as in section 4759
3775.02 of the Revised Code. 4760

Sec. 5755.02. (A) For the purposes of providing revenue to 4761
counties and municipal corporations that have marihuana retail 4762
stores in their territory, funding primary and secondary 4763
education, funding the construction, repair, and maintenance of 4764
public roads, funding clinical trials researching the efficacy 4765
of marihuana in treating the medical conditions of veterans and 4766
preventing veteran suicide, and reimbursing the state for the 4767
expense of administering this chapter, the following tax is 4768
hereby levied: 4769

On each marihuana retailer or marihuana microbusiness with 4770
marihuana receipts, an excise tax of ten per cent of a marihuana 4771
retailer's or marihuana microbusiness' marihuana receipts for 4772
the tax period. 4773

(B) The tax imposed by this section is in addition to any 4774
other taxes or fees imposed under the Revised Code. The tax is 4775
part of the price for purposes of sales and use taxes levied 4776
under Chapters 5739. and 5741. of the Revised Code. 4777

Sec. 5755.03. (A) Not later than thirty days after first 4778
receiving marihuana receipts, a marihuana retailer or marihuana 4779
microbusiness shall register with the tax commissioner by 4780
submitting all of the following: 4781

(1) A copy of the license or licenses issued to the 4782
registrant under section 3775.07 of the Revised Code; 4783

(2) The registrant's federal employer identification 4784
number or social security number or equivalent, as applicable; 4785

(3) All other information that the commissioner requires 4786
to administer and enforce this chapter. 4787

(B) If a marihuana retailer or marihuana microbusiness 4788
that is required to register with the commissioner does not do 4789
so within the time prescribed by division (A) of this section, 4790
an additional fee is imposed in the amount of one hundred 4791
dollars per month or part thereof that the fee is outstanding, 4792
not to exceed one thousand dollars. The commissioner may abate 4793
the additional fee for good cause. The fee may be assessed in 4794
the same manner as the tax imposed under this chapter. 4795

(C) Proceeds from the fees imposed under division (B) of 4796
this section shall be credited to the marihuana tax 4797
administration fund created in section 5755.13 of the Revised 4798
Code. 4799

(D) A marihuana retailer or marihuana microbusiness that 4800
is registered with the commissioner under division (A) of this 4801
section shall notify the commissioner if any of the following 4802
occur with respect to a license issued to the registrant under 4803
section 3775.07 of the Revised Code: 4804

(1) The license expires or is revoked; 4805

(2) A change to the activities in which the taxpayer is 4806
permitted to engage, including delivering, dispensing, 4807
distributing, manufacturing, or selling marihuana; 4808

(3) A change in the locations or facilities in which the 4809
taxpayer is permitted to engage in such activities. 4810

Sec. 5755.04. Not later than the tenth day of the second 4811
month after the end of each calendar quarter, every taxpayer 4812
shall file with the tax commissioner a return for the preceding 4813
calendar quarter showing any information the commissioner finds 4814
necessary for the proper administration of this chapter, 4815
together with remittance of the tax due. 4816

Sec. 5755.05. (A) Any taxpayer that fails to file a return 4817
or pay the full amount of the tax due within the period 4818
prescribed under section 5755.04 of the Revised Code shall pay a 4819
penalty in an amount not exceeding the greater of fifty dollars 4820
or ten per cent of the tax required to be paid for the tax 4821
period. 4822

(B) (1) If any additional tax is found to be due, the tax 4823
commissioner may impose an additional penalty of up to fifteen 4824
per cent of the additional tax found to be due. 4825

(2) Any delinquent payments made after a taxpayer is 4826
notified of an audit or a tax discrepancy by the commissioner 4827
are subject to the penalty imposed by division (B) (1) of this 4828
section. If an assessment is issued under section 5755.08 of the 4829
Revised Code in connection with such delinquent payments, the 4830
payments shall be credited to the assessment. 4831

(C) If the commissioner notifies a taxpayer required to 4832
register under section 5755.03 of the Revised Code of such 4833
requirement and of the requirement to remit the tax due under 4834

this chapter, and the taxpayer fails to so register and remit 4835
the tax within sixty days after the notice, the commissioner may 4836
impose an additional penalty of up to thirty-five per cent of 4837
the tax due. The penalty imposed under this division is in 4838
addition to any other penalties imposed under this section. 4839

(D) The commissioner may collect any penalty or interest 4840
imposed by this section in the same manner as the tax imposed 4841
under this chapter. Penalties and interest so collected shall be 4842
considered as revenue arising from the tax imposed under this 4843
chapter. 4844

(E) The commissioner may abate all or a portion of any 4845
penalties imposed under this section and may adopt rules 4846
governing such abatements. 4847

(F) If any tax due is not timely paid within the period 4848
prescribed under section 5755.04 of the Revised Code, the 4849
taxpayer shall pay interest, calculated at the rate per annum 4850
prescribed by section 5703.47 of the Revised Code, from the date 4851
the tax payment was due to the date of payment or to the date an 4852
assessment was issued, whichever occurs first. 4853

(G) The commissioner may impose a penalty of up to ten per 4854
cent for any additional tax that is due from a taxpayer that 4855
reports incorrect information. 4856

Sec. 5755.06. (A) Any taxpayer required to file returns 4857
under section 5755.04 of the Revised Code shall remit each tax 4858
payment, and, if required by the tax commissioner, file the tax 4859
return or the annual report, electronically. The commissioner 4860
may require taxpayers to use the Ohio business gateway as 4861
defined in section 718.01 of the Revised Code to file returns 4862
and remit the taxes, or may provide another means for taxpayers 4863

to file and remit the taxes electronically. 4864

(B) A taxpayer required to remit taxes or file returns 4865
electronically under division (A) of this section may apply to 4866
the commissioner, on a form prescribed by the commissioner, to 4867
be excused from that requirement. The commissioner may excuse a 4868
taxpayer from the requirements of this section for good cause. 4869

(C) (1) If a taxpayer required to remit tax or file a 4870
return electronically under division (A) of this section fails 4871
to do so, the commissioner may impose a penalty not to exceed 4872
the following: 4873

(a) For either of the first two tax periods the taxpayer 4874
so fails, the greater of twenty-five dollars or five per cent of 4875
the amount of the payment that was required to be remitted; 4876

(b) For the third and any subsequent tax periods the 4877
taxpayer so fails, the greater of fifty dollars or ten per cent 4878
of the amount of the payment that was required to be remitted. 4879

(2) The penalty imposed under division (C) (1) of this 4880
section is in addition to any other penalty imposed under this 4881
chapter and shall be considered as revenue arising from the tax 4882
imposed under this chapter. A penalty may be collected by 4883
assessment in the manner prescribed by section 5755.08 of the 4884
Revised Code. The commissioner may abate all or a portion of 4885
such a penalty. 4886

(D) The commissioner may adopt rules necessary to 4887
administer this section. 4888

Sec. 5755.07. (A) An application for refund to the 4889
taxpayer of the amount of tax imposed under this chapter that is 4890
overpaid, paid illegally or erroneously, or paid on any illegal 4891
or erroneous assessment shall be filed by the taxpayer with the 4892

tax commissioner, on a form prescribed by the commissioner, 4893
within four years after the date of the illegal or erroneous 4894
payment of the taxes, or within any additional period allowed 4895
under division (F) of section 5755.08 of the Revised Code. The 4896
applicant shall provide the amount of the requested refund along 4897
with the claimed reasons for, and documentation to support, the 4898
issuance of a refund. 4899

(B) On the filing of the refund application, the 4900
commissioner shall determine the amount of refund to which the 4901
applicant is entitled. If the amount is not less than that 4902
claimed, the commissioner shall certify the amount to the 4903
director of budget and management and treasurer of state for 4904
payment from the tax refund fund created under section 5703.052 4905
of the Revised Code. If the amount is less than that claimed, 4906
the commissioner shall proceed in accordance with section 4907
5703.70 of the Revised Code. 4908

(C) Interest on a refund applied for under this section, 4909
computed at the rate provided for in section 5703.47 of the 4910
Revised Code, shall be allowed from the later of the date the 4911
tax was paid or when the tax payment was due. 4912

(D) Except as provided in section 5755.071 of the Revised 4913
Code, the commissioner may, with the consent of the taxpayer, 4914
provide for the crediting, against tax due for any tax period, 4915
of the amount of any refund due to the taxpayer under this 4916
section for a preceding tax period. 4917

Sec. 5755.071. As used in this section, "debt to this 4918
state" means unpaid taxes due the state, unpaid workers' 4919
compensation premiums due under section 4123.35 of the Revised 4920
Code, unpaid unemployment compensation contributions due under 4921
section 4141.25 of the Revised Code, unpaid unemployment 4922

compensation payment in lieu of contribution under section 4923
4141.241 of the Revised Code, unpaid fees payable to the state 4924
or to the clerk of courts pursuant to section 4505.06 of the 4925
Revised Code, incorrect payments for medicaid services under the 4926
medicaid program, or any unpaid charge, penalty, or interest 4927
arising from any of the foregoing. 4928

If a taxpayer entitled to a refund under section 5755.07 4929
of the Revised Code owes any debt to this state, the amount 4930
refundable may be applied in satisfaction of the debt. If the 4931
amount refundable is less than the amount of the debt, it may be 4932
applied in partial satisfaction of the debt. If the amount 4933
refundable is greater than the amount of the debt, the amount 4934
remaining after satisfaction of the debt shall be refunded. This 4935
section applies only to debts that have become final. For the 4936
purposes of this section, a debt becomes final when, under the 4937
applicable law, any time provided for petition for reassessment, 4938
request for reconsideration, or other appeal of the legality or 4939
validity of the amount giving rise to the debt expires without 4940
an appeal having been filed in the manner provided by law. 4941

Sec. 5755.08. (A) The tax commissioner may make an 4942
assessment, based on any information in the commissioner's 4943
possession, against any person that fails to file a return or 4944
pay tax as required under section 5755.04 of the Revised Code. 4945
The commissioner shall give the person assessed written notice 4946
of the assessment as provided in section 5703.37 of the Revised 4947
Code. With the notice, the commissioner shall provide 4948
instructions on the manner in which to petition for reassessment 4949
and request a hearing with respect to the petition. 4950

(B) Unless the person assessed, within sixty days after 4951
service of the notice of assessment, files with the 4952

commissioner, either personally or by certified mail, a written 4953
petition signed by the person or the person's authorized agent 4954
having knowledge of the facts, the assessment becomes final, and 4955
the amount of the assessment is due and payable from the person 4956
assessed to the treasurer of state. The petition shall indicate 4957
the objections of the person assessed, but additional objections 4958
may be raised in writing if received by the commissioner before 4959
the date shown on the final determination. 4960

If a petition for reassessment has been properly filed, 4961
the commissioner shall proceed under section 5703.60 of the 4962
Revised Code. 4963

(C) (1) After an assessment becomes final, if any portion 4964
of the assessment, including accrued interest, remains unpaid, a 4965
certified copy of the commissioner's entry making the assessment 4966
final may be filed in the office of the clerk of the court of 4967
common pleas in the county in which the person resides or has 4968
its principal place of business in this state, or in the office 4969
of the clerk of the court of common pleas of Franklin county. 4970

(2) Immediately upon the filing of the entry, the clerk 4971
shall enter judgment for the state against the person assessed 4972
in the amount shown on the entry. The judgment may be filed by 4973
the clerk in a loose-leaf book entitled "special judgments for 4974
the marihuana excise taxes" and shall have the same effect as 4975
other judgments. Execution shall issue upon the judgment at the 4976
request of the commissioner, and all laws applicable to sales on 4977
execution shall apply to sales made under the judgment. 4978

(3) If the assessment is not paid in its entirety within 4979
sixty days after the day the assessment was issued, the portion 4980
of the assessment consisting of tax due shall bear interest at 4981
the rate per annum prescribed by section 5703.47 of the Revised 4982

Code from the day the commissioner issues the assessment until 4983
it is paid or until it is certified to the attorney general for 4984
collection under section 131.02 of the Revised Code, whichever 4985
comes first. If the unpaid portion of the assessment is 4986
certified to the attorney general for collection, the entire 4987
unpaid portion of the assessment shall bear interest at the rate 4988
per annum prescribed by section 5703.47 of the Revised Code from 4989
the date of certification until the date it is paid in its 4990
entirety. Interest shall be paid in the same manner as the tax 4991
imposed by this chapter and may be collected by the issuance of 4992
an assessment under this section. 4993

(D) If the commissioner believes that collection of the 4994
tax imposed by this chapter will be jeopardized unless 4995
proceedings to collect or secure collection of the tax is 4996
instituted without delay, the commissioner may issue a jeopardy 4997
assessment against the person liable for the tax. Immediately 4998
upon the issuance of the jeopardy assessment, the commissioner 4999
shall file an entry with the clerk of the court of common pleas 5000
in the manner prescribed by division (C) of this section. Notice 5001
of the jeopardy assessment shall be served on the person 5002
assessed or the person's authorized agent in the manner provided 5003
in section 5703.37 of the Revised Code within five days of the 5004
filing of the entry with the clerk. The total amount assessed is 5005
immediately due and payable unless the person assessed files a 5006
petition for reassessment in accordance with division (B) of 5007
this section and provides security in a form satisfactory to the 5008
commissioner and in an amount sufficient to satisfy the unpaid 5009
balance of the assessment. Full or partial payment of the 5010
assessment does not prejudice the commissioner's consideration 5011
of the petition for reassessment. 5012

(E) The commissioner shall immediately forward to the 5013

treasurer of state all amounts the commissioner receives under 5014
this section, and such amounts shall be considered as revenue 5015
arising from the tax imposed under this chapter. 5016

(F) Except as otherwise provided in this division, no 5017
assessment shall be made or issued against a taxpayer for the 5018
tax imposed under this chapter more than four years after the 5019
due date for the filing of the return for the tax period for 5020
which the tax was reported, or more than four years after the 5021
return for the tax period was filed, whichever is later. The 5022
time limit may be extended if both the taxpayer and the 5023
commissioner consent in writing to the extension or enter into 5024
an agreement waiving or extending the time limit. Any such 5025
extension shall extend the four-year time limit in division (A) 5026
of section 5755.07 of the Revised Code for the same period of 5027
time. Nothing in this division bars an assessment against a 5028
taxpayer that fails to file a return required under section 5029
5755.04 of the Revised Code or that files a fraudulent return. 5030

(G) If the commissioner possesses information that 5031
indicates that the amount of tax a taxpayer is required to pay 5032
under division (A) of section 5755.02 of the Revised Code 5033
exceeds the amount the taxpayer paid, the commissioner may audit 5034
a sample of the taxpayer's marihuana receipts over a 5035
representative period of time to ascertain the amount of tax 5036
due, and may issue an assessment based on the audit. The 5037
commissioner shall make a good faith effort to reach agreement 5038
with the taxpayer in selecting a representative sample. The 5039
commissioner may apply a sampling method only if the 5040
commissioner has prescribed the method by rule. 5041

(H) If the whereabouts of a person subject to this chapter 5042
is not known to the tax commissioner, the commissioner shall 5043

follow the procedures under section 5703.37 of the Revised Code. 5044

Sec. 5755.09. If any person liable for the tax imposed 5045
under this chapter sells the trade or business, disposes in any 5046
manner other than in the regular course of business at least 5047
seventy-five per cent of assets of the trade or business, or 5048
quits the trade or business, any tax owed by such person shall 5049
become due and payable immediately, and the person shall pay the 5050
tax due under this chapter, including any applicable penalties 5051
and interest, within forty-five days after the date of selling 5052
or quitting the trade or business. The person's successor shall 5053
withhold a sufficient amount of the purchase money to cover the 5054
amount due and unpaid until the former owner produces a receipt 5055
from the tax commissioner showing that the amounts are paid or a 5056
certificate indicating that no tax is due. If a purchaser fails 5057
to withhold purchase money, that person is personally liable, up 5058
to the purchase money amount, for such amounts that are unpaid 5059
during the operation of the business by the former owner. 5060

The commissioner may adopt rules regarding the issuance of 5061
certificates under this section, including the waiver of the 5062
need for a certificate if certain criteria are met. 5063

Sec. 5755.10. If any person subject to this chapter fails 5064
to report or pay the tax as required under section 5755.04 of 5065
the Revised Code, or fails to pay any penalty imposed under this 5066
chapter within ninety days after the time prescribed for payment 5067
of the penalty, the attorney general, on the request of the tax 5068
commissioner, shall commence an action in quo warranto in the 5069
court of appeals of the county in which the person resides or 5070
has its principal place of business to forfeit and annul the 5071
person's licenses issued under section 3775.07 of the Revised 5072
Code. If the court finds that the person is in default for the 5073

amount claimed, it shall render judgment revoking the person's 5074
registration and shall otherwise proceed as provided in Chapter 5075
2733. of the Revised Code. 5076

Sec. 5755.11. (A) The tax commissioner may prescribe 5077
requirements for the keeping of records and other pertinent 5078
documents, the filing of copies of federal income tax returns 5079
and determinations, and computations reconciling federal income 5080
tax returns with the returns and reports required by section 5081
5755.04 of the Revised Code. The commissioner may require any 5082
person, by rule or notice served on that person, to keep those 5083
records that the commissioner considers necessary to show 5084
whether, and the extent to which, a person is subject to this 5085
chapter. 5086

(B) Each taxpayer shall maintain complete and accurate 5087
records of all purchases and sales of marihuana, and shall 5088
procure and retain all invoices, bills of lading, and other 5089
documents relating to the purchases and sales of marihuana. No 5090
person shall make a false entry upon any invoice or record upon 5091
which an entry is required by this section and no person shall 5092
present any false entry for the inspection of the commissioner 5093
with the intent to evade the tax levied under this chapter. 5094

(C) The records described in divisions (A) and (B) of this 5095
section and other documents shall be open during business hours 5096
to the inspection of the commissioner, and shall be preserved 5097
for a period of four years, unless the commissioner, in writing, 5098
consents to their destruction within that period, or by order 5099
requires that they be kept for a longer period. If such records 5100
are normally kept by the person electronically, the person shall 5101
provide such records to the commissioner electronically at the 5102
commissioner's request. 5103

(D) Any information acquired by the commissioner under 5104
this chapter is confidential as provided for in section 5703.21 5105
of the Revised Code, except that the commissioner shall make 5106
public an electronic list of all actively registered persons 5107
required to remit the tax under this chapter, including legal 5108
names, trade names, addresses, and account numbers. In addition, 5109
the list shall include all persons that canceled their 5110
registration at any time during the preceding four calendar 5111
years, including the effective date of the cancellation. 5112

Sec. 5755.12. (A) No person shall prepare for shipment, 5113
ship, transport, deliver, prepare for distribution, or 5114
distribute marihuana, or otherwise engage or participate in the 5115
business of distributing marihuana, with the intent to avoid 5116
payment of the tax levied by this chapter. 5117

(B) The tax commissioner or an agent of the commissioner 5118
may enter and inspect the facilities and records of a person 5119
selling marihuana. Such entrance and inspection requires a 5120
properly issued search warrant if conducted outside the normal 5121
business hours of the person, but does not require a search 5122
warrant if conducted during the normal business hours of the 5123
person. No person shall prevent or hinder the commissioner or an 5124
agent of the commissioner from carrying out the authority 5125
granted under this division. 5126

(C) Whenever the commissioner discovers marihuana subject 5127
to the tax levied by this chapter upon which the tax has not 5128
been paid or the commissioner has reason to believe the tax is 5129
being avoided, the commissioner may seize and take possession of 5130
the marihuana, which, upon seizure, shall be forfeited to the 5131
state. Within a reasonable time after seizure, the commissioner 5132
may sell the forfeited marihuana. From the proceeds of this 5133

sale, the commissioner shall pay the costs incurred in the 5134
seizure and sale, and any proceeds remaining after the sale 5135
shall be considered as revenue arising from the tax. The seizure 5136
and sale shall not relieve any person from the fine or 5137
imprisonment provided for a violation of this chapter. The 5138
commissioner shall make the sale where it is most convenient and 5139
economical, but may order the destruction of forfeited marihuana 5140
if the quantity or quality is not sufficient to warrant its 5141
sale. 5142

Sec. 5755.13. (A) For the purpose of receiving, 5143
distributing, and accounting for amounts collected from the tax 5144
imposed under this chapter and from fees or penalties imposed 5145
under section 2953.39 and Chapter 3775. of the Revised Code, the 5146
following funds are created in the state treasury: 5147

(1) The marihuana receipts fund; 5148

(2) The marihuana tax administration fund, which the tax 5149
commissioner shall use to defray the costs incurred in 5150
administering the tax levied by this chapter; 5151

(3) The marihuana regulation fund, which the marijuana 5152
regulatory agency shall use to defray the costs incurred in 5153
administering Chapter 3775. of the Revised Code; 5154

(4) The marihuana profits education fund, which shall be 5155
used, as determined in appropriations made by the general 5156
assembly, for the support of education for students in grades 5157
kindergarten through twelve; 5158

(5) The marihuana research fund, which shall be used, as 5159
determined in appropriations made by the general assembly, to 5160
fund clinical trials that are approved by the United States food 5161
and drug administration and sponsored by a nonprofit 5162

organization or researcher within an academic institution in 5163
this state researching the efficacy of marihuana in treating the 5164
medical conditions of United States armed services veterans and 5165
preventing veteran suicide. 5166

(B) All of the following shall be deposited into the 5167
marihuana receipts fund: 5168

(1) All amounts collected from the tax levied under this 5169
chapter; 5170

(2) Except as otherwise provided in division (G) of 5171
section 2953.39 of the Revised Code, fees collected under that 5172
division; 5173

(3) Fees for licensure and penalties collected under 5174
Chapter 3775. of the Revised Code. 5175

(C) From the marihuana receipts fund, the director of 5176
budget and management shall transfer as needed to the tax refund 5177
fund amounts equal to the refunds certified by the tax 5178
commissioner under section 5755.07 of the Revised Code. 5179

(D) Of the amount remaining in the marihuana receipts fund 5180
after making any transfers required by division (C) of this 5181
section, the director of budget and management shall transfer as 5182
needed to the marihuana tax administration fund amounts equal to 5183
the costs associated with levying the tax imposed under this 5184
chapter. 5185

(E) Of the amount remaining in the marihuana receipts fund 5186
after making any transfers required by divisions (C) and (D) of 5187
this section, the director of budget and management shall 5188
transfer as needed to the marihuana regulation fund amounts 5189
equal to the costs associated with administering Chapter 3775. 5190
of the Revised Code. 5191

(F) Of the amount remaining in the marihuana receipts fund 5192
after making any transfers required by divisions (C), (D), and 5193
(E) of this section, the director of budget and management shall 5194
transfer up to twenty million dollars annually to the marihuana 5195
research fund for the two fiscal years after the fiscal year 5196
that includes the effective date of this section. 5197

(G) After making any transfers required by divisions (C), 5198
(D), (E), and (F) of this section, but not later than the 5199
fifteenth day of the second month following the end of each 5200
calendar quarter, the director of budget and management shall 5201
transfer all amounts remaining in the marihuana receipts fund as 5202
follows: 5203

(1) Fifteen per cent to municipal corporations that 5204
include at least one marihuana retail store in its territory, 5205
allocated in proportion to the number of marihuana retail stores 5206
within each municipal corporation; 5207

(2) Fifteen per cent to counties that include at least one 5208
marihuana retail store in its territory, allocated in proportion 5209
to the number of marihuana retail stores within each county; 5210

(3) Thirty-five per cent to the marihuana profits 5211
education fund; 5212

(4) Thirty-five per cent to be distributed in the same 5213
manner as revenue distributed under division (E) of section 5214
5735.051 of the Revised Code. 5215

(H) Transfers described in division (G) (1) and (2) of this 5216
section that are received by a political subdivision shall be 5217
deposited in the subdivision's general fund and may be used by 5218
the subdivision for any lawful purpose. 5219

(I) All investment earnings of the funds created under 5220

this section shall be credited back to them. 5221

Sec. 5755.99. (A) Whoever knowingly files a fraudulent 5222
refund claim under section 5755.07 of the Revised Code shall be 5223
fined the greater of one thousand dollars or the amount of the 5224
fraudulent refund requested, or imprisoned not more than sixty 5225
days, or both. 5226

(B) Except as otherwise provided in this section, whoever 5227
knowingly violates any section of this chapter or any rule 5228
adopted by the tax commissioner under this chapter shall be 5229
fined not more than five hundred dollars, or imprisoned not more 5230
than thirty days, or both. 5231

(C) The penalties provided in this section are in addition 5232
to any penalties imposed by the tax commissioner under this 5233
chapter. 5234

Section 2. That existing sections 109.572, 2925.01, 5235
2925.04, 2925.11, 2925.14, 2925.38, 2929.14, 4510.17, 5703.052, 5236
5703.053, 5703.19, 5703.50, 5703.70, and 5703.77 of the Revised 5237
Code are hereby repealed. 5238

Section 3. That section 2925.141 of the Revised Code is 5239
hereby repealed. 5240

Section 4. The General Assembly, applying the principle 5241
stated in division (B) of section 1.52 of the Revised Code that 5242
amendments are to be harmonized if reasonably capable of 5243
simultaneous operation, finds that the following sections, 5244
presented in this act as composites of the sections as amended 5245
by the acts indicated, are the resulting versions of the 5246
sections in effect prior to the effective date of the sections 5247
as presented in this act: 5248

Section 2925.01 of the Revised Code as amended by H.B. 341 5249

and H.B. 442 both of the 133rd General Assembly.	5250
Section 2925.04 of the Revised Code as amended by both	5251
S.B. 1 and S.B. 201 of the 132nd General Assembly.	5252
Section 2925.11 of the Revised Code as amended by S.B. 1,	5253
S.B. 201, and S.B. 229, all of the 132nd General Assembly.	5254
Section 2929.14 of the Revised Code as amended by both	5255
H.B. 136 and S.B. 256 of the 133rd General Assembly.	5256
Section 4510.17 of the Revised Code as amended by both	5257
H.B. 388 and S.B. 204 of the 131st General Assembly.	5258