

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

**134th General Assembly**

**Regular Session  
2021-2022**

**Am. S. B. No. 211**

**Senator Hackett**

---

**A BILL**

To amend sections 9.45, 2925.01, 4712.01, and 4712.99; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 4710.04 (4712.53); to enact sections 4712.502, 4712.54, and 4712.55; and to repeal section 4710.99 of the Revised Code regarding debt adjusting.

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

**Section 1.** That sections 9.45, 2925.01, 4712.01, and 4712.99 be amended; sections 4710.01 (4712.50), 4710.02 (4712.51), 4710.03 (4712.52), and 4710.04 (4712.53) be amended for the purpose of adopting new section numbers as indicated in parentheses; and sections 4712.502, 4712.54, and 4712.55 of the Revised Code be enacted to read as follows:

**Sec. 9.45.** Notwithstanding section 1321.32 of the Revised Code, the state and any of its political subdivisions or instrumentalities may deduct from the wages or salaries of a public employee, as defined in section 9.40 of the Revised Code, such amounts as are authorized in writing by the employee to a

nonprofit debt pooling company operating pursuant to ~~Chapter~~ 20  
~~4710.~~ sections 4712.50 to 4712.55 of the Revised Code, or a 21  
nonprofit budget and debt counseling service, for payment or 22  
compromise of any account, note, or other indebtedness. Such 23  
authorization may be revoked at any time prior to final payment 24  
by written notice from the employee to the employer. 25

**Sec. 2925.01.** As used in this chapter: 26

(A) "Administer," "controlled substance," "controlled 27  
substance analog," "dispense," "distribute," "hypodermic," 28  
"manufacturer," "official written order," "person," 29  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 30  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 31  
have the same meanings as in section 3719.01 of the Revised 32  
Code. 33

(B) "Drug dependent person" and "drug of abuse" have the 34  
same meanings as in section 3719.011 of the Revised Code. 35

(C) "Drug," "dangerous drug," "licensed health 36  
professional authorized to prescribe drugs," and "prescription" 37  
have the same meanings as in section 4729.01 of the Revised 38  
Code. 39

(D) "Bulk amount" of a controlled substance means any of 40  
the following: 41

(1) For any compound, mixture, preparation, or substance 42  
included in schedule I, schedule II, or schedule III, with the 43  
exception of any controlled substance analog, marihuana, 44  
cocaine, L.S.D., heroin, any fentanyl-related compound, and 45  
hashish and except as provided in division (D) (2), (5), or (6) 46  
of this section, whichever of the following is applicable: 47

(a) An amount equal to or exceeding ten grams or twenty- 48

five unit doses of a compound, mixture, preparation, or 49  
substance that is or contains any amount of a schedule I opiate 50  
or opium derivative; 51

(b) An amount equal to or exceeding ten grams of a 52  
compound, mixture, preparation, or substance that is or contains 53  
any amount of raw or gum opium; 54

(c) An amount equal to or exceeding thirty grams or ten 55  
unit doses of a compound, mixture, preparation, or substance 56  
that is or contains any amount of a schedule I hallucinogen 57  
other than tetrahydrocannabinol or lysergic acid amide, or a 58  
schedule I stimulant or depressant; 59

(d) An amount equal to or exceeding twenty grams or five 60  
times the maximum daily dose in the usual dose range specified 61  
in a standard pharmaceutical reference manual of a compound, 62  
mixture, preparation, or substance that is or contains any 63  
amount of a schedule II opiate or opium derivative; 64

(e) An amount equal to or exceeding five grams or ten unit 65  
doses of a compound, mixture, preparation, or substance that is 66  
or contains any amount of phencyclidine; 67

(f) An amount equal to or exceeding one hundred twenty 68  
grams or thirty times the maximum daily dose in the usual dose 69  
range specified in a standard pharmaceutical reference manual of 70  
a compound, mixture, preparation, or substance that is or 71  
contains any amount of a schedule II stimulant that is in a 72  
final dosage form manufactured by a person authorized by the 73  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 74  
U.S.C.A. 301, as amended, and the federal drug abuse control 75  
laws, as defined in section 3719.01 of the Revised Code, that is 76  
or contains any amount of a schedule II depressant substance or 77

a schedule II hallucinogenic substance; 78

(g) An amount equal to or exceeding three grams of a 79  
compound, mixture, preparation, or substance that is or contains 80  
any amount of a schedule II stimulant, or any of its salts or 81  
isomers, that is not in a final dosage form manufactured by a 82  
person authorized by the Federal Food, Drug, and Cosmetic Act 83  
and the federal drug abuse control laws. 84

(2) An amount equal to or exceeding one hundred twenty 85  
grams or thirty times the maximum daily dose in the usual dose 86  
range specified in a standard pharmaceutical reference manual of 87  
a compound, mixture, preparation, or substance that is or 88  
contains any amount of a schedule III or IV substance other than 89  
an anabolic steroid or a schedule III opiate or opium 90  
derivative; 91

(3) An amount equal to or exceeding twenty grams or five 92  
times the maximum daily dose in the usual dose range specified 93  
in a standard pharmaceutical reference manual of a compound, 94  
mixture, preparation, or substance that is or contains any 95  
amount of a schedule III opiate or opium derivative; 96

(4) An amount equal to or exceeding two hundred fifty 97  
milliliters or two hundred fifty grams of a compound, mixture, 98  
preparation, or substance that is or contains any amount of a 99  
schedule V substance; 100

(5) An amount equal to or exceeding two hundred solid 101  
dosage units, sixteen grams, or sixteen milliliters of a 102  
compound, mixture, preparation, or substance that is or contains 103  
any amount of a schedule III anabolic steroid; 104

(6) For any compound, mixture, preparation, or substance 105  
that is a combination of a fentanyl-related compound and any 106

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

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

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

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

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

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

(3) An offense under an existing or former law of this or 134  
any other state, or of the United States, of which planting, 135

cultivating, harvesting, processing, making, manufacturing, 136  
producing, shipping, transporting, delivering, acquiring, 137  
possessing, storing, distributing, dispensing, selling, inducing 138  
another to use, administering to another, using, or otherwise 139  
dealing with a controlled substance is an element; 140

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

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

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

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

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

(b) Any aerosol propellant; 159

(c) Any fluorocarbon refrigerant; 160

(d) Any anesthetic gas. 161

(2) Gamma Butyrolactone; 162

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

(6) A person ~~licensed and regulated~~ registered to engage 272  
in the business of a debt pooling company ~~by a legislative~~ 273  
~~authority, under authority of Chapter 4710. sections 4712.50 to~~ 274  
4712.55 of the Revised Code; 275

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

license, hair designer's license, manicurist's license, 277  
esthetician's license, natural hair stylist's license, advanced 278  
cosmetologist's license, advanced hair designer's license, 279  
advanced manicurist's license, advanced esthetician's license, 280  
advanced natural hair stylist's license, cosmetology 281  
instructor's license, hair design instructor's license, 282  
manicurist instructor's license, esthetics instructor's license, 283  
natural hair style instructor's license, independent 284  
contractor's license, or tanning facility permit under Chapter 285  
4713. of the Revised Code; 286

(8) A person who has been issued a license to practice 287  
dentistry, a general anesthesia permit, a conscious sedation 288  
permit, a limited resident's license, a limited teaching 289  
license, a dental hygienist's license, or a dental hygienist's 290  
teacher's certificate under Chapter 4715. of the Revised Code; 291

(9) A person who has been issued an embalmer's license, a 292  
funeral director's license, a funeral home license, or a 293  
crematory license, or who has been registered for an embalmer's 294  
or funeral director's apprenticeship under Chapter 4717. of the 295  
Revised Code; 296

(10) A person who has been licensed as a registered nurse 297  
or practical nurse, or who has been issued a certificate for the 298  
practice of nurse-midwifery under Chapter 4723. of the Revised 299  
Code; 300

(11) A person who has been licensed to practice optometry 301  
or to engage in optical dispensing under Chapter 4725. of the 302  
Revised Code; 303

(12) A person licensed to act as a pawnbroker under 304  
Chapter 4727. of the Revised Code; 305

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

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

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

(33) A person issued a license to practice dietetics under 365  
Chapter 4759. of the Revised Code; 366

(34) A person who has been issued a license or limited 367  
permit to practice respiratory therapy under Chapter 4761. of 368  
the Revised Code; 369

(35) A person who has been issued a real estate appraiser 370  
certificate under Chapter 4763. of the Revised Code; 371

(36) A person who has been issued a home inspector license 372  
under Chapter 4764. of the Revised Code; 373

(37) A person who has been admitted to the bar by order of 374  
the supreme court in compliance with its prescribed and 375  
published rules. 376

(X) "Cocaine" means any of the following: 377

(1) A cocaine salt, isomer, or derivative, a salt of a 378  
cocaine isomer or derivative, or the base form of cocaine; 379

(2) Coca leaves or a salt, compound, derivative, or 380  
preparation of coca leaves, including ecgonine, a salt, isomer, 381  
or derivative of ecgonine, or a salt of an isomer or derivative 382  
of ecgonine; 383

(3) A salt, compound, derivative, or preparation of a 384  
substance identified in division (X)(1) or (2) of this section 385  
that is chemically equivalent to or identical with any of those 386  
substances, except that the substances shall not include 387  
decocainized coca leaves or extraction of coca leaves if the 388

extractions do not contain cocaine or ecgonine. 389

(Y) "L.S.D." means lysergic acid diethylamide. 390

(Z) "Hashish" means a resin or a preparation of a resin to 391  
which both of the following apply: 392

(1) It is contained in or derived from any part of the 393  
plant of the genus cannabis, whether in solid form or in a 394  
liquid concentrate, liquid extract, or liquid distillate form. 395

(2) It has a delta-9 tetrahydrocannabinol concentration of 396  
more than three-tenths per cent. 397

"Hashish" does not include a hemp byproduct in the 398  
possession of a licensed hemp processor under Chapter 928. of 399  
the Revised Code, provided that the hemp byproduct is being 400  
produced, stored, and disposed of in accordance with rules 401  
adopted under section 928.03 of the Revised Code. 402

(AA) "Marihuana" has the same meaning as in section 403  
3719.01 of the Revised Code, except that it does not include 404  
hashish. 405

(BB) An offense is "committed in the vicinity of a 406  
juvenile" if the offender commits the offense within one hundred 407  
feet of a juvenile or within the view of a juvenile, regardless 408  
of whether the offender knows the age of the juvenile, whether 409  
the offender knows the offense is being committed within one 410  
hundred feet of or within view of the juvenile, or whether the 411  
juvenile actually views the commission of the offense. 412

(CC) "Presumption for a prison term" or "presumption that 413  
a prison term shall be imposed" means a presumption, as 414  
described in division (D) of section 2929.13 of the Revised 415  
Code, that a prison term is a necessary sanction for a felony in 416

order to comply with the purposes and principles of sentencing 417  
under section 2929.11 of the Revised Code. 418

(DD) "Major drug offender" has the same meaning as in 419  
section 2929.01 of the Revised Code. 420

(EE) "Minor drug possession offense" means either of the 421  
following: 422

(1) A violation of section 2925.11 of the Revised Code as 423  
it existed prior to July 1, 1996; 424

(2) A violation of section 2925.11 of the Revised Code as 425  
it exists on and after July 1, 1996, that is a misdemeanor or a 426  
felony of the fifth degree. 427

(FF) "Mandatory prison term" has the same meaning as in 428  
section 2929.01 of the Revised Code. 429

(GG) "Adulterate" means to cause a drug to be adulterated 430  
as described in section 3715.63 of the Revised Code. 431

(HH) "Public premises" means any hotel, restaurant, 432  
tavern, store, arena, hall, or other place of public 433  
accommodation, business, amusement, or resort. 434

(II) "Methamphetamine" means methamphetamine, any salt, 435  
isomer, or salt of an isomer of methamphetamine, or any 436  
compound, mixture, preparation, or substance containing 437  
methamphetamine or any salt, isomer, or salt of an isomer of 438  
methamphetamine. 439

(JJ) "Deception" has the same meaning as in section 440  
2913.01 of the Revised Code. 441

(KK) "Fentanyl-related compound" means any of the 442  
following: 443



- (1) Fentanyl; 444
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 445  
446  
447
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 448  
449
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); 450  
451
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 452  
453  
454
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); 455  
456
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 457  
458
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide; 459  
460
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide; 461  
462
- (10) Alfentanil; 463
- (11) Carfentanil; 464
- (12) Remifentanil; 465
- (13) Sufentanil; 466
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and 467  
468
- (15) Any compound that meets all of the following fentanyl 469

pharmacophore requirements to bind at the mu receptor, as 470  
identified by a report from an established forensic laboratory, 471  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 472  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 473  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 474  
fluorofentanyl: 475

(a) A chemical scaffold consisting of both of the 476  
following: 477

(i) A five, six, or seven member ring structure containing 478  
a nitrogen, whether or not further substituted; 479

(ii) An attached nitrogen to the ring, whether or not that 480  
nitrogen is enclosed in a ring structure, including an attached 481  
aromatic ring or other lipophilic group to that nitrogen. 482

(b) A polar functional group attached to the chemical 483  
scaffold, including but not limited to a hydroxyl, ketone, 484  
amide, or ester; 485

(c) An alkyl or aryl substitution off the ring nitrogen of 486  
the chemical scaffold; and 487

(d) The compound has not been approved for medical use by 488  
the United States food and drug administration. 489

(LL) "First degree felony mandatory prison term" means one 490  
of the definite prison terms prescribed in division (A) (1) (b) of 491  
section 2929.14 of the Revised Code for a felony of the first 492  
degree, except that if the violation for which sentence is being 493  
imposed is committed on or after March 22, 2019, it means one of 494  
the minimum prison terms prescribed in division (A) (1) (a) of 495  
that section for a felony of the first degree. 496

(MM) "Second degree felony mandatory prison term" means 497

one of the definite prison terms prescribed in division (A) (2) 498  
(b) of section 2929.14 of the Revised Code for a felony of the 499  
second degree, except that if the violation for which sentence 500  
is being imposed is committed on or after March 22, 2019, it 501  
means one of the minimum prison terms prescribed in division (A) 502  
(2) (a) of that section for a felony of the second degree. 503

(NN) "Maximum first degree felony mandatory prison term" 504  
means the maximum definite prison term prescribed in division 505  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 506  
the first degree, except that if the violation for which 507  
sentence is being imposed is committed on or after March 22, 508  
2019, it means the longest minimum prison term prescribed in 509  
division (A) (1) (a) of that section for a felony of the first 510  
degree. 511

(OO) "Maximum second degree felony mandatory prison term" 512  
means the maximum definite prison term prescribed in division 513  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 514  
the second degree, except that if the violation for which 515  
sentence is being imposed is committed on or after March 22, 516  
2019, it means the longest minimum prison term prescribed in 517  
division (A) (2) (a) of that section for a felony of the second 518  
degree. 519

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 520  
as in section 928.01 of the Revised Code. 521

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of 522  
the Revised Code: 523

(A) "Buyer" means an individual who is solicited to 524  
purchase or who purchases the services of a credit services 525  
organization for purposes other than obtaining a business loan 526

as described in division (B) (6) of section 1343.01 of the 527  
Revised Code. 528

(B) "Consumer reporting agency" has the same meaning as in 529  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 530  
1681a, as amended. 531

(C) (1) "Credit services organization" means any person 532  
that, in return for the payment of money or other valuable 533  
consideration readily convertible into money for the following 534  
services, sells, provides, or performs, or represents that the 535  
person can or will sell, provide, or perform, one or more of the 536  
following services: 537

(a) Improving a buyer's credit record, history, or rating; 538

(b) Obtaining an extension of credit by others for a 539  
buyer; 540

(c) Providing advice or assistance to a buyer in 541  
connection with division (C) (1) (a) or (b) of this section; 542

(d) Removing adverse credit information that is accurate 543  
and not obsolete from the buyer's credit record, history, or 544  
rating; 545

(e) Altering the buyer's identification to prevent the 546  
display of the buyer's credit record, history, or rating. 547

(2) "Credit services organization" does not include any of 548  
the following: 549

(a) A person that makes or collects loans, to the extent 550  
these activities are subject to licensure or registration by 551  
this state; 552

(b) A mortgage broker, as defined in section 1322.01 of 553

the Revised Code, that holds a valid certificate of registration 554  
under Chapter 1322. of the Revised Code; 555

(c) A lender approved by the United States secretary of 556  
housing and urban development for participation in a mortgage 557  
insurance program under the "National Housing Act," 48 Stat. 558  
1246 (1934), 12 U.S.C.A. 1701, as amended; 559

(d) A bank, savings bank, or savings and loan association, 560  
or a subsidiary or an affiliate of a bank, savings bank, or 561  
savings and loan association. For purposes of division (C) (2) (d) 562  
of this section, "affiliate" has the same meaning as in division 563  
(A) of section 1101.01 of the Revised Code and "bank," as used 564  
in division (A) of section 1101.01 of the Revised Code, is 565  
deemed to include a savings bank or savings and loan 566  
association. 567

(e) A credit union organized and qualified under Chapter 568  
1733. of the Revised Code or the "Federal Credit Union Act," 84 569  
Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 570

(f) A budget and debt counseling service, as defined in 571  
division (D) of section 2716.03 of the Revised Code, provided 572  
that the service is a nonprofit organization exempt from 573  
taxation under section 501(c) (3) of the "Internal Revenue Code 574  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that 575  
the service is in compliance with ~~Chapter 4710. sections 4712.50~~ 576  
to 4712.55 of the Revised Code; 577

(g) A consumer reporting agency that is in substantial 578  
compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 579  
15 U.S.C.A. 1681a, as amended. 580

(h) A mortgage banker; 581

(i) Any political subdivision, or any governmental or 582

other public entity, corporation, or agency, in or of the United 583  
States or any state of the United States; 584

(j) A college or university, or controlled entity of a 585  
college or university, as defined in section 1713.05 of the 586  
Revised Code; 587

(k) A motor vehicle dealer licensed pursuant to Chapter 588  
4517. of the Revised Code acting within the scope and authority 589  
of that license or a motor vehicle auction owner licensed 590  
pursuant to Chapters 4517. and 4707. of the Revised Code acting 591  
within the scope and authority of that license; 592

(l) An attorney at law admitted to the practice of law in 593  
this state who offers, provides, or performs a legal service 594  
that is privileged by reason of the attorney-client 595  
relationship, provided that the service is not a service 596  
described in division (C) (1) (b) or (e) of this section. 597

(D) "Extension of credit" means the right to defer payment 598  
of debt, or to incur debt and defer its payment, offered or 599  
granted primarily for personal, family, or household purposes. 600  
"Extension of credit" does not include a mortgage. 601

(E) "Mortgage" means any indebtedness secured by a deed of 602  
trust, security deed, or other lien on real property. 603

(F) "Mortgage banker" means any person that makes, 604  
services, or buys and sells mortgage loans and is approved by 605  
the United States department of housing and urban development, 606  
the United States department of veterans affairs, the federal 607  
national mortgage association, or the federal home loan mortgage 608  
corporation. 609

(G) "Superintendent of financial institutions" includes 610  
the deputy superintendent for consumer finance as provided in 611

section 1181.21 of the Revised Code. 612

**Sec. ~~4710.01~~ 4712.50.** As used in ~~this chapter~~ sections 613  
4712.50 to 4712.55 of the Revised Code: 614

(A) "Person" includes individuals, partnerships, 615  
associations, corporations, trusts, and other legal entities. 616

(B) (1) "Debt adjusting" means doing business in debt 617  
adjusting, budget counseling, debt management, or debt pooling 618  
service, or holding oneself out, by words of similar import, as 619  
providing services to debtors in the management, reduction, or 620  
elimination of the amount or repayment terms of their debts, to 621  
do either of the following: 622

~~(1)~~ (a) To effect the adjustment, compromise, or discharge 623  
of any account, note, or other indebtedness of the debtor ~~+~~ to 624  
obtain any of the following: 625

(i) An adjustment of an interest rate on a debt owed by a 626  
debtor to a creditor; 627

(ii) A waiver or reduction of fees or charges; 628

(iii) A discharge of a debt by reducing the principal 629  
balance of the debt. 630

~~(2)~~ (b) To receive from the debtor and disburse to the 631  
debtor's creditors any money or other thing of value. 632

(2) "Debt adjusting" does not include any of the 633  
activities of a debt collector, as defined in 15 U.S.C. 634  
1692a(6), collecting or attempting to collect a debt owed or due 635  
another. 636

(C) "Resides" means to live in a particular place on a 637  
temporary or a permanent basis. 638

Sec. 4712.502. (A) No person shall engage in debt 639  
adjusting in this state without first registering with the 640  
attorney general as prescribed by the attorney general pursuant 641  
to rules adopted under this section. 642

(B) The attorney general shall adopt rules pursuant to 643  
Chapter 119. of the Revised Code relating to registration, 644  
oversight, and enforcement of sections 4712.50 to 4712.55 of the 645  
Revised Code, including any rules to expand registration 646  
requirements under those sections. 647

(C) The application for registration and the application 648  
for registration renewal shall be in a form prescribed by the 649  
attorney general, signed under oath and shall contain such 650  
information as the attorney general shall reasonably require. 651  
The attorney general shall evaluate an applicant's financial 652  
responsibility and general fitness. A registration to provide 653  
debt adjusting services shall be for a period of two years from 654  
the date of issuance. Any adjudication by the attorney general 655  
relating to the registration requirement under division (A) of 656  
this section shall follow the procedures in Chapter 119. of the 657  
Revised Code. 658

(D) The following items shall be submitted with or 659  
required in any application for a registration under sections 660  
4712.50 to 4712.55 of the Revised Code: 661

(1) An unexpired certificate from the tax commissioner 662  
verifying that the applicant is not subject to any assessment or 663  
enforcement action for unpaid tax, interest, or penalties 664  
imposed under Chapter 5751. of the Revised Code. The 665  
commissioner shall provide this certificate to the applicant, if 666  
so entitled, not later than fourteen days after receiving the 667  
applicant's request for it. The certificate expires ninety days 668



after the date of its issuance. 669

(2) Proof that the applicant is in compliance with any 670  
requirement imposed by the secretary of state for an entity to 671  
engage in business in this state; 672

(3) The applicant's name, principal business address and 673  
telephone number, all business addresses in this state, the 674  
principal electronic mail address for the business, and the 675  
principal internet web site address to be used for the business; 676

(4) The name and home address of each executive officer 677  
and director of the applicant and each person that owns, 678  
directly or indirectly, more than twenty per cent of the voting 679  
interests of the applicant; 680

(5) A statement describing, to the extent it is known or 681  
should be known by the applicant, any material civil or criminal 682  
judgment in any jurisdiction, or any material administrative or 683  
enforcement action by a governmental agency, in each case 684  
relating to financial fraud or misuse, against the applicant, 685  
any of its executive officers, directors, or owners; 686

(6) A copy of each form of agreement and the schedule of 687  
fees and charges that the applicant will use with consumers who 688  
reside in this state. 689

(E) The attorney general may participate in a multi-state 690  
licensing system for the sharing of regulatory information and 691  
for the registration and application, by electronic or other 692  
means, of entities engaged in the business of debt adjusting. 693  
The attorney general may establish requirements for 694  
participation by an applicant in a multi-state licensing system, 695  
which may vary from the provisions set out in sections 4712.50 696  
to 4712.55 of the Revised Code. 697

(F) An applicant or registrant shall notify the attorney 698  
general within thirty days after a material change in any of the 699  
information submitted in connection with any application or 700  
renewal application for a registration under sections 4712.50 to 701  
4712.55 of the Revised Code, including but not limited to any of 702  
the following: 703

(1) A change in the applicant's or registrant's home or 704  
business address; 705

(2) A merger or dissolution relative to the registration; 706

(3) When a registrant pleads guilty or is convicted of any 707  
felony in a court of competent jurisdiction. 708

(G) The attorney general may deny a registration if any of 709  
the following applies: 710

(1) The applicant does not satisfy the criteria set forth 711  
in this section. 712

(2) The application contains information that is 713  
materially erroneous or incomplete. 714

(3) The applicant fails to provide in a timely manner such 715  
information as the attorney general may reasonably request. 716

(4) Either of the following apply to an executive officer, 717  
director, managing member, or principal of the applicant: 718

(a) The person has been convicted of or pleaded nolo 719  
contendere to a felony; 720

(b) The person has committed an act involving fraud, 721  
deceit, or dishonesty. 722

(5) An executive officer, director, managing member, or 723  
principal of the applicant has had a professional license or 724

registration revoked, suspended, or subjected to administrative 725  
action in any jurisdiction, and such license or registration has 726  
not been reinstated. 727

(6) The applicant's license or registration was revoked or 728  
suspended in another jurisdiction and has not been reinstated. 729

(H) Not later than twenty days after a registration 730  
application denial, the attorney general shall provide to the 731  
applicant a written decision and findings containing the reasons 732  
supporting a registration denial. Not later than thirty days 733  
after the date of the notice, the applicant may appeal the 734  
denial pursuant to Chapter 119. of the Revised Code. 735

(I) (1) The attorney general may suspend, revoke, or deny 736  
renewal of a registration if any of the following applies: 737

(a) A registrant has materially violated sections 4712.50 738  
to 4712.55 of the Revised Code or any rule adopted by the 739  
attorney general or any other law applicable to the conduct of 740  
its business. 741

(b) A fact or condition exists that, if it had existed 742  
when the registrant applied for a registration, would have 743  
warranted the attorney general to refuse the registration. 744

(c) The registrant does not satisfy the application 745  
criteria required under this section. 746

(d) The registrant has refused to permit the attorney 747  
general to examine the registrant's books and records. 748

(e) The registrant has not responded within a reasonable 749  
time and in an appropriate manner to the attorney general's 750  
communications. 751

(2) If the attorney general suspends, revokes, or denies 752

renewal of a registration, the attorney general may seek a court 753  
order to seize the registrant's books and records with respect 754  
to any consumers in this state that are being serviced by the 755  
registrant. 756

(3) A registrant may deliver a written notice to the 757  
attorney general to surrender its registration, provided, 758  
however, that if a registrant surrenders its registration, its 759  
civil or criminal liability for acts committed before the 760  
surrender is not affected. 761

(4) Upon submission of a renewal application for a 762  
registration and until such time as such renewal application is 763  
approved or denied, the registrant may continue to provide debt 764  
adjusting services, but a denial of such registration terminates 765  
any right to provide debt adjusting services in this state 766  
unless approved by the attorney general. 767

(J) The attorney general shall adopt rules related to both 768  
of the following: 769

(1) Reasonable registration fees, any subsequent increase 770  
of which shall be approved by the general assembly through the 771  
biennial operating appropriations act; 772

(2) Penalties for any violation of sections 4712.50 to 773  
4712.55 of the Revised Code, which may include any of the 774  
following: 775

(a) Fines; 776

(b) Suspension of registration for up to five years; 777

(c) Indefinite barring from registration. 778

(K) Except as described in divisions (C) and (H) of this 779  
section, any person subject to an enforcement action taken by 780

the attorney general under sections 4712.50 to 4712.55 of the 781  
Revised Code may appeal such decision to the court of common 782  
pleas of the county in which the place of business of the 783  
registrant is located or the county in which the registrant is a 784  
resident. 785

**Sec. ~~4710.02~~ 4712.51.** (A) Subject to division (C) of this 786  
section, a person engaged in debt adjusting shall do all of the 787  
following: 788

(1) Unless specifically instructed otherwise by a debtor, 789  
disburse to the appropriate creditors all funds received from 790  
the debtor, less any contributions not prohibited by division 791  
(B) of this section, within thirty days of receipt of the funds 792  
from the debtor; 793

(2) Maintain a separate trust account for the receipt of 794  
any funds from debtors and the disbursement of the funds to 795  
creditors on behalf of the debtors; 796

(3) Charge or accept only reasonable fees or contributions 797  
in accordance with division (B) of this section; 798

(4) Establish and implement a policy that allows for the 799  
waiver or discontinuation of fees or contributions not 800  
prohibited by division (B) of this section if the debtor is 801  
unable to pay such fees or contributions; 802

(5) Comply with federal law and regulations as it relates 803  
to debt adjusting and with the federal telemarketing sales rule 804  
under 16 C.F.R. part 310. 805

(B) If fees or contributions for providing debt adjusting 806  
services are charged or accepted, directly or indirectly, no 807  
person providing or engaged in debt adjusting shall do any of 808  
the following: 809

(1) Charge or accept a fee or contribution exceeding 810  
seventy-five dollars from a debtor residing in this state for an 811  
initial consultation or initial set up of a debt management plan 812  
or similar plan; 813

(2) Charge or accept consultation fees or contributions 814  
exceeding one hundred dollars per calendar year from a debtor 815  
residing in this state; 816

(3) Charge or accept a periodic fee or contribution from a 817  
debtor residing in this state for administering a debt 818  
management plan or similar plan, which fee or contribution 819  
exceeds eight and one-half per cent of the amount paid by the 820  
debtor each month for distribution to the debtor's creditors or 821  
thirty dollars, whichever is greater. 822

(C) Division (A) or (B) of this section does not prohibit 823  
a person engaged in debt adjusting for a debtor who is residing 824  
in this state from charging the debtor a reasonable fee for 825  
insufficient funds transactions that is in addition to fees or 826  
contributions not prohibited by division (B) of this section. 827

(D) Any person that engages in debt adjusting, annually, 828  
shall arrange for and undergo an audit conducted by an 829  
independent, third party, certified public accountant of the 830  
person's business, including any trust funds deposited and 831  
distributed to creditors on behalf of debtors. Both of the 832  
following apply to an audit described in this division: 833

(1) The person shall file the results of the audit and the 834  
auditor's opinion with the consumer protection division of the 835  
attorney general. 836

(2) The attorney general shall make available a summary of 837  
the results of the audit and the auditor's opinion upon written 838

request of a person and payment of a fee not exceeding the cost 839  
of copying the summary and opinion. 840

(E) A person engaged in debt adjusting shall obtain and 841  
maintain at all times insurance coverage for employee 842  
dishonesty, depositor's forgery, and computer fraud in the 843  
amount of ten per cent of the monthly average for the immediate 844  
preceding six months of the aggregate amount of all deposits 845  
made with the person by all debtors. The insurance coverage 846  
shall comply with all of the following: 847

(1) The insurance coverage is not less than one hundred 848  
thousand dollars. 849

(2) The insurance coverage includes a deductible that does 850  
not exceed ten per cent of the face amount of the policy 851  
coverage. 852

(3) The insurance coverage is issued by an insurer rated 853  
at least A- or its equivalent by a nationally recognized rating 854  
organization. 855

(4) The insurance coverage provides that thirty days 856  
advance written notice be given to the consumer protection 857  
division of the attorney general before coverage is terminated. 858

(F) A person engaged in debt adjusting may contract for 859  
and receive a fee or fees at a rate or rates not exceeding 860  
twenty-eight per cent per year of the total debt enrolled in a 861  
debt adjusting program. 862

~~(F) (1)~~ (G) (1) No person engaged in debt adjusting shall 863  
fail to comply with division (A) of this section or shall 864  
violate division (B) of this section. 865

(2) No person engaged in debt adjusting shall fail to 866

comply with divisions (D) and (E) of this section. 867

(3) No person engaged in debt adjusting shall violate 868  
division (F) of this section. 869

**Sec. ~~4710.03~~ 4712.52.** Nothing in ~~this chapter sections~~ 870  
4712.50 to 4712.55 of the Revised Code applies to any of the 871  
following: 872

(A) The federal national mortgage association; the federal 873  
home loan mortgage corporation; a bank, bank holding company, 874  
trust company, savings and loan association, credit union, 875  
savings bank, or credit card bank, that is regulated by the 876  
office of the comptroller of currency, office of thrift 877  
supervision, federal reserve, federal deposit insurance 878  
corporation, national credit union administration, or division 879  
of financial institutions; or to subsidiaries of any of these 880  
entities; 881

(B) Debt adjusting incurred in the practice of law in this 882  
state; 883

(C) A person that incidentally engages in debt adjusting 884  
to adjust the indebtedness owed to that person; 885

(D) A registrant as defined in section 1321.51 of the 886  
Revised Code; 887

(E) A registrant or licensee as both are defined in 888  
section 1322.01 of the Revised Code. 889

**Sec. ~~4710.04~~ 4712.53.** (A) Any violation of ~~division (F) (1)~~ 890  
~~of section 4710.02~~ sections 4712.50 to 4712.55 of the Revised 891  
Code is deemed an unfair or deceptive act or practice in 892  
violation of section 1345.02 of the Revised Code. A person 893  
injured by a violation of that division has a cause of action 894



and is entitled to the same relief available to a consumer under 895  
section 1345.09 of the Revised Code, and all the powers and 896  
remedies available to the attorney general to enforce sections 897  
1345.01 to 1345.13 of the Revised Code are available to the 898  
attorney general to enforce ~~division (F)(1) of section 4710.02~~ 899  
sections 4712.50 to 4712.55 of the Revised Code. 900

(B) Any person who violates division (F)(2) of section 901  
~~4710.02~~ 4712.51 of the Revised Code, in addition to the 902  
penalties imposed by division (C) of section 4710.99 ~~4712.99~~ of 903  
the Revised Code, shall be fined not more than ten thousand 904  
dollars for each violation. 905

Sec. 4712.54. A person engaged in debt adjusting and 906  
operating in compliance with federal laws or regulations, 907  
including regulations adopted under 16 C.F.R. part 310, is not 908  
subject to division (B) of section 4712.51 of the Revised Code. 909

Sec. 4712.55. (A) No person engaging in debt adjusting 910  
shall send a cease and desist letter or a similar letter to any 911  
creditor on behalf of a debtor. 912

(B) Nothing in sections 4712.50 to 4712.55 of the Revised 913  
Code shall be construed as permitting the unauthorized practice 914  
of law by any person engaged in debt adjusting. 915

**Sec. 4712.99.** (A) Whoever violates division (J) of section 916  
4712.02, division (E) of section 4712.04, division (D) or (E) of 917  
section 4712.05, division (A) of section 4712.06, section 918  
4712.07 or 4712.08, or division (A) of section 4712.09 of the 919  
Revised Code is guilty of a felony of the fifth degree. 920

(B)(1) Whoever violates section 4712.071 of the Revised 921  
Code is guilty of a minor misdemeanor and shall be fined not 922  
less than one hundred nor more than five hundred dollars. 923

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

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

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

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

**Section 4.** Section 2925.01 of the Revised Code is presented in this act as a composite of the section as amended by H.B. 341 and H.B. 442 both of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.