

**As Introduced**

**134th General Assembly  
Regular Session  
2021-2022**

**S. B. No. 25**

**Senator Gavarone**

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**A BILL**

To amend sections 2925.01 and 2925.03 and to enact 1  
section 2925.15 of the Revised Code to enhance 2  
penalties for certain drug trafficking offenses 3  
committed in the vicinity of a substance 4  
addiction services provider, to prohibit 5  
defrauding an alcohol, drug, or urine screening 6  
test, and to name the act's provisions the 7  
Relapse Reduction Act. 8

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

**Section 1.** That sections 2925.01 and 2925.03 be amended 9  
and section 2925.15 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 2925.01.** As used in this chapter: 12

(A) "Administer," "controlled substance," "controlled 13  
substance analog," "dispense," "distribute," "hypodermic," 14  
"manufacturer," "official written order," "person," 15  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 16  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 17  
have the same meanings as in section 3719.01 of the Revised 18  
Code. 19

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

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

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

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

(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;

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

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

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

mixture, preparation, or substance that is or contains any 49  
amount of a schedule II opiate or opium derivative; 50

(e) An amount equal to or exceeding five grams or ten unit 51  
doses of a compound, mixture, preparation, or substance that is 52  
or contains any amount of phencyclidine; 53

(f) An amount equal to or exceeding one hundred twenty 54  
grams or thirty times the maximum daily dose in the usual dose 55  
range specified in a standard pharmaceutical reference manual of 56  
a compound, mixture, preparation, or substance that is or 57  
contains any amount of a schedule II stimulant that is in a 58  
final dosage form manufactured by a person authorized by the 59  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 60  
U.S.C.A. 301, as amended, and the federal drug abuse control 61  
laws, as defined in section 3719.01 of the Revised Code, that is 62  
or contains any amount of a schedule II depressant substance or 63  
a schedule II hallucinogenic substance; 64

(g) An amount equal to or exceeding three grams of a 65  
compound, mixture, preparation, or substance that is or contains 66  
any amount of a schedule II stimulant, or any of its salts or 67  
isomers, that is not in a final dosage form manufactured by a 68  
person authorized by the Federal Food, Drug, and Cosmetic Act 69  
and the federal drug abuse control laws. 70

(2) An amount equal to or exceeding one hundred twenty 71  
grams or thirty times the maximum daily dose in the usual dose 72  
range specified in a standard pharmaceutical reference manual of 73  
a compound, mixture, preparation, or substance that is or 74  
contains any amount of a schedule III or IV substance other than 75  
an anabolic steroid or a schedule III opiate or opium 76  
derivative; 77

(3) An amount equal to or exceeding twenty grams or five 78  
times the maximum daily dose in the usual dose range specified 79  
in a standard pharmaceutical reference manual of a compound, 80  
mixture, preparation, or substance that is or contains any 81  
amount of a schedule III opiate or opium derivative; 82

(4) An amount equal to or exceeding two hundred fifty 83  
milliliters or two hundred fifty grams of a compound, mixture, 84  
preparation, or substance that is or contains any amount of a 85  
schedule V substance; 86

(5) An amount equal to or exceeding two hundred solid 87  
dosage units, sixteen grams, or sixteen milliliters of a 88  
compound, mixture, preparation, or substance that is or contains 89  
any amount of a schedule III anabolic steroid; 90

(6) For any compound, mixture, preparation, or substance 91  
that is a combination of a fentanyl-related compound and any 92  
other compound, mixture, preparation, or substance included in 93  
schedule III, schedule IV, or schedule V, if the defendant is 94  
charged with a violation of section 2925.11 of the Revised Code 95  
and the sentencing provisions set forth in divisions (C) (10) (b) 96  
and (C) (11) of that section will not apply regarding the 97  
defendant and the violation, the bulk amount of the controlled 98  
substance for purposes of the violation is the amount specified 99  
in division (D) (1), (2), (3), (4), or (5) of this section for 100  
the other schedule III, IV, or V controlled substance that is 101  
combined with the fentanyl-related compound. 102

(E) "Unit dose" means an amount or unit of a compound, 103  
mixture, or preparation containing a controlled substance that 104  
is separately identifiable and in a form that indicates that it 105  
is the amount or unit by which the controlled substance is 106  
separately administered to or taken by an individual. 107

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

gas, fumes, or vapor of which when inhaled can induce 136  
intoxication, excitement, giddiness, irrational behavior, 137  
depression, stupefaction, paralysis, unconsciousness, 138  
asphyxiation, or other harmful physiological effects, and 139  
includes, but is not limited to, any of the following: 140

(a) Any volatile organic solvent, plastic cement, model 141  
cement, fingernail polish remover, lacquer thinner, cleaning 142  
fluid, gasoline, or other preparation containing a volatile 143  
organic solvent; 144

(b) Any aerosol propellant; 145

(c) Any fluorocarbon refrigerant; 146

(d) Any anesthetic gas. 147

(2) Gamma Butyrolactone; 148

(3) 1,4 Butanediol. 149

(J) "Manufacture" means to plant, cultivate, harvest, 150  
process, make, prepare, or otherwise engage in any part of the 151  
production of a drug, by propagation, extraction, chemical 152  
synthesis, or compounding, or any combination of the same, and 153  
includes packaging, repackaging, labeling, and other activities 154  
incident to production. 155

(K) "Possess" or "possession" means having control over a 156  
thing or substance, but may not be inferred solely from mere 157  
access to the thing or substance through ownership or occupation 158  
of the premises upon which the thing or substance is found. 159

(L) "Sample drug" means a drug or pharmaceutical 160  
preparation that would be hazardous to health or safety if used 161  
without the supervision of a licensed health professional 162  
authorized to prescribe drugs, or a drug of abuse, and that, at 163

one time, had been placed in a container plainly marked as a 164  
sample by a manufacturer. 165

(M) "Standard pharmaceutical reference manual" means the 166  
current edition, with cumulative changes if any, of references 167  
that are approved by the state board of pharmacy. 168

(N) "Juvenile" means a person under eighteen years of age. 169

(O) "Counterfeit controlled substance" means any of the 170  
following: 171

(1) Any drug that bears, or whose container or label 172  
bears, a trademark, trade name, or other identifying mark used 173  
without authorization of the owner of rights to that trademark, 174  
trade name, or identifying mark; 175

(2) Any unmarked or unlabeled substance that is 176  
represented to be a controlled substance manufactured, 177  
processed, packed, or distributed by a person other than the 178  
person that manufactured, processed, packed, or distributed it; 179

(3) Any substance that is represented to be a controlled 180  
substance but is not a controlled substance or is a different 181  
controlled substance; 182

(4) Any substance other than a controlled substance that a 183  
reasonable person would believe to be a controlled substance 184  
because of its similarity in shape, size, and color, or its 185  
markings, labeling, packaging, distribution, or the price for 186  
which it is sold or offered for sale. 187

(P) An offense is "committed in the vicinity of a school" 188  
if the offender commits the offense on school premises, in a 189  
school building, or within one thousand feet of the boundaries 190  
of any school premises, regardless of whether the offender knows 191

the offense is being committed on school premises, in a school 192  
building, or within one thousand feet of the boundaries of any 193  
school premises. 194

(Q) "School" means any school operated by a board of 195  
education, any community school established under Chapter 3314. 196  
of the Revised Code, or any nonpublic school for which the state 197  
board of education prescribes minimum standards under section 198  
3301.07 of the Revised Code, whether or not any instruction, 199  
extracurricular activities, or training provided by the school 200  
is being conducted at the time a criminal offense is committed. 201

(R) "School premises" means either of the following: 202

(1) The parcel of real property on which any school is 203  
situated, whether or not any instruction, extracurricular 204  
activities, or training provided by the school is being 205  
conducted on the premises at the time a criminal offense is 206  
committed; 207

(2) Any other parcel of real property that is owned or 208  
leased by a board of education of a school, the governing 209  
authority of a community school established under Chapter 3314. 210  
of the Revised Code, or the governing body of a nonpublic school 211  
for which the state board of education prescribes minimum 212  
standards under section 3301.07 of the Revised Code and on which 213  
some of the instruction, extracurricular activities, or training 214  
of the school is conducted, whether or not any instruction, 215  
extracurricular activities, or training provided by the school 216  
is being conducted on the parcel of real property at the time a 217  
criminal offense is committed. 218

(S) "School building" means any building in which any of 219  
the instruction, extracurricular activities, or training 220



provided by a school is conducted, whether or not any 221  
instruction, extracurricular activities, or training provided by 222  
the school is being conducted in the school building at the time 223  
a criminal offense is committed. 224

(T) "Disciplinary counsel" means the disciplinary counsel 225  
appointed by the board of commissioners on grievances and 226  
discipline of the supreme court under the Rules for the 227  
Government of the Bar of Ohio. 228

(U) "Certified grievance committee" means a duly 229  
constituted and organized committee of the Ohio state bar 230  
association or of one or more local bar associations of the 231  
state of Ohio that complies with the criteria set forth in Rule 232  
V, section 6 of the Rules for the Government of the Bar of Ohio. 233

(V) "Professional license" means any license, permit, 234  
certificate, registration, qualification, admission, temporary 235  
license, temporary permit, temporary certificate, or temporary 236  
registration that is described in divisions (W) (1) to (37) of 237  
this section and that qualifies a person as a professionally 238  
licensed person. 239

(W) "Professionally licensed person" means any of the 240  
following: 241

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

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

(3) A person who is registered as a landscape architect	250
under Chapter 4703. of the Revised Code or who holds a permit as	251
a landscape architect issued under that chapter;	252
(4) A person licensed under Chapter 4707. of the Revised	253
Code;	254
(5) A person who has been issued a certificate of	255
registration as a registered barber under Chapter 4709. of the	256
Revised Code;	257
(6) A person licensed and regulated to engage in the	258
business of a debt pooling company by a legislative authority,	259
under authority of Chapter 4710. of the Revised Code;	260
(7) A person who has been issued a cosmetologist's	261
license, hair designer's license, manicurist's license,	262
esthetician's license, natural hair stylist's license, advanced	263
cosmetologist's license, advanced hair designer's license,	264
advanced manicurist's license, advanced esthetician's license,	265
advanced natural hair stylist's license, cosmetology	266
instructor's license, hair design instructor's license,	267
manicurist instructor's license, esthetics instructor's license,	268
natural hair style instructor's license, independent	269
contractor's license, or tanning facility permit under Chapter	270
4713. of the Revised Code;	271
(8) A person who has been issued a license to practice	272
dentistry, a general anesthesia permit, a conscious sedation	273
permit, a limited resident's license, a limited teaching	274
license, a dental hygienist's license, or a dental hygienist's	275
teacher's certificate under Chapter 4715. of the Revised Code;	276
(9) A person who has been issued an embalmer's license, a	277
funeral director's license, a funeral home license, or a	278

crematory license, or who has been registered for an embalmer's	279
or funeral director's apprenticeship under Chapter 4717. of the	280
Revised Code;	281
(10) A person who has been licensed as a registered nurse	282
or practical nurse, or who has been issued a certificate for the	283
practice of nurse-midwifery under Chapter 4723. of the Revised	284
Code;	285
(11) A person who has been licensed to practice optometry	286
or to engage in optical dispensing under Chapter 4725. of the	287
Revised Code;	288
(12) A person licensed to act as a pawnbroker under	289
Chapter 4727. of the Revised Code;	290
(13) A person licensed to act as a precious metals dealer	291
under Chapter 4728. of the Revised Code;	292
(14) A person licensed under Chapter 4729. of the Revised	293
Code as a pharmacist or pharmacy intern or registered under that	294
chapter as a registered pharmacy technician, certified pharmacy	295
technician, or pharmacy technician trainee;	296
(15) A person licensed under Chapter 4729. of the Revised	297
Code as a manufacturer of dangerous drugs, outsourcing facility,	298
third-party logistics provider, repackager of dangerous drugs,	299
wholesale distributor of dangerous drugs, or terminal	300
distributor of dangerous drugs;	301
(16) A person who is authorized to practice as a physician	302
assistant under Chapter 4730. of the Revised Code;	303
(17) A person who has been issued a license to practice	304
medicine and surgery, osteopathic medicine and surgery, or	305
podiatric medicine and surgery under Chapter 4731. of the	306

Revised Code or has been issued a certificate to practice a	307
limited branch of medicine under that chapter;	308
(18) A person licensed as a psychologist or school	309
psychologist under Chapter 4732. of the Revised Code;	310
(19) A person registered to practice the profession of	311
engineering or surveying under Chapter 4733. of the Revised	312
Code;	313
(20) A person who has been issued a license to practice	314
chiropractic under Chapter 4734. of the Revised Code;	315
(21) A person licensed to act as a real estate broker or	316
real estate salesperson under Chapter 4735. of the Revised Code;	317
(22) A person registered as a registered environmental	318
health specialist under Chapter 4736. of the Revised Code;	319
(23) A person licensed to operate or maintain a junkyard	320
under Chapter 4737. of the Revised Code;	321
(24) A person who has been issued a motor vehicle salvage	322
dealer's license under Chapter 4738. of the Revised Code;	323
(25) A person who has been licensed to act as a steam	324
engineer under Chapter 4739. of the Revised Code;	325
(26) A person who has been issued a license or temporary	326
permit to practice veterinary medicine or any of its branches,	327
or who is registered as a graduate animal technician under	328
Chapter 4741. of the Revised Code;	329
(27) A person who has been issued a hearing aid dealer's	330
or fitter's license or trainee permit under Chapter 4747. of the	331
Revised Code;	332
(28) A person who has been issued a class A, class B, or	333

class C license or who has been registered as an investigator or	334
security guard employee under Chapter 4749. of the Revised Code;	335
(29) A person licensed to practice as a nursing home	336
administrator under Chapter 4751. of the Revised Code;	337
(30) A person licensed to practice as a speech-language	338
pathologist or audiologist under Chapter 4753. of the Revised	339
Code;	340
(31) A person issued a license as an occupational	341
therapist or physical therapist under Chapter 4755. of the	342
Revised Code;	343
(32) A person who is licensed as a licensed professional	344
clinical counselor, licensed professional counselor, social	345
worker, independent social worker, independent marriage and	346
family therapist, or marriage and family therapist, or	347
registered as a social work assistant under Chapter 4757. of the	348
Revised Code;	349
(33) A person issued a license to practice dietetics under	350
Chapter 4759. of the Revised Code;	351
(34) A person who has been issued a license or limited	352
permit to practice respiratory therapy under Chapter 4761. of	353
the Revised Code;	354
(35) A person who has been issued a real estate appraiser	355
certificate under Chapter 4763. of the Revised Code;	356
(36) A person who has been issued a home inspector license	357
under Chapter 4764. of the Revised Code;	358
(37) A person who has been admitted to the bar by order of	359
the supreme court in compliance with its prescribed and	360
published rules.	361

(X) "Cocaine" means any of the following:	362
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	363 364
(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;	365 366 367 368
(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.	369 370 371 372 373 374
(Y) "L.S.D." means lysergic acid diethylamide.	375
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	376 377
(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.	378 379 380
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	381 382
"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.	383 384 385 386 387
(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include	388 389

hashish. 390

(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. 391  
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(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. 398  
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(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code. 404  
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(EE) "Minor drug possession offense" means either of the following: 406  
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(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996; 408  
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(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. 410  
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(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code. 413  
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(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code. 415  
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(HH) "Public premises" means any hotel, restaurant, 417

tavern, store, arena, hall, or other place of public	418
accommodation, business, amusement, or resort.	419
(II) "Methamphetamine" means methamphetamine, any salt,	420
isomer, or salt of an isomer of methamphetamine, or any	421
compound, mixture, preparation, or substance containing	422
methamphetamine or any salt, isomer, or salt of an isomer of	423
methamphetamine.	424
(JJ) "Deception" has the same meaning as in section	425
2913.01 of the Revised Code.	426
(KK) "Fentanyl-related compound" means any of the	427
following:	428
(1) Fentanyl;	429
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	430
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	431
phenylethyl)-4-(N-propanilido) piperidine);	432
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	433
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	434
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	435
piperidinyl] -N-phenylpropanamide);	436
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	437
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	438
phenylpropanamide);	439
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	440
piperidyl]-N- phenylpropanamide);	441
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-	442
(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	443
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-	444



phenethyl)-4- piperidinyl]propanamide;	445
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	446
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(10) Alfentanil;	448
(11) Carfentanil;	449
(12) Remifentanil;	450
(13) Sufentanil;	451
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and	452
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(15) Any compound that meets all of the following fentanyl pharmacophore requirements to bind at the mu receptor, as identified by a report from an established forensic laboratory, including acetylfentanyl, furanylfentanyl, valerylfentanyl, butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, para-fluorobutyrylfentanyl, acrylfentanyl, and ortho-fluorofentanyl:	454
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(a) A chemical scaffold consisting of both of the following:	461
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	463
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(ii) An attached nitrogen to the ring, whether or not that nitrogen is enclosed in a ring structure, including an attached aromatic ring or other lipophilic group to that nitrogen.	465
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(b) A polar functional group attached to the chemical scaffold, including but not limited to a hydroxyl, ketone, amide, or ester;	468
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(c) An alkyl or aryl substitution off the ring nitrogen of	471

the chemical scaffold; and 472

(d) The compound has not been approved for medical use by 473  
the United States food and drug administration. 474

(LL) "First degree felony mandatory prison term" means one 475  
of the definite prison terms prescribed in division (A) (1) (b) of 476  
section 2929.14 of the Revised Code for a felony of the first 477  
degree, except that if the violation for which sentence is being 478  
imposed is committed on or after March 22, 2019, it means one of 479  
the minimum prison terms prescribed in division (A) (1) (a) of 480  
that section for a felony of the first degree. 481

(MM) "Second degree felony mandatory prison term" means 482  
one of the definite prison terms prescribed in division (A) (2) 483  
(b) of section 2929.14 of the Revised Code for a felony of the 484  
second degree, except that if the violation for which sentence 485  
is being imposed is committed on or after March 22, 2019, it 486  
means one of the minimum prison terms prescribed in division (A) 487  
(2) (a) of that section for a felony of the second degree. 488

(NN) "Maximum first degree felony mandatory prison term" 489  
means the maximum definite prison term prescribed in division 490  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 491  
the first degree, except that if the violation for which 492  
sentence is being imposed is committed on or after March 22, 493  
2019, it means the longest minimum prison term prescribed in 494  
division (A) (1) (a) of that section for a felony of the first 495  
degree. 496

(OO) "Maximum second degree felony mandatory prison term" 497  
means the maximum definite prison term prescribed in division 498  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 499  
the second degree, except that if the violation for which 500

sentence is being imposed is committed on or after March 22, 501  
2019, it means the longest minimum prison term prescribed in 502  
division (A) (2) (a) of that section for a felony of the second 503  
degree. 504

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 505  
as in section 928.01 of the Revised Code. 506

(QQ) An offense is "committed in the vicinity of a 507  
substance addiction services provider" if both of the following 508  
apply: 509

(1) The offender commits the offense on the premises of a 510  
substance addiction services provider's facility, including a 511  
facility licensed prior to June 29, 2019, under section 5119.391 512  
of the Revised Code to provide methadone treatment or an opioid 513  
treatment program licensed on or after that date under section 514  
5119.37 of the Revised Code, or within one thousand feet of the 515  
premises of a substance addiction services provider's facility. 516

(2) The offender recklessly disregards whether the offense 517  
is being committed within the vicinity described in division 518  
(QQ) (1) of this section. 519

(RR) "Substance addiction services provider" means an 520  
agency, association, corporation or other legal entity, 521  
individual, or program that provides one or more of the 522  
following at a facility: 523

(1) Either alcohol addiction services, or drug addiction 524  
services, or both such services that are certified by the 525  
director of mental health and addiction services under section 526  
5119.36 of the Revised Code; 527

(2) Recovery supports that are related to either alcohol 528  
addiction services, or drug addiction services, or both such 529

services and paid for with federal, state, or local funds 530  
administered by the department of mental health and addiction 531  
services or a board of alcohol, drug addiction, and mental 532  
health services. 533

(SS) "Premises of a substance addiction services 534  
provider's facility" means the parcel of real property on which 535  
any substance addiction service provider's facility is situated. 536

(TT) "Alcohol and drug addiction services" has the same 537  
meaning as in section 5119.01 of the Revised Code. 538

**Sec. 2925.03.** (A) No person shall knowingly do any of the 539  
following: 540

(1) Sell or offer to sell a controlled substance or a 541  
controlled substance analog; 542

(2) Prepare for shipment, ship, transport, deliver, 543  
prepare for distribution, or distribute a controlled substance 544  
or a controlled substance analog, when the offender knows or has 545  
reasonable cause to believe that the controlled substance or a 546  
controlled substance analog is intended for sale or resale by 547  
the offender or another person. 548

(B) This section does not apply to any of the following: 549

(1) Manufacturers, licensed health professionals 550  
authorized to prescribe drugs, pharmacists, owners of 551  
pharmacies, and other persons whose conduct is in accordance 552  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 553  
4741. of the Revised Code; 554

(2) If the offense involves an anabolic steroid, any 555  
person who is conducting or participating in a research project 556  
involving the use of an anabolic steroid if the project has been 557

approved by the United States food and drug administration; 558

(3) Any person who sells, offers for sale, prescribes, 559  
dispenses, or administers for livestock or other nonhuman 560  
species an anabolic steroid that is expressly intended for 561  
administration through implants to livestock or other nonhuman 562  
species and approved for that purpose under the "Federal Food, 563  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 564  
as amended, and is sold, offered for sale, prescribed, 565  
dispensed, or administered for that purpose in accordance with 566  
that act. 567

(C) Whoever violates division (A) of this section is 568  
guilty of one of the following: 569

(1) If the drug involved in the violation is any compound, 570  
mixture, preparation, or substance included in schedule I or 571  
schedule II, with the exception of marihuana, cocaine, L.S.D., 572  
heroin, any fentanyl-related compound, hashish, and any 573  
controlled substance analog, whoever violates division (A) of 574  
this section is guilty of aggravated trafficking in drugs. The 575  
penalty for the offense shall be determined as follows: 576

(a) Except as otherwise provided in division (C) (1) (b), 577  
(c), (d), (e), or (f) of this section, aggravated trafficking in 578  
drugs is a felony of the fourth degree, and division (C) of 579  
section 2929.13 of the Revised Code applies in determining 580  
whether to impose a prison term on the offender. 581

(b) Except as otherwise provided in division (C) (1) (c), 582  
(d), (e), or (f) of this section, if the offense was committed 583  
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 584  
or in the vicinity of a substance addiction services provider, 585  
aggravated trafficking in drugs is a felony of the third degree, 586

and division (C) of section 2929.13 of the Revised Code applies 587  
in determining whether to impose a prison term on the offender. 588

(c) Except as otherwise provided in this division, if the 589  
amount of the drug involved equals or exceeds the bulk amount 590  
but is less than five times the bulk amount, aggravated 591  
trafficking in drugs is a felony of the third degree, and, 592  
except as otherwise provided in this division, there is a 593  
presumption for a prison term for the offense. If aggravated 594  
trafficking in drugs is a felony of the third degree under this 595  
division and if the offender two or more times previously has 596  
been convicted of or pleaded guilty to a felony drug abuse 597  
offense, the court shall impose as a mandatory prison term one 598  
of the prison terms prescribed for a felony of the third degree. 599  
If the amount of the drug involved is within that range and if 600  
the offense was committed in the vicinity of a school ~~or~~, in the 601  
vicinity of a juvenile, or in the vicinity of a substance 602  
addiction services provider, aggravated trafficking in drugs is 603  
a felony of the second degree, and the court shall impose as a 604  
mandatory prison term a second degree felony mandatory prison 605  
term. 606

(d) Except as otherwise provided in this division, if the 607  
amount of the drug involved equals or exceeds five times the 608  
bulk amount but is less than fifty times the bulk amount, 609  
aggravated trafficking in drugs is a felony of the second 610  
degree, and the court shall impose as a mandatory prison term a 611  
second degree felony mandatory prison term. If the amount of the 612  
drug involved is within that range and if the offense was 613  
committed in the vicinity of a school ~~or~~, in the vicinity of a 614  
juvenile, or in the vicinity of a substance addiction services 615  
provider, aggravated trafficking in drugs is a felony of the 616  
first degree, and the court shall impose as a mandatory prison 617

term a first degree felony mandatory prison term. 618

(e) If the amount of the drug involved equals or exceeds 619  
fifty times the bulk amount but is less than one hundred times 620  
the bulk amount and regardless of whether the offense was 621  
committed in the vicinity of a school ~~or~~, in the vicinity of a 622  
juvenile, or in the vicinity of a substance addiction services 623  
provider, aggravated trafficking in drugs is a felony of the 624  
first degree, and the court shall impose as a mandatory prison 625  
term a first degree felony mandatory prison term. 626

(f) If the amount of the drug involved equals or exceeds 627  
one hundred times the bulk amount and regardless of whether the 628  
offense was committed in the vicinity of a school ~~or~~, in the 629  
vicinity of a juvenile, or in the vicinity of a substance 630  
addiction services provider, aggravated trafficking in drugs is 631  
a felony of the first degree, the offender is a major drug 632  
offender, and the court shall impose as a mandatory prison term 633  
a maximum first degree felony mandatory prison term. 634

(2) If the drug involved in the violation is any compound, 635  
mixture, preparation, or substance included in schedule III, IV, 636  
or V, whoever violates division (A) of this section is guilty of 637  
trafficking in drugs. The penalty for the offense shall be 638  
determined as follows: 639

(a) Except as otherwise provided in division (C) (2) (b), 640  
(c), (d), or (e) of this section, trafficking in drugs is a 641  
felony of the fifth degree, and division (B) of section 2929.13 642  
of the Revised Code applies in determining whether to impose a 643  
prison term on the offender. 644

(b) Except as otherwise provided in division (C) (2) (c), 645  
(d), or (e) of this section, if the offense was committed in the 646

vicinity of a school or in the vicinity of a juvenile, 647  
trafficking in drugs is a felony of the fourth degree, and 648  
division (C) of section 2929.13 of the Revised Code applies in 649  
determining whether to impose a prison term on the offender. 650

(c) Except as otherwise provided in this division, if the 651  
amount of the drug involved equals or exceeds the bulk amount 652  
but is less than five times the bulk amount, trafficking in 653  
drugs is a felony of the fourth degree, and division (B) of 654  
section 2929.13 of the Revised Code applies in determining 655  
whether to impose a prison term for the offense. If the amount 656  
of the drug involved is within that range and if the offense was 657  
committed in the vicinity of a school or in the vicinity of a 658  
juvenile, trafficking in drugs is a felony of the third degree, 659  
and there is a presumption for a prison term for the offense. 660

(d) Except as otherwise provided in this division, if the 661  
amount of the drug involved equals or exceeds five times the 662  
bulk amount but is less than fifty times the bulk amount, 663  
trafficking in drugs is a felony of the third degree, and there 664  
is a presumption for a prison term for the offense. If the 665  
amount of the drug involved is within that range and if the 666  
offense was committed in the vicinity of a school or in the 667  
vicinity of a juvenile, trafficking in drugs is a felony of the 668  
second degree, and there is a presumption for a prison term for 669  
the offense. 670

(e) Except as otherwise provided in this division, if the 671  
amount of the drug involved equals or exceeds fifty times the 672  
bulk amount, trafficking in drugs is a felony of the second 673  
degree, and the court shall impose as a mandatory prison term a 674  
second degree felony mandatory prison term. If the amount of the 675  
drug involved equals or exceeds fifty times the bulk amount and 676



if the offense was committed in the vicinity of a school or in 677  
the vicinity of a juvenile, trafficking in drugs is a felony of 678  
the first degree, and the court shall impose as a mandatory 679  
prison term a first degree felony mandatory prison term. 680

(3) If the drug involved in the violation is marihuana or 681  
a compound, mixture, preparation, or substance containing 682  
marihuana other than hashish, whoever violates division (A) of 683  
this section is guilty of trafficking in marihuana. The penalty 684  
for the offense shall be determined as follows: 685

(a) Except as otherwise provided in division (C) (3) (b), 686  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 687  
marihuana is a felony of the fifth degree, and division (B) of 688  
section 2929.13 of the Revised Code applies in determining 689  
whether to impose a prison term on the offender. 690

(b) Except as otherwise provided in division (C) (3) (c), 691  
(d), (e), (f), (g), or (h) of this section, if the offense was 692  
committed in the vicinity of a school or in the vicinity of a 693  
juvenile, trafficking in marihuana is a felony of the fourth 694  
degree, and division (B) of section 2929.13 of the Revised Code 695  
applies in determining whether to impose a prison term on the 696  
offender. 697

(c) Except as otherwise provided in this division, if the 698  
amount of the drug involved equals or exceeds two hundred grams 699  
but is less than one thousand grams, trafficking in marihuana is 700  
a felony of the fourth degree, and division (B) of section 701  
2929.13 of the Revised Code applies in determining whether to 702  
impose a prison term on the offender. If the amount of the drug 703  
involved is within that range and if the offense was committed 704  
in the vicinity of a school or in the vicinity of a juvenile, 705  
trafficking in marihuana is a felony of the third degree, and 706

division (C) of section 2929.13 of the Revised Code applies in 707  
determining whether to impose a prison term on the offender. 708

(d) Except as otherwise provided in this division, if the 709  
amount of the drug involved equals or exceeds one thousand grams 710  
but is less than five thousand grams, trafficking in marihuana 711  
is a felony of the third degree, and division (C) of section 712  
2929.13 of the Revised Code applies in determining whether to 713  
impose a prison term on the offender. If the amount of the drug 714  
involved is within that range and if the offense was committed 715  
in the vicinity of a school or in the vicinity of a juvenile, 716  
trafficking in marihuana is a felony of the second degree, and 717  
there is a presumption that a prison term shall be imposed for 718  
the offense. 719

(e) Except as otherwise provided in this division, if the 720  
amount of the drug involved equals or exceeds five thousand 721  
grams but is less than twenty thousand grams, trafficking in 722  
marihuana is a felony of the third degree, and there is a 723  
presumption that a prison term shall be imposed for the offense. 724  
If the amount of the drug involved is within that range and if 725  
the offense was committed in the vicinity of a school or in the 726  
vicinity of a juvenile, trafficking in marihuana is a felony of 727  
the second degree, and there is a presumption that a prison term 728  
shall be imposed for the offense. 729

(f) Except as otherwise provided in this division, if the 730  
amount of the drug involved equals or exceeds twenty thousand 731  
grams but is less than forty thousand grams, trafficking in 732  
marihuana is a felony of the second degree, and the court shall 733  
impose as a mandatory prison term a second degree felony 734  
mandatory prison term of five, six, seven, or eight years. If 735  
the amount of the drug involved is within that range and if the 736

offense was committed in the vicinity of a school or in the 737  
vicinity of a juvenile, trafficking in marihuana is a felony of 738  
the first degree, and the court shall impose as a mandatory 739  
prison term a maximum first degree felony mandatory prison term. 740

(g) Except as otherwise provided in this division, if the 741  
amount of the drug involved equals or exceeds forty thousand 742  
grams, trafficking in marihuana is a felony of the second 743  
degree, and the court shall impose as a mandatory prison term a 744  
maximum second degree felony mandatory prison term. If the 745  
amount of the drug involved equals or exceeds forty thousand 746  
grams and if the offense was committed in the vicinity of a 747  
school or in the vicinity of a juvenile, trafficking in 748  
marihuana is a felony of the first degree, and the court shall 749  
impose as a mandatory prison term a maximum first degree felony 750  
mandatory prison term. 751

(h) Except as otherwise provided in this division, if the 752  
offense involves a gift of twenty grams or less of marihuana, 753  
trafficking in marihuana is a minor misdemeanor upon a first 754  
offense and a misdemeanor of the third degree upon a subsequent 755  
offense. If the offense involves a gift of twenty grams or less 756  
of marihuana and if the offense was committed in the vicinity of 757  
a school or in the vicinity of a juvenile, trafficking in 758  
marihuana is a misdemeanor of the third degree. 759

(4) If the drug involved in the violation is cocaine or a 760  
compound, mixture, preparation, or substance containing cocaine, 761  
whoever violates division (A) of this section is guilty of 762  
trafficking in cocaine. The penalty for the offense shall be 763  
determined as follows: 764

(a) Except as otherwise provided in division (C) (4) (b), 765  
(c), (d), (e), (f), or (g) of this section, trafficking in 766

cocaine is a felony of the fifth degree, and division (B) of 767  
section 2929.13 of the Revised Code applies in determining 768  
whether to impose a prison term on the offender. 769

(b) Except as otherwise provided in division (C) (4) (c), 770  
(d), (e), (f), or (g) of this section, if the offense was 771  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 772  
juvenile, or in the vicinity of a substance addiction services 773  
provider, trafficking in cocaine is a felony of the fourth 774  
degree, and division (C) of section 2929.13 of the Revised Code 775  
applies in determining whether to impose a prison term on the 776  
offender. 777

(c) Except as otherwise provided in this division, if the 778  
amount of the drug involved equals or exceeds five grams but is 779  
less than ten grams of cocaine, trafficking in cocaine is a 780  
felony of the fourth degree, and division (B) of section 2929.13 781  
of the Revised Code applies in determining whether to impose a 782  
prison term for the offense. If the amount of the drug involved 783  
is within that range and if the offense was committed in the 784  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 785  
the vicinity of a substance addiction services provider, 786  
trafficking in cocaine is a felony of the third degree, and 787  
there is a presumption for a prison term for the offense. 788

(d) Except as otherwise provided in this division, if the 789  
amount of the drug involved equals or exceeds ten grams but is 790  
less than twenty grams of cocaine, trafficking in cocaine is a 791  
felony of the third degree, and, except as otherwise provided in 792  
this division, there is a presumption for a prison term for the 793  
offense. If trafficking in cocaine is a felony of the third 794  
degree under this division and if the offender two or more times 795  
previously has been convicted of or pleaded guilty to a felony 796

drug abuse offense, the court shall impose as a mandatory prison 797  
term one of the prison terms prescribed for a felony of the 798  
third degree. If the amount of the drug involved is within that 799  
range and if the offense was committed in the vicinity of a 800  
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 801  
a substance addiction services provider, trafficking in cocaine 802  
is a felony of the second degree, and the court shall impose as 803  
a mandatory prison term a second degree felony mandatory prison 804  
term. 805

(e) Except as otherwise provided in this division, if the 806  
amount of the drug involved equals or exceeds twenty grams but 807  
is less than twenty-seven grams of cocaine, trafficking in 808  
cocaine is a felony of the second degree, and the court shall 809  
impose as a mandatory prison term a second degree felony 810  
mandatory prison term. If the amount of the drug involved is 811  
within that range and if the offense was committed in the 812  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 813  
the vicinity of a substance addiction services provider, 814  
trafficking in cocaine is a felony of the first degree, and the 815  
court shall impose as a mandatory prison term a first degree 816  
felony mandatory prison term. 817

(f) If the amount of the drug involved equals or exceeds 818  
twenty-seven grams but is less than one hundred grams of cocaine 819  
and regardless of whether the offense was committed in the 820  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 821  
the vicinity of a substance addiction services provider, 822  
trafficking in cocaine is a felony of the first degree, and the 823  
court shall impose as a mandatory prison term a first degree 824  
felony mandatory prison term. 825

(g) If the amount of the drug involved equals or exceeds 826

one hundred grams of cocaine and regardless of whether the 827  
offense was committed in the vicinity of a school ~~or,~~ in the 828  
vicinity of a juvenile, or in the vicinity of a substance 829  
addiction services provider, trafficking in cocaine is a felony 830  
of the first degree, the offender is a major drug offender, and 831  
the court shall impose as a mandatory prison term a maximum 832  
first degree felony mandatory prison term. 833

(5) If the drug involved in the violation is L.S.D. or a 834  
compound, mixture, preparation, or substance containing L.S.D., 835  
whoever violates division (A) of this section is guilty of 836  
trafficking in L.S.D. The penalty for the offense shall be 837  
determined as follows: 838

(a) Except as otherwise provided in division (C) (5) (b), 839  
(c), (d), (e), (f), or (g) of this section, trafficking in 840  
L.S.D. is a felony of the fifth degree, and division (B) of 841  
section 2929.13 of the Revised Code applies in determining 842  
whether to impose a prison term on the offender. 843

(b) Except as otherwise provided in division (C) (5) (c), 844  
(d), (e), (f), or (g) of this section, if the offense was 845  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 846  
juvenile, or in the vicinity of a substance addiction services 847  
provider, trafficking in L.S.D. is a felony of the fourth 848  
degree, and division (C) of section 2929.13 of the Revised Code 849  
applies in determining whether to impose a prison term on the 850  
offender. 851

(c) Except as otherwise provided in this division, if the 852  
amount of the drug involved equals or exceeds ten unit doses but 853  
is less than fifty unit doses of L.S.D. in a solid form or 854  
equals or exceeds one gram but is less than five grams of L.S.D. 855  
in a liquid concentrate, liquid extract, or liquid distillate 856

form, trafficking in L.S.D. is a felony of the fourth degree, 857  
and division (B) of section 2929.13 of the Revised Code applies 858  
in determining whether to impose a prison term for the offense. 859  
If the amount of the drug involved is within that range and if 860  
the offense was committed in the vicinity of a school ~~or,~~ in the 861  
vicinity of a juvenile, or in the vicinity of a substance 862  
addiction services provider, trafficking in L.S.D. is a felony 863  
of the third degree, and there is a presumption for a prison 864  
term for the offense. 865

(d) Except as otherwise provided in this division, if the 866  
amount of the drug involved equals or exceeds fifty unit doses 867  
but is less than two hundred fifty unit doses of L.S.D. in a 868  
solid form or equals or exceeds five grams but is less than 869  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 870  
extract, or liquid distillate form, trafficking in L.S.D. is a 871  
felony of the third degree, and, except as otherwise provided in 872  
this division, there is a presumption for a prison term for the 873  
offense. If trafficking in L.S.D. is a felony of the third 874  
degree under this division and if the offender two or more times 875  
previously has been convicted of or pleaded guilty to a felony 876  
drug abuse offense, the court shall impose as a mandatory prison 877  
term one of the prison terms prescribed for a felony of the 878  
third degree. If the amount of the drug involved is within that 879  
range and if the offense was committed in the vicinity of a 880  
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 881  
a substance addiction services provider, trafficking in L.S.D. 882  
is a felony of the second degree, and the court shall impose as 883  
a mandatory prison term a second degree felony mandatory prison 884  
term. 885

(e) Except as otherwise provided in this division, if the 886  
amount of the drug involved equals or exceeds two hundred fifty 887

unit doses but is less than one thousand unit doses of L.S.D. in 888  
a solid form or equals or exceeds twenty-five grams but is less 889  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 890  
extract, or liquid distillate form, trafficking in L.S.D. is a 891  
felony of the second degree, and the court shall impose as a 892  
mandatory prison term a second degree felony mandatory prison 893  
term. If the amount of the drug involved is within that range 894  
and if the offense was committed in the vicinity of a school ~~or,~~ 895  
in the vicinity of a juvenile, or in the vicinity of a substance 896  
addiction services provider, trafficking in L.S.D. is a felony 897  
of the first degree, and the court shall impose as a mandatory 898  
prison term a first degree felony mandatory prison term. 899

(f) If the amount of the drug involved equals or exceeds 900  
one thousand unit doses but is less than five thousand unit 901  
doses of L.S.D. in a solid form or equals or exceeds one hundred 902  
grams but is less than five hundred grams of L.S.D. in a liquid 903  
concentrate, liquid extract, or liquid distillate form and 904  
regardless of whether the offense was committed in the vicinity 905  
of a school ~~or,~~ in the vicinity of a juvenile, or in the 906  
vicinity of a substance addiction services provider, trafficking 907  
in L.S.D. is a felony of the first degree, and the court shall 908  
impose as a mandatory prison term a first degree felony 909  
mandatory prison term. 910

(g) If the amount of the drug involved equals or exceeds 911  
five thousand unit doses of L.S.D. in a solid form or equals or 912  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 913  
liquid extract, or liquid distillate form and regardless of 914  
whether the offense was committed in the vicinity of a school 915  
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 916  
substance addiction services provider, trafficking in L.S.D. is 917  
a felony of the first degree, the offender is a major drug 918



offender, and the court shall impose as a mandatory prison term 919  
a maximum first degree felony mandatory prison term. 920

(6) If the drug involved in the violation is heroin or a 921  
compound, mixture, preparation, or substance containing heroin, 922  
whoever violates division (A) of this section is guilty of 923  
trafficking in heroin. The penalty for the offense shall be 924  
determined as follows: 925

(a) Except as otherwise provided in division (C) (6) (b), 926  
(c), (d), (e), (f), or (g) of this section, trafficking in 927  
heroin is a felony of the fifth degree, and division (B) of 928  
section 2929.13 of the Revised Code applies in determining 929  
whether to impose a prison term on the offender. 930

(b) Except as otherwise provided in division (C) (6) (c), 931  
(d), (e), (f), or (g) of this section, if the offense was 932  
committed in the vicinity of a school ~~or~~, in the vicinity of a 933  
juvenile, or in the vicinity of a substance addiction services 934  
provider trafficking in heroin is a felony of the fourth degree, 935  
and division (C) of section 2929.13 of the Revised Code applies 936  
in determining whether to impose a prison term on the offender. 937

(c) Except as otherwise provided in this division, if the 938  
amount of the drug involved equals or exceeds ten unit doses but 939  
is less than fifty unit doses or equals or exceeds one gram but 940  
is less than five grams, trafficking in heroin is a felony of 941  
the fourth degree, and division (B) of section 2929.13 of the 942  
Revised Code applies in determining whether to impose a prison 943  
term for the offense. If the amount of the drug involved is 944  
within that range and if the offense was committed in the 945  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 946  
the vicinity of a substance addiction services provider, 947  
trafficking in heroin is a felony of the third degree, and there 948

is a presumption for a prison term for the offense. 949

(d) Except as otherwise provided in this division, if the 950  
amount of the drug involved equals or exceeds fifty unit doses 951  
but is less than one hundred unit doses or equals or exceeds 952  
five grams but is less than ten grams, trafficking in heroin is 953  
a felony of the third degree, and there is a presumption for a 954  
prison term for the offense. If the amount of the drug involved 955  
is within that range and if the offense was committed in the 956  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 957  
the vicinity of a substance addiction services provider, 958  
trafficking in heroin is a felony of the second degree, and 959  
there is a presumption for a prison term for the offense. 960

(e) Except as otherwise provided in this division, if the 961  
amount of the drug involved equals or exceeds one hundred unit 962  
doses but is less than five hundred unit doses or equals or 963  
exceeds ten grams but is less than fifty grams, trafficking in 964  
heroin is a felony of the second degree, and the court shall 965  
impose as a mandatory prison term a second degree felony 966  
mandatory prison term. If the amount of the drug involved is 967  
within that range and if the offense was committed in the 968  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 969  
the vicinity of a substance addiction services provider, 970  
trafficking in heroin is a felony of the first degree, and the 971  
court shall impose as a mandatory prison term a first degree 972  
felony mandatory prison term. 973

(f) If the amount of the drug involved equals or exceeds 974  
five hundred unit doses but is less than one thousand unit doses 975  
or equals or exceeds fifty grams but is less than one hundred 976  
grams and regardless of whether the offense was committed in the 977  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 978

the vicinity of a substance addiction services provider, 979  
trafficking in heroin is a felony of the first degree, and the 980  
court shall impose as a mandatory prison term a first degree 981  
felony mandatory prison term. 982

(g) If the amount of the drug involved equals or exceeds 983  
one thousand unit doses or equals or exceeds one hundred grams 984  
and regardless of whether the offense was committed in the 985  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 986  
the vicinity of a substance addiction services provider, 987  
trafficking in heroin is a felony of the first degree, the 988  
offender is a major drug offender, and the court shall impose as 989  
a mandatory prison term a maximum first degree felony mandatory 990  
prison term. 991

(7) If the drug involved in the violation is hashish or a 992  
compound, mixture, preparation, or substance containing hashish, 993  
whoever violates division (A) of this section is guilty of 994  
trafficking in hashish. The penalty for the offense shall be 995  
determined as follows: 996

(a) Except as otherwise provided in division (C) (7) (b), 997  
(c), (d), (e), (f), or (g) of this section, trafficking in 998  
hashish is a felony of the fifth degree, and division (B) of 999  
section 2929.13 of the Revised Code applies in determining 1000  
whether to impose a prison term on the offender. 1001

(b) Except as otherwise provided in division (C) (7) (c), 1002  
(d), (e), (f), or (g) of this section, if the offense was 1003  
committed in the vicinity of a school~~or,~~ in the vicinity of a 1004  
juvenile, or in the vicinity of a substance addiction services 1005  
provider, trafficking in hashish is a felony of the fourth 1006  
degree, and division (B) of section 2929.13 of the Revised Code 1007  
applies in determining whether to impose a prison term on the 1008

offender. 1009

(c) Except as otherwise provided in this division, if the 1010  
amount of the drug involved equals or exceeds ten grams but is 1011  
less than fifty grams of hashish in a solid form or equals or 1012  
exceeds two grams but is less than ten grams of hashish in a 1013  
liquid concentrate, liquid extract, or liquid distillate form, 1014  
trafficking in hashish is a felony of the fourth degree, and 1015  
division (B) of section 2929.13 of the Revised Code applies in 1016  
determining whether to impose a prison term on the offender. If 1017  
the amount of the drug involved is within that range and if the 1018  
offense was committed in the vicinity of a school ~~or,~~ in the 1019  
vicinity of a juvenile, or in the vicinity of a substance 1020  
addiction services provider, trafficking in hashish is a felony 1021  
of the third degree, and division (C) of section 2929.13 of the 1022  
Revised Code applies in determining whether to impose a prison 1023  
term on the offender. 1024

(d) Except as otherwise provided in this division, if the 1025  
amount of the drug involved equals or exceeds fifty grams but is 1026  
less than two hundred fifty grams of hashish in a solid form or 1027  
equals or exceeds ten grams but is less than fifty grams of 1028  
hashish in a liquid concentrate, liquid extract, or liquid 1029  
distillate form, trafficking in hashish is a felony of the third 1030  
degree, and division (C) of section 2929.13 of the Revised Code 1031  
applies in determining whether to impose a prison term on the 1032  
offender. If the amount of the drug involved is within that 1033  
range and if the offense was committed in the vicinity of a 1034  
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 1035  
a substance addiction services provider, trafficking in hashish 1036  
is a felony of the second degree, and there is a presumption 1037  
that a prison term shall be imposed for the offense. 1038

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

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider, trafficking in hashish 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.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams

of hashish in a solid form or equals or exceeds four hundred 1070  
grams of hashish in a liquid concentrate, liquid extract, or 1071  
liquid distillate form, trafficking in hashish is a felony of 1072  
the second degree, and the court shall impose as a mandatory 1073  
prison term a maximum second degree felony mandatory prison 1074  
term. If the amount of the drug involved equals or exceeds two 1075  
thousand grams of hashish in a solid form or equals or exceeds 1076  
four hundred grams of hashish in a liquid concentrate, liquid 1077  
extract, or liquid distillate form and if the offense was 1078  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1079  
juvenile, or in the vicinity of a substance addiction services 1080  
provider, trafficking in hashish is a felony of the first 1081  
degree, and the court shall impose as a mandatory prison term a 1082  
maximum first degree felony mandatory prison term. 1083

(8) If the drug involved in the violation is a controlled 1084  
substance analog or compound, mixture, preparation, or substance 1085  
that contains a controlled substance analog, whoever violates 1086  
division (A) of this section is guilty of trafficking in a 1087  
controlled substance analog. The penalty for the offense shall 1088  
be determined as follows: 1089

(a) Except as otherwise provided in division (C) (8) (b), 1090  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1091  
controlled substance analog is a felony of the fifth degree, and 1092  
division (C) of section 2929.13 of the Revised Code applies in 1093  
determining whether to impose a prison term on the offender. 1094

(b) Except as otherwise provided in division (C) (8) (c), 1095  
(d), (e), (f), or (g) of this section, if the offense was 1096  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1097  
juvenile, or in the vicinity of a substance addiction services 1098  
provider, trafficking in a controlled substance analog is a 1099

felony of the fourth degree, and division (C) of section 2929.13 1100  
of the Revised Code applies in determining whether to impose a 1101  
prison term on the offender. 1102

(c) Except as otherwise provided in this division, if the 1103  
amount of the drug involved equals or exceeds ten grams but is 1104  
less than twenty grams, trafficking in a controlled substance 1105  
analog is a felony of the fourth degree, and division (B) of 1106  
section 2929.13 of the Revised Code applies in determining 1107  
whether to impose a prison term for the offense. If the amount 1108  
of the drug involved is within that range and if the offense was 1109  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1110  
juvenile, or in the vicinity of a substance addiction services 1111  
provider, trafficking in a controlled substance analog is a 1112  
felony of the third degree, and there is a presumption for a 1113  
prison term for the offense. 1114

(d) Except as otherwise provided in this division, if the 1115  
amount of the drug involved equals or exceeds twenty grams but 1116  
is less than thirty grams, trafficking in a controlled substance 1117  
analog is a felony of the third degree, and there is a 1118  
presumption for a prison term for the offense. If the amount of 1119  
the drug involved is within that range and if the offense was 1120  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1121  
juvenile, or in the vicinity of a substance addiction services 1122  
provider, trafficking in a controlled substance analog is a 1123  
felony of the second degree, and there is a presumption for a 1124  
prison term for the offense. 1125

(e) Except as otherwise provided in this division, if the 1126  
amount of the drug involved equals or exceeds thirty grams but 1127  
is less than forty grams, trafficking in a controlled substance 1128  
analog is a felony of the second degree, and the court shall 1129

impose as a mandatory prison term a second degree felony 1130  
mandatory prison term. If the amount of the drug involved is 1131  
within that range and if the offense was committed in the 1132  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1133  
the vicinity of a substance addiction services provider, 1134  
trafficking in a controlled substance analog is a felony of the 1135  
first degree, and the court shall impose as a mandatory prison 1136  
term a first degree felony mandatory prison term. 1137

(f) If the amount of the drug involved equals or exceeds 1138  
forty grams but is less than fifty grams and regardless of 1139  
whether the offense was committed in the vicinity of a school 1140  
 ~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 1141  
substance addiction services provider, trafficking in a 1142  
controlled substance analog is a felony of the first degree, and 1143  
the court shall impose as a mandatory prison term a first degree 1144  
felony mandatory prison term. 1145

(g) If the amount of the drug involved equals or exceeds 1146  
fifty grams and regardless of whether the offense was committed 1147  
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 1148  
or in the vicinity of a substance addiction services provider, 1149  
trafficking in a controlled substance analog is a felony of the 1150  
first degree, the offender is a major drug offender, and the 1151  
court shall impose as a mandatory prison term a maximum first 1152  
degree felony mandatory prison term. 1153

(9) If the drug involved in the violation is a fentanyl- 1154  
related compound or a compound, mixture, preparation, or 1155  
substance containing a fentanyl-related compound and division 1156  
(C) (10) (a) of this section does not apply to the drug involved, 1157  
whoever violates division (A) of this section is guilty of 1158  
trafficking in a fentanyl-related compound. The penalty for the 1159



offense shall be determined as follows: 1160

(a) Except as otherwise provided in division (C) (9) (b), 1161  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1162  
a fentanyl-related compound is a felony of the fifth degree, and 1163  
division (B) of section 2929.13 of the Revised Code applies in 1164  
determining whether to impose a prison term on the offender. 1165

(b) Except as otherwise provided in division (C) (9) (c), 1166  
(d), (e), (f), (g), or (h) of this section, if the offense was 1167  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1168  
juvenile, or in the vicinity of a substance addiction services 1169  
provider, trafficking in a fentanyl-related compound is a felony 1170  
of the fourth degree, and division (C) of section 2929.13 of the 1171  
Revised Code applies in determining whether to impose a prison 1172  
term on the offender. 1173

(c) Except as otherwise provided in this division, if the 1174  
amount of the drug involved equals or exceeds ten unit doses but 1175  
is less than fifty unit doses or equals or exceeds one gram but 1176  
is less than five grams, trafficking in a fentanyl-related 1177  
compound is a felony of the fourth degree, and division (B) of 1178  
section 2929.13 of the Revised Code applies in determining 1179  
whether to impose a prison term for the offense. If the amount 1180  
of the drug involved is within that range and if the offense was 1181  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1182  
juvenile, or in the vicinity of a substance addiction services 1183  
provider, trafficking in a fentanyl-related compound is a felony 1184  
of the third degree, and there is a presumption for a prison 1185  
term for the offense. 1186

(d) Except as otherwise provided in this division, if the 1187  
amount of the drug involved equals or exceeds fifty unit doses 1188  
but is less than one hundred unit doses or equals or exceeds 1189

five grams but is less than ten grams, trafficking in a 1190  
fentanyl-related compound is a felony of the third degree, and 1191  
there is a presumption for a prison term for the offense. If the 1192  
amount of the drug involved is within that range and if the 1193  
offense was committed in the vicinity of a school ~~or,~~ in the 1194  
vicinity of a juvenile, or in the vicinity of a substance 1195  
addiction services provider, trafficking in a fentanyl-related 1196  
compound is a felony of the second degree, and there is a 1197  
presumption for a prison term for the offense. 1198

(e) Except as otherwise provided in this division, if the 1199  
amount of the drug involved equals or exceeds one hundred unit 1200  
doses but is less than two hundred unit doses or equals or 1201  
exceeds ten grams but is less than twenty grams, trafficking in 1202  
a fentanyl-related compound is a felony of the second degree, 1203  
and the court shall impose as a mandatory prison term one of the 1204  
prison terms prescribed for a felony of the second degree. If 1205  
the amount of the drug involved is within that range and if the 1206  
offense was committed in the vicinity of a school ~~or,~~ in the 1207  
vicinity of a juvenile, or in the vicinity of a substance 1208  
addiction services provider, trafficking in a fentanyl-related 1209  
compound is a felony of the first degree, and the court shall 1210  
impose as a mandatory prison term one of the prison terms 1211  
prescribed for a felony of the first degree. 1212

(f) If the amount of the drug involved equals or exceeds 1213  
two hundred unit doses but is less than five hundred unit doses 1214  
or equals or exceeds twenty grams but is less than fifty grams 1215  
and regardless of whether the offense was committed in the 1216  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1217  
the vicinity of a substance addiction services provider, 1218  
trafficking in a fentanyl-related compound is a felony of the 1219  
first degree, and the court shall impose as a mandatory prison 1220

term one of the prison terms prescribed for a felony of the 1221  
first degree. 1222

(g) If the amount of the drug involved equals or exceeds 1223  
five hundred unit doses but is less than one thousand unit doses 1224  
or equals or exceeds fifty grams but is less than one hundred 1225  
grams and regardless of whether the offense was committed in the 1226  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1227  
the vicinity of a substance addiction services provider, 1228  
trafficking in a fentanyl-related compound is a felony of the 1229  
first degree, and the court shall impose as a mandatory prison 1230  
term the maximum prison term prescribed for a felony of the 1231  
first degree. 1232

(h) If the amount of the drug involved equals or exceeds 1233  
one thousand unit doses or equals or exceeds one hundred grams 1234  
and regardless of whether the offense was committed in the 1235  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1236  
the vicinity of a substance addiction services provider, 1237  
trafficking in a fentanyl-related compound is a felony of the 1238  
first degree, the offender is a major drug offender, and the 1239  
court shall impose as a mandatory prison term the maximum prison 1240  
term prescribed for a felony of the first degree. 1241

(10) If the drug involved in the violation is a compound, 1242  
mixture, preparation, or substance that is a combination of a 1243  
fentanyl-related compound and marihuana, one of the following 1244  
applies: 1245

(a) Except as otherwise provided in division (C) (10) (b) of 1246  
this section, the offender is guilty of trafficking in marihuana 1247  
and shall be punished under division (C) (3) of this section. The 1248  
offender is not guilty of trafficking in a fentanyl-related 1249  
compound and shall not be charged with, convicted of, or 1250

punished under division (C) (9) of this section for trafficking 1251  
in a fentanyl-related compound. 1252

(b) If the offender knows or has reason to know that the 1253  
compound, mixture, preparation, or substance that is the drug 1254  
involved contains a fentanyl-related compound, the offender is 1255  
guilty of trafficking in a fentanyl-related compound and shall 1256  
be punished under division (C) (9) of this section. 1257

(D) In addition to any prison term authorized or required 1258  
by division (C) of this section and sections 2929.13 and 2929.14 1259  
of the Revised Code, and in addition to any other sanction 1260  
imposed for the offense under this section or sections 2929.11 1261  
to 2929.18 of the Revised Code, the court that sentences an 1262  
offender who is convicted of or pleads guilty to a violation of 1263  
division (A) of this section may suspend the driver's or 1264  
commercial driver's license or permit of the offender in 1265  
accordance with division (G) of this section. However, if the 1266  
offender pleaded guilty to or was convicted of a violation of 1267  
section 4511.19 of the Revised Code or a substantially similar 1268  
municipal ordinance or the law of another state or the United 1269  
States arising out of the same set of circumstances as the 1270  
violation, the court shall suspend the offender's driver's or 1271  
commercial driver's license or permit in accordance with 1272  
division (G) of this section. If applicable, the court also 1273  
shall do the following: 1274

(1) If the violation of division (A) of this section is a 1275  
felony of the first, second, or third degree, the court shall 1276  
impose upon the offender the mandatory fine specified for the 1277  
offense under division (B) (1) of section 2929.18 of the Revised 1278  
Code unless, as specified in that division, the court determines 1279  
that the offender is indigent. Except as otherwise provided in 1280

division (H) (1) of this section, a mandatory fine or any other 1281  
fine imposed for a violation of this section is subject to 1282  
division (F) of this section. If a person is charged with a 1283  
violation of this section that is a felony of the first, second, 1284  
or third degree, posts bail, and forfeits the bail, the clerk of 1285  
the court shall pay the forfeited bail pursuant to divisions (D) 1286  
(1) and (F) of this section, as if the forfeited bail was a fine 1287  
imposed for a violation of this section. If any amount of the 1288  
forfeited bail remains after that payment and if a fine is 1289  
imposed under division (H) (1) of this section, the clerk of the 1290  
court shall pay the remaining amount of the forfeited bail 1291  
pursuant to divisions (H) (2) and (3) of this section, as if that 1292  
remaining amount was a fine imposed under division (H) (1) of 1293  
this section. 1294

(2) If the offender is a professionally licensed person, 1295  
the court immediately shall comply with section 2925.38 of the 1296  
Revised Code. 1297

(E) When a person is charged with the sale of or offer to 1298  
sell a bulk amount or a multiple of a bulk amount of a 1299  
controlled substance, the jury, or the court trying the accused, 1300  
shall determine the amount of the controlled substance involved 1301  
at the time of the offense and, if a guilty verdict is returned, 1302  
shall return the findings as part of the verdict. In any such 1303  
case, it is unnecessary to find and return the exact amount of 1304  
the controlled substance involved, and it is sufficient if the 1305  
finding and return is to the effect that the amount of the 1306  
controlled substance involved is the requisite amount, or that 1307  
the amount of the controlled substance involved is less than the 1308  
requisite amount. 1309

(F) (1) Notwithstanding any contrary provision of section 1310

3719.21 of the Revised Code and except as provided in division 1311  
(H) of this section, the clerk of the court shall pay any 1312  
mandatory fine imposed pursuant to division (D)(1) of this 1313  
section and any fine other than a mandatory fine that is imposed 1314  
for a violation of this section pursuant to division (A) or (B) 1315  
(5) of section 2929.18 of the Revised Code to the county, 1316  
township, municipal corporation, park district, as created 1317  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1318  
state law enforcement agencies in this state that primarily were 1319  
responsible for or involved in making the arrest of, and in 1320  
prosecuting, the offender. However, the clerk shall not pay a 1321  
mandatory fine so imposed to a law enforcement agency unless the 1322  
agency has adopted a written internal control policy under 1323  
division (F)(2) of this section that addresses the use of the 1324  
fine moneys that it receives. Each agency shall use the 1325  
mandatory fines so paid to subsidize the agency's law 1326  
enforcement efforts that pertain to drug offenses, in accordance 1327  
with the written internal control policy adopted by the 1328  
recipient agency under division (F)(2) of this section. 1329

(2) Prior to receiving any fine moneys under division (F) 1330  
(1) of this section or division (B) of section 2925.42 of the 1331  
Revised Code, a law enforcement agency shall adopt a written 1332  
internal control policy that addresses the agency's use and 1333  
disposition of all fine moneys so received and that provides for 1334  
the keeping of detailed financial records of the receipts of 1335  
those fine moneys, the general types of expenditures made out of 1336  
those fine moneys, and the specific amount of each general type 1337  
of expenditure. The policy shall not provide for or permit the 1338  
identification of any specific expenditure that is made in an 1339  
ongoing investigation. All financial records of the receipts of 1340  
those fine moneys, the general types of expenditures made out of 1341

those fine moneys, and the specific amount of each general type 1342  
of expenditure by an agency are public records open for 1343  
inspection under section 149.43 of the Revised Code. 1344  
Additionally, a written internal control policy adopted under 1345  
this division is such a public record, and the agency that 1346  
adopted it shall comply with it. 1347

(3) As used in division (F) of this section: 1348

(a) "Law enforcement agencies" includes, but is not 1349  
limited to, the state board of pharmacy and the office of a 1350  
prosecutor. 1351

(b) "Prosecutor" has the same meaning as in section 1352  
2935.01 of the Revised Code. 1353

(G) (1) If the sentencing court suspends the offender's 1354  
driver's or commercial driver's license or permit under division 1355  
(D) of this section or any other provision of this chapter, the 1356  
court shall suspend the license, by order, for not more than 1357  
five years. If an offender's driver's or commercial driver's 1358  
license or permit is suspended pursuant to this division, the 1359  
offender, at any time after the expiration of two years from the 1360  
day on which the offender's sentence was imposed or from the day 1361  
on which the offender finally was released from a prison term 1362  
under the sentence, whichever is later, may file a motion with 1363  
the sentencing court requesting termination of the suspension; 1364  
upon the filing of such a motion and the court's finding of good 1365  
cause for the termination, the court may terminate the 1366  
suspension. 1367

(2) Any offender who received a mandatory suspension of 1368  
the offender's driver's or commercial driver's license or permit 1369  
under this section prior to September 13, 2016, may file a 1370

motion with the sentencing court requesting the termination of 1371  
the suspension. However, an offender who pleaded guilty to or 1372  
was convicted of a violation of section 4511.19 of the Revised 1373  
Code or a substantially similar municipal ordinance or law of 1374  
another state or the United States that arose out of the same 1375  
set of circumstances as the violation for which the offender's 1376  
license or permit was suspended under this section shall not 1377  
file such a motion. 1378

Upon the filing of a motion under division (G) (2) of this 1379  
section, the sentencing court, in its discretion, may terminate 1380  
the suspension. 1381

(H) (1) In addition to any prison term authorized or 1382  
required by division (C) of this section and sections 2929.13 1383  
and 2929.14 of the Revised Code, in addition to any other 1384  
penalty or sanction imposed for the offense under this section 1385  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1386  
addition to the forfeiture of property in connection with the 1387  
offense as prescribed in Chapter 2981. of the Revised Code, the 1388  
court that sentences an offender who is convicted of or pleads 1389  
guilty to a violation of division (A) of this section may impose 1390  
upon the offender an additional fine specified for the offense 1391  
in division (B) (4) of section 2929.18 of the Revised Code. A 1392  
fine imposed under division (H) (1) of this section is not 1393  
subject to division (F) of this section and shall be used solely 1394  
for the support of one or more eligible community addiction 1395  
services providers in accordance with divisions (H) (2) and (3) 1396  
of this section. 1397

(2) The court that imposes a fine under division (H) (1) of 1398  
this section shall specify in the judgment that imposes the fine 1399  
one or more eligible community addiction services providers for 1400



the support of which the fine money is to be used. No community 1401  
addiction services provider shall receive or use money paid or 1402  
collected in satisfaction of a fine imposed under division (H) 1403  
(1) of this section unless the services provider is specified in 1404  
the judgment that imposes the fine. No community addiction 1405  
services provider shall be specified in the judgment unless the 1406  
services provider is an eligible community addiction services 1407  
provider and, except as otherwise provided in division (H) (2) of 1408  
this section, unless the services provider is located in the 1409  
county in which the court that imposes the fine is located or in 1410  
a county that is immediately contiguous to the county in which 1411  
that court is located. If no eligible community addiction 1412  
services provider is located in any of those counties, the 1413  
judgment may specify an eligible community addiction services 1414  
provider that is located anywhere within this state. 1415

(3) Notwithstanding any contrary provision of section 1416  
3719.21 of the Revised Code, the clerk of the court shall pay 1417  
any fine imposed under division (H) (1) of this section to the 1418  
eligible community addiction services provider specified 1419  
pursuant to division (H) (2) of this section in the judgment. The 1420  
eligible community addiction services provider that receives the 1421  
fine moneys shall use the moneys only for the alcohol and drug 1422  
addiction services identified in the application for 1423  
certification of services under section 5119.36 of the Revised 1424  
Code or in the application for a license under section 5119.37 1425  
of the Revised Code filed with the department of mental health 1426  
and addiction services by the community addiction services 1427  
provider specified in the judgment. 1428

(4) Each community addiction services provider that 1429  
receives in a calendar year any fine moneys under division (H) 1430  
(3) of this section shall file an annual report covering that 1431

calendar year with the court of common pleas and the board of 1432  
county commissioners of the county in which the services 1433  
provider is located, with the court of common pleas and the 1434  
board of county commissioners of each county from which the 1435  
services provider received the moneys if that county is 1436  
different from the county in which the services provider is 1437  
located, and with the attorney general. The community addiction 1438  
services provider shall file the report no later than the first 1439  
day of March in the calendar year following the calendar year in 1440  
which the services provider received the fine moneys. The report 1441  
shall include statistics on the number of persons served by the 1442  
community addiction services provider, identify the types of 1443  
alcohol and drug addiction services provided to those persons, 1444  
and include a specific accounting of the purposes for which the 1445  
fine moneys received were used. No information contained in the 1446  
report shall identify, or enable a person to determine the 1447  
identity of, any person served by the community addiction 1448  
services provider. Each report received by a court of common 1449  
pleas, a board of county commissioners, or the attorney general 1450  
is a public record open for inspection under section 149.43 of 1451  
the Revised Code. 1452

(5) As used in divisions (H) (1) to (5) of this section: 1453

(a) "Community addiction services provider" and "alcohol 1454  
and drug addiction services" have the same meanings as in 1455  
section 5119.01 of the Revised Code. 1456

(b) "Eligible community addiction services provider" means 1457  
a community addiction services provider, including a community 1458  
addiction services provider that operates an opioid treatment 1459  
program licensed under section 5119.37 of the Revised Code. 1460

(I) As used in this section, "drug" includes any substance 1461

that is represented to be a drug. 1462

(J) It is an affirmative defense to a charge of 1463  
trafficking in a controlled substance analog under division (C) 1464  
(8) of this section that the person charged with violating that 1465  
offense sold or offered to sell, or prepared for shipment, 1466  
shipped, transported, delivered, prepared for distribution, or 1467  
distributed one of the following items that are excluded from 1468  
the meaning of "controlled substance analog" under section 1469  
3719.01 of the Revised Code: 1470

(1) A controlled substance; 1471

(2) Any substance for which there is an approved new drug 1472  
application; 1473

(3) With respect to a particular person, any substance if 1474  
an exemption is in effect for investigational use for that 1475  
person pursuant to federal law to the extent that conduct with 1476  
respect to that substance is pursuant to that exemption. 1477

**Sec. 2925.15.** (A) As used in this section: 1478

(1) "Synthetic urine" means any substance that is designed 1479  
to simulate the composition, chemical properties, physical 1480  
appearance, or physical properties of human urine. 1481

(2) "Urine additive" means any substance that is designed 1482  
to be added to human urine to mask the presence of alcohol or 1483  
drugs in the urine. 1484

(3) "Bulk manufacturer of synthetic urine" means a 1485  
business that manufactures or causes the manufacture of at least 1486  
fifteen thousand gallons of synthetic urine on an annual basis. 1487

(B) (1) No person shall knowingly manufacture, market, 1488  
sell, distribute, or possess synthetic urine knowing or having 1489

reasonable cause to believe that it is more likely than not that 1490  
any other person will attempt to use the synthetic urine to 1491  
defraud an alcohol, drug, or urine screening test. 1492

(2) No person shall knowingly manufacture, market, sell, 1493  
distribute, or possess a urine additive knowing or having 1494  
reasonable cause to believe that it is more likely than not that 1495  
any other person will attempt to use the urine additive to 1496  
defraud an alcohol, drug, or urine screening test. 1497

(3) No person shall knowingly use synthetic urine or a 1498  
urine additive to defraud an alcohol, drug, or urine screening 1499  
test. 1500

(4) No person shall knowingly use the person's urine to 1501  
defraud an alcohol, drug, or urine screening test if the 1502  
person's urine was expelled or withdrawn before collection of 1503  
the urine specimen for the test. 1504

(5) No person shall knowingly use the urine of another 1505  
person to defraud an alcohol, drug, or urine screening test. 1506

(6) No person shall knowingly do either of the following: 1507

(a) Sell or distribute the person's urine knowing or 1508  
having reasonable cause to believe that it is more likely than 1509  
not that any other person will attempt to use the urine to 1510  
defraud an alcohol, drug, or urine screening test. 1511

(b) Sell or distribute the urine of another person knowing 1512  
or having reasonable cause to believe that it is more likely 1513  
than not that any other person will attempt to use the urine to 1514  
defraud an alcohol, drug, or urine screening test. 1515

(C) This section does not apply if the manufacture, 1516  
marketing, sale, distribution, use, or possession of the urine 1517

or urine additive is solely for a bona fide medical, scientific, 1518  
educational, or law enforcement purpose. 1519

(D)(1) Whoever violates division (B) of this section is 1520  
guilty of defrauding an alcohol, drug, or urine screening test. 1521

(2) Except as provided in division (D)(3) of this section, 1522  
a violation of division (B) of this section is a misdemeanor of 1523  
the second degree on a first offense and a misdemeanor of the 1524  
first degree on each subsequent offense. 1525

(3) A violation of division (B)(3), (4), or (5) of this 1526  
section is a felony of the third degree if the offense was 1527  
committed by defrauding an alcohol, drug, or urine screening 1528  
test administered as a condition of community control. 1529

(E) Except as prohibited by law, no person who collects 1530  
urine specimens for alcohol, drug, or urine screening tests who 1531  
knows that a person has used synthetic urine, a urine additive, 1532  
or another person's urine to defraud an alcohol, drug, or urine 1533  
screening test in violation of division (B)(3) or (5) of this 1534  
section shall fail to report that knowledge to law enforcement 1535  
authorities. 1536

(F) For purposes of this section it is rebuttably presumed 1537  
that a bulk manufacturer of synthetic urine who manufactures, 1538  
markets, sells, or distributes synthetic urine does not know or 1539  
have reasonable cause to believe that any other person might use 1540  
the synthetic urine for an illegal purpose or to defraud an 1541  
alcohol, drug, or urine screening test in violation of division 1542  
(B)(1) of this section. 1543

(G) Notwithstanding section 1.51 of the Revised Code, the 1544  
prosecution of a person for a violation of division (B) of this 1545  
section does not preclude prosecution of that person under 1546

section 2921.12 or 2921.31 of the Revised Code. An act that can 1547  
be prosecuted under this section or section 2921.12 or 2921.31 1548  
of the Revised Code may be prosecuted under this section, 1549  
section 2921.12 or 2921.31 of the Revised Code, or this section 1550  
and section 2921.12 or 2921.31 of the Revised Code. However, if 1551  
the charges are based on the same conduct and involve the same 1552  
victim, the indictment or information may contain counts for all 1553  
such offenses, but the person may be convicted of only one. 1554

**Section 2.** That existing sections 2925.01 and 2925.03 of 1555  
the Revised Code are hereby repealed. 1556

**Section 3.** This act shall be known as the Relapse 1557  
Reduction Act. 1558

**Section 4.** The General Assembly, applying the principle 1559  
stated in division (B) of section 1.52 of the Revised Code that 1560  
amendments are to be harmonized if reasonably capable of 1561  
simultaneous operation, finds that the following sections, 1562  
presented in this act as composites of the sections as amended 1563  
by the acts indicated, are the resulting versions of the 1564  
sections in effect prior to the effective date of the sections 1565  
as presented in this act: 1566

Section 2925.01 of the Revised Code as amended by both 1567  
H.B. 341 and H.B. 442 of the 133rd General Assembly. 1568

Section 2925.03 of the Revised Code as amended by H.B. 1569  
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 1570  
Assembly. 1571