

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. S. B. No. 25**

**Senator Gavarone**

**Cosponsors: Senators Manning, Fedor, Blessing, Cirino, Dolan, Hackett, Hottinger, Johnson, Reineke, Romanchuk, Rulli, Schaffer, Schuring, Thomas, Wilson, Yuko Representatives Schmidt, Abrams, Bird, Brown, Carruthers, Click, Fraizer, Galonski, Ghanbari, Ginter, John, Johnson, Jones, Lampton, Lanese, LaRe, Leland, Miller, A., Miller, J., Miller, K., O'Brien, Patton, Plummer, Richardson, Smith, K., Swearingen, Wiggam, Wilkin, Young, T., Speaker Cupp**

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**A BILL**

To amend sections 2925.01 and 2925.03 and to enact 1  
section 5.248 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 or a recovering 5  
addict, to designate April as "Sexual Assault 6  
Prevention Awareness Month," and to name the 7  
act's provisions the 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 5.248 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 5.248.** The month of April is designated as "Sexual 12  
Assault Prevention Awareness Month" to increase public awareness 13  
about preventing sexual assault. 14

<b>Sec. 2925.01.</b> As used in this chapter:	15
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	16 17 18 19 20 21 22
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	23 24
(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.	25 26 27 28
(D) "Bulk amount" of a controlled substance means any of the following:	29 30
(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:	31 32 33 34 35 36
(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;	37 38 39 40
(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;	41 42 43

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

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

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

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

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

(2) An amount equal to or exceeding one hundred twenty 74  
grams or thirty times the maximum daily dose in the usual dose 75  
range specified in a standard pharmaceutical reference manual of 76  
a compound, mixture, preparation, or substance that is or 77  
contains any amount of a schedule III or IV substance other than 78  
an anabolic steroid or a schedule III opiate or opium 79  
derivative; 80

(3) An amount equal to or exceeding twenty grams or five 81  
times the maximum daily dose in the usual dose range specified 82  
in a standard pharmaceutical reference manual of a compound, 83  
mixture, preparation, or substance that is or contains any 84  
amount of a schedule III opiate or opium derivative; 85

(4) An amount equal to or exceeding two hundred fifty 86  
milliliters or two hundred fifty grams of a compound, mixture, 87  
preparation, or substance that is or contains any amount of a 88  
schedule V substance; 89

(5) An amount equal to or exceeding two hundred solid 90  
dosage units, sixteen grams, or sixteen milliliters of a 91  
compound, mixture, preparation, or substance that is or contains 92  
any amount of a schedule III anabolic steroid; 93

(6) For any compound, mixture, preparation, or substance 94  
that is a combination of a fentanyl-related compound and any 95  
other compound, mixture, preparation, or substance included in 96  
schedule III, schedule IV, or schedule V, if the defendant is 97  
charged with a violation of section 2925.11 of the Revised Code 98  
and the sentencing provisions set forth in divisions (C) (10) (b) 99  
and (C) (11) of that section will not apply regarding the 100  
defendant and the violation, the bulk amount of the controlled 101  
substance for purposes of the violation is the amount specified 102  
in division (D) (1), (2), (3), (4), or (5) of this section for 103

the other schedule III, IV, or V controlled substance that is 104  
combined with the fentanyl-related compound. 105

(E) "Unit dose" means an amount or unit of a compound, 106  
mixture, or preparation containing a controlled substance that 107  
is separately identifiable and in a form that indicates that it 108  
is the amount or unit by which the controlled substance is 109  
separately administered to or taken by an individual. 110

(F) "Cultivate" includes planting, watering, fertilizing, 111  
or tilling. 112

(G) "Drug abuse offense" means any of the following: 113

(1) A violation of division (A) of section 2913.02 that 114  
constitutes theft of drugs, or a violation of section 2925.02, 115  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 116  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 117  
or 2925.37 of the Revised Code; 118

(2) A violation of an existing or former law of this or 119  
any other state or of the United States that is substantially 120  
equivalent to any section listed in division (G)(1) of this 121  
section; 122

(3) An offense under an existing or former law of this or 123  
any other state, or of the United States, of which planting, 124  
cultivating, harvesting, processing, making, manufacturing, 125  
producing, shipping, transporting, delivering, acquiring, 126  
possessing, storing, distributing, dispensing, selling, inducing 127  
another to use, administering to another, using, or otherwise 128  
dealing with a controlled substance is an element; 129

(4) A conspiracy to commit, attempt to commit, or 130  
complicity in committing or attempting to commit any offense 131  
under division (G)(1), (2), or (3) of this section. 132

(H) "Felony drug abuse offense" means any drug abuse	133
offense that would constitute a felony under the laws of this	134
state, any other state, or the United States.	135
(I) "Harmful intoxicant" does not include beer or	136
intoxicating liquor but means any of the following:	137
(1) Any compound, mixture, preparation, or substance the	138
gas, fumes, or vapor of which when inhaled can induce	139
intoxication, excitement, giddiness, irrational behavior,	140
depression, stupefaction, paralysis, unconsciousness,	141
asphyxiation, or other harmful physiological effects, and	142
includes, but is not limited to, any of the following:	143
(a) Any volatile organic solvent, plastic cement, model	144
cement, fingernail polish remover, lacquer thinner, cleaning	145
fluid, gasoline, or other preparation containing a volatile	146
organic solvent;	147
(b) Any aerosol propellant;	148
(c) Any fluorocarbon refrigerant;	149
(d) Any anesthetic gas.	150
(2) Gamma Butyrolactone;	151
(3) 1,4 Butanediol.	152
(J) "Manufacture" means to plant, cultivate, harvest,	153
process, make, prepare, or otherwise engage in any part of the	154
production of a drug, by propagation, extraction, chemical	155
synthesis, or compounding, or any combination of the same, and	156
includes packaging, repackaging, labeling, and other activities	157
incident to production.	158
(K) "Possess" or "possession" means having control over a	159

thing or substance, but may not be inferred solely from mere 160  
access to the thing or substance through ownership or occupation 161  
of the premises upon which the thing or substance is found. 162

(L) "Sample drug" means a drug or pharmaceutical 163  
preparation that would be hazardous to health or safety if used 164  
without the supervision of a licensed health professional 165  
authorized to prescribe drugs, or a drug of abuse, and that, at 166  
one time, had been placed in a container plainly marked as a 167  
sample by a manufacturer. 168

(M) "Standard pharmaceutical reference manual" means the 169  
current edition, with cumulative changes if any, of references 170  
that are approved by the state board of pharmacy. 171

(N) "Juvenile" means a person under eighteen years of age. 172

(O) "Counterfeit controlled substance" means any of the 173  
following: 174

(1) Any drug that bears, or whose container or label 175  
bears, a trademark, trade name, or other identifying mark used 176  
without authorization of the owner of rights to that trademark, 177  
trade name, or identifying mark; 178

(2) Any unmarked or unlabeled substance that is 179  
represented to be a controlled substance manufactured, 180  
processed, packed, or distributed by a person other than the 181  
person that manufactured, processed, packed, or distributed it; 182

(3) Any substance that is represented to be a controlled 183  
substance but is not a controlled substance or is a different 184  
controlled substance; 185

(4) Any substance other than a controlled substance that a 186  
reasonable person would believe to be a controlled substance 187

because of its similarity in shape, size, and color, or its 188  
markings, labeling, packaging, distribution, or the price for 189  
which it is sold or offered for sale. 190

(P) An offense is "committed in the vicinity of a school" 191  
if the offender commits the offense on school premises, in a 192  
school building, or within one thousand feet of the boundaries 193  
of any school premises, regardless of whether the offender knows 194  
the offense is being committed on school premises, in a school 195  
building, or within one thousand feet of the boundaries of any 196  
school premises. 197

(Q) "School" means any school operated by a board of 198  
education, any community school established under Chapter 3314. 199  
of the Revised Code, or any nonpublic school for which the state 200  
board of education prescribes minimum standards under section 201  
3301.07 of the Revised Code, whether or not any instruction, 202  
extracurricular activities, or training provided by the school 203  
is being conducted at the time a criminal offense is committed. 204

(R) "School premises" means either of the following: 205

(1) The parcel of real property on which any school is 206  
situated, whether or not any instruction, extracurricular 207  
activities, or training provided by the school is being 208  
conducted on the premises at the time a criminal offense is 209  
committed; 210

(2) Any other parcel of real property that is owned or 211  
leased by a board of education of a school, the governing 212  
authority of a community school established under Chapter 3314. 213  
of the Revised Code, or the governing body of a nonpublic school 214  
for which the state board of education prescribes minimum 215  
standards under section 3301.07 of the Revised Code and on which 216



some of the instruction, extracurricular activities, or training 217  
of the school is conducted, whether or not any instruction, 218  
extracurricular activities, or training provided by the school 219  
is being conducted on the parcel of real property at the time a 220  
criminal offense is committed. 221

(S) "School building" means any building in which any of 222  
the instruction, extracurricular activities, or training 223  
provided by a school is conducted, whether or not any 224  
instruction, extracurricular activities, or training provided by 225  
the school is being conducted in the school building at the time 226  
a criminal offense is committed. 227

(T) "Disciplinary counsel" means the disciplinary counsel 228  
appointed by the board of commissioners on grievances and 229  
discipline of the supreme court under the Rules for the 230  
Government of the Bar of Ohio. 231

(U) "Certified grievance committee" means a duly 232  
constituted and organized committee of the Ohio state bar 233  
association or of one or more local bar associations of the 234  
state of Ohio that complies with the criteria set forth in Rule 235  
V, section 6 of the Rules for the Government of the Bar of Ohio. 236

(V) "Professional license" means any license, permit, 237  
certificate, registration, qualification, admission, temporary 238  
license, temporary permit, temporary certificate, or temporary 239  
registration that is described in divisions (W) (1) to (37) of 240  
this section and that qualifies a person as a professionally 241  
licensed person. 242

(W) "Professionally licensed person" means any of the 243  
following: 244

(1) A person who has received a certificate or temporary 245

certificate as a certified public accountant or who has	246
registered as a public accountant under Chapter 4701. of the	247
Revised Code and who holds an Ohio permit issued under that	248
chapter;	249
(2) A person who holds a certificate of qualification to	250
practice architecture issued or renewed and registered under	251
Chapter 4703. of the Revised Code;	252
(3) A person who is registered as a landscape architect	253
under Chapter 4703. of the Revised Code or who holds a permit as	254
a landscape architect issued under that chapter;	255
(4) A person licensed under Chapter 4707. of the Revised	256
Code;	257
(5) A person who has been issued a certificate of	258
registration as a registered barber under Chapter 4709. of the	259
Revised Code;	260
(6) A person licensed and regulated to engage in the	261
business of a debt pooling company by a legislative authority,	262
under authority of Chapter 4710. of the Revised Code;	263
(7) A person who has been issued a cosmetologist's	264
license, hair designer's license, manicurist's license,	265
esthetician's license, natural hair stylist's license, advanced	266
cosmetologist's license, advanced hair designer's license,	267
advanced manicurist's license, advanced esthetician's license,	268
advanced natural hair stylist's license, cosmetology	269
instructor's license, hair design instructor's license,	270
manicurist instructor's license, esthetics instructor's license,	271
natural hair style instructor's license, independent	272
contractor's license, or tanning facility permit under Chapter	273
4713. of the Revised Code;	274

(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	275 276 277 278 279
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	280 281 282 283 284
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	285 286 287 288
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	289 290 291
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	292 293
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	294 295
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	296 297 298 299
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal	300 301 302 303

distributor of dangerous drugs;	304
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	305 306
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	307 308 309 310 311
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	312 313
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	314 315 316
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	317 318
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	319 320
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	321 322
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	323 324
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	325 326
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	327 328
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches,	329 330

or who is registered as a graduate animal technician under	331
Chapter 4741. of the Revised Code;	332
(27) A person who has been issued a hearing aid dealer's	333
or fitter's license or trainee permit under Chapter 4747. of the	334
Revised Code;	335
(28) A person who has been issued a class A, class B, or	336
class C license or who has been registered as an investigator or	337
security guard employee under Chapter 4749. of the Revised Code;	338
(29) A person licensed to practice as a nursing home	339
administrator under Chapter 4751. of the Revised Code;	340
(30) A person licensed to practice as a speech-language	341
pathologist or audiologist under Chapter 4753. of the Revised	342
Code;	343
(31) A person issued a license as an occupational	344
therapist or physical therapist under Chapter 4755. of the	345
Revised Code;	346
(32) A person who is licensed as a licensed professional	347
clinical counselor, licensed professional counselor, social	348
worker, independent social worker, independent marriage and	349
family therapist, or marriage and family therapist, or	350
registered as a social work assistant under Chapter 4757. of the	351
Revised Code;	352
(33) A person issued a license to practice dietetics under	353
Chapter 4759. of the Revised Code;	354
(34) A person who has been issued a license or limited	355
permit to practice respiratory therapy under Chapter 4761. of	356
the Revised Code;	357
(35) A person who has been issued a real estate appraiser	358

certificate under Chapter 4763. of the Revised Code;	359
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	360 361
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	362 363 364
(X) "Cocaine" means any of the following:	365
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	366 367
(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;	368 369 370 371
(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.	372 373 374 375 376 377
(Y) "L.S.D." means lysergic acid diethylamide.	378
(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:	379 380
(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.	381 382 383
(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.	384 385

"Hashish" does not include a hemp byproduct in the 386  
possession of a licensed hemp processor under Chapter 928. of 387  
the Revised Code, provided that the hemp byproduct is being 388  
produced, stored, and disposed of in accordance with rules 389  
adopted under section 928.03 of the Revised Code. 390

(AA) "Marihuana" has the same meaning as in section 391  
3719.01 of the Revised Code, except that it does not include 392  
hashish. 393

(BB) An offense is "committed in the vicinity of a 394  
juvenile" if the offender commits the offense within one hundred 395  
feet of a juvenile or within the view of a juvenile, regardless 396  
of whether the offender knows the age of the juvenile, whether 397  
the offender knows the offense is being committed within one 398  
hundred feet of or within view of the juvenile, or whether the 399  
juvenile actually views the commission of the offense. 400

(CC) "Presumption for a prison term" or "presumption that 401  
a prison term shall be imposed" means a presumption, as 402  
described in division (D) of section 2929.13 of the Revised 403  
Code, that a prison term is a necessary sanction for a felony in 404  
order to comply with the purposes and principles of sentencing 405  
under section 2929.11 of the Revised Code. 406

(DD) "Major drug offender" has the same meaning as in 407  
section 2929.01 of the Revised Code. 408

(EE) "Minor drug possession offense" means either of the 409  
following: 410

(1) A violation of section 2925.11 of the Revised Code as 411  
it existed prior to July 1, 1996; 412

(2) A violation of section 2925.11 of the Revised Code as 413  
it exists on and after July 1, 1996, that is a misdemeanor or a 414

felony of the fifth degree.	415
(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.	416 417
(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	418 419
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	420 421 422
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	423 424 425 426 427
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	428 429
(KK) "Fentanyl-related compound" means any of the following:	430 431
(1) Fentanyl;	432
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	433 434 435
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	436 437
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	438 439
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	440 441



phenylpropanamide);	442
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	443
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(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	445
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(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	447
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(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);	449
	450
(10) Alfentanil;	451
(11) Carfentanil;	452
(12) Remifentanil;	453
(13) Sufentanil;	454
(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and	455
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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:	457
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(a) A chemical scaffold consisting of both of the following:	464
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(i) A five, six, or seven member ring structure containing a nitrogen, whether or not further substituted;	466
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(ii) An attached nitrogen to the ring, whether or not that 468  
nitrogen is enclosed in a ring structure, including an attached 469  
aromatic ring or other lipophilic group to that nitrogen. 470

(b) A polar functional group attached to the chemical 471  
scaffold, including but not limited to a hydroxyl, ketone, 472  
amide, or ester; 473

(c) An alkyl or aryl substitution off the ring nitrogen of 474  
the chemical scaffold; and 475

(d) The compound has not been approved for medical use by 476  
the United States food and drug administration. 477

(LL) "First degree felony mandatory prison term" means one 478  
of the definite prison terms prescribed in division (A) (1) (b) of 479  
section 2929.14 of the Revised Code for a felony of the first 480  
degree, except that if the violation for which sentence is being 481  
imposed is committed on or after March 22, 2019, it means one of 482  
the minimum prison terms prescribed in division (A) (1) (a) of 483  
that section for a felony of the first degree. 484

(MM) "Second degree felony mandatory prison term" means 485  
one of the definite prison terms prescribed in division (A) (2) 486  
(b) of section 2929.14 of the Revised Code for a felony of the 487  
second degree, except that if the violation for which sentence 488  
is being imposed is committed on or after March 22, 2019, it 489  
means one of the minimum prison terms prescribed in division (A) 490  
(2) (a) of that section for a felony of the second degree. 491

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

2019, it means the longest minimum prison term prescribed in 497  
division (A) (1) (a) of that section for a felony of the first 498  
degree. 499

(OO) "Maximum second degree felony mandatory prison term" 500  
means the maximum definite prison term prescribed in division 501  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 502  
the second degree, except that if the violation for which 503  
sentence is being imposed is committed on or after March 22, 504  
2019, it means the longest minimum prison term prescribed in 505  
division (A) (2) (a) of that section for a felony of the second 506  
degree. 507

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 508  
as in section 928.01 of the Revised Code. 509

(QQ) An offense is "committed in the vicinity of a 510  
substance addiction services provider or a recovering addict" if 511  
either of the following apply: 512

(1) The offender commits the offense on the premises of a 513  
substance addiction services provider's facility, including a 514  
facility licensed prior to June 29, 2019, under section 5119.391 515  
of the Revised Code to provide methadone treatment or an opioid 516  
treatment program licensed on or after that date under section 517  
5119.37 of the Revised Code, or within five hundred feet of the 518  
premises of a substance addiction services provider's facility 519  
and the offender knows or should know that the offense is being 520  
committed within the vicinity of the substance addiction 521  
services provider's facility. 522

(2) The offender sells, offers to sell, delivers, or 523  
distributes the controlled substance or controlled substance 524  
analog to a person who is receiving treatment at the time of the 525

commission of the offense, or received treatment within thirty 526  
days prior to the commission of the offense, from a substance 527  
addiction services provider and the offender knows that the 528  
person is receiving or received that treatment. 529

(RR) "Substance addiction services provider" means an 530  
agency, association, corporation or other legal entity, 531  
individual, or program that provides one or more of the 532  
following at a facility: 533

(1) Either alcohol addiction services, or drug addiction 534  
services, or both such services that are certified by the 535  
director of mental health and addiction services under section 536  
5119.36 of the Revised Code; 537

(2) Recovery supports that are related to either alcohol 538  
addiction services, or drug addiction services, or both such 539  
services and paid for with federal, state, or local funds 540  
administered by the department of mental health and addiction 541  
services or a board of alcohol, drug addiction, and mental 542  
health services. 543

(SS) "Premises of a substance addiction services 544  
provider's facility" means the parcel of real property on which 545  
any substance addiction service provider's facility is situated. 546

(TT) "Alcohol and drug addiction services" has the same 547  
meaning as in section 5119.01 of the Revised Code. 548

**Sec. 2925.03.** (A) No person shall knowingly do any of the 549  
following: 550

(1) Sell or offer to sell a controlled substance or a 551  
controlled substance analog; 552

(2) Prepare for shipment, ship, transport, deliver, 553

prepare for distribution, or distribute a controlled substance 554  
or a controlled substance analog, when the offender knows or has 555  
reasonable cause to believe that the controlled substance or a 556  
controlled substance analog is intended for sale or resale by 557  
the offender or another person. 558

(B) This section does not apply to any of the following: 559

(1) Manufacturers, licensed health professionals 560  
authorized to prescribe drugs, pharmacists, owners of 561  
pharmacies, and other persons whose conduct is in accordance 562  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 563  
4741. of the Revised Code; 564

(2) If the offense involves an anabolic steroid, any 565  
person who is conducting or participating in a research project 566  
involving the use of an anabolic steroid if the project has been 567  
approved by the United States food and drug administration; 568

(3) Any person who sells, offers for sale, prescribes, 569  
dispenses, or administers for livestock or other nonhuman 570  
species an anabolic steroid that is expressly intended for 571  
administration through implants to livestock or other nonhuman 572  
species and approved for that purpose under the "Federal Food, 573  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 574  
as amended, and is sold, offered for sale, prescribed, 575  
dispensed, or administered for that purpose in accordance with 576  
that act. 577

(C) Whoever violates division (A) of this section is 578  
guilty of one of the following: 579

(1) If the drug involved in the violation is any compound, 580  
mixture, preparation, or substance included in schedule I or 581  
schedule II, with the exception of marihuana, cocaine, L.S.D., 582

heroin, any fentanyl-related compound, hashish, and any 583  
controlled substance analog, whoever violates division (A) of 584  
this section is guilty of aggravated trafficking in drugs. The 585  
penalty for the offense shall be determined as follows: 586

(a) Except as otherwise provided in division (C) (1) (b), 587  
(c), (d), (e), or (f) of this section, aggravated trafficking in 588  
drugs is a felony of the fourth degree, and division (C) of 589  
section 2929.13 of the Revised Code applies in determining 590  
whether to impose a prison term on the offender. 591

(b) Except as otherwise provided in division (C) (1) (c), 592  
(d), (e), or (f) of this section, if the offense was committed 593  
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 594  
or in the vicinity of a substance addiction services provider or 595  
a recovering addict, aggravated trafficking in drugs is a felony 596  
of the third degree, and division (C) of section 2929.13 of the 597  
Revised Code applies in determining whether to impose a prison 598  
term on the offender. 599

(c) Except as otherwise provided in this division, if the 600  
amount of the drug involved equals or exceeds the bulk amount 601  
but is less than five times the bulk amount, aggravated 602  
trafficking in drugs is a felony of the third degree, and, 603  
except as otherwise provided in this division, there is a 604  
presumption for a prison term for the offense. If aggravated 605  
trafficking in drugs is a felony of the third degree under this 606  
division and if the offender two or more times previously has 607  
been convicted of or pleaded guilty to a felony drug abuse 608  
offense, the court shall impose as a mandatory prison term one 609  
of the prison terms prescribed for a felony of the third degree. 610  
If the amount of the drug involved is within that range and if 611  
the offense was committed in the vicinity of a school ~~or~~, in the 612

vicinity of a juvenile, or in the vicinity of a substance 613  
addiction services provider or a recovering addict, aggravated 614  
trafficking in drugs is a felony of the second degree, and the 615  
court shall impose as a mandatory prison term a second degree 616  
felony mandatory prison term. 617

(d) Except as otherwise provided in this division, if the 618  
amount of the drug involved equals or exceeds five times the 619  
bulk amount but is less than fifty times the bulk amount, 620  
aggravated trafficking in drugs is a felony of the second 621  
degree, and the court shall impose as a mandatory prison term a 622  
second degree felony mandatory prison term. If the amount of the 623  
drug involved is within that range and if the offense was 624  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 625  
juvenile, or in the vicinity of a substance addiction services 626  
provider or a recovering addict, aggravated trafficking in drugs 627  
is a felony of the first degree, and the court shall impose as a 628  
mandatory prison term a first degree felony mandatory prison 629  
term. 630

(e) If the amount of the drug involved equals or exceeds 631  
fifty times the bulk amount but is less than one hundred times 632  
the bulk amount and regardless of whether the offense was 633  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 634  
juvenile, or in the vicinity of a substance addiction services 635  
provider or a recovering addict, aggravated trafficking in drugs 636  
is a felony of the first degree, and the court shall impose as a 637  
mandatory prison term a first degree felony mandatory prison 638  
term. 639

(f) If the amount of the drug involved equals or exceeds 640  
one hundred times the bulk amount and regardless of whether the 641  
offense was committed in the vicinity of a school ~~or,~~ in the 642

vicinity of a juvenile, or in the vicinity of a substance 643  
addiction services provider or a recovering addict, aggravated 644  
trafficking in drugs is a felony of the first degree, the 645  
offender is a major drug offender, and the court shall impose as 646  
a mandatory prison term a maximum first degree felony mandatory 647  
prison term. 648

(2) If the drug involved in the violation is any compound, 649  
mixture, preparation, or substance included in schedule III, IV, 650  
or V, whoever violates division (A) of this section is guilty of 651  
trafficking in drugs. The penalty for the offense shall be 652  
determined as follows: 653

(a) Except as otherwise provided in division (C) (2) (b), 654  
(c), (d), or (e) of this section, trafficking in drugs is a 655  
felony of the fifth degree, and division (B) of section 2929.13 656  
of the Revised Code applies in determining whether to impose a 657  
prison term on the offender. 658

(b) Except as otherwise provided in division (C) (2) (c), 659  
(d), or (e) of this section, if the offense was committed in the 660  
vicinity of a school or in the vicinity of a juvenile, 661  
trafficking in drugs is a felony of the fourth degree, and 662  
division (C) of section 2929.13 of the Revised Code applies in 663  
determining whether to impose a prison term on the offender. 664

(c) Except as otherwise provided in this division, if the 665  
amount of the drug involved equals or exceeds the bulk amount 666  
but is less than five times the bulk amount, trafficking in 667  
drugs is a felony of the fourth degree, and division (B) of 668  
section 2929.13 of the Revised Code applies in determining 669  
whether to impose a prison term for the offense. If the amount 670  
of the drug involved is within that range and if the offense was 671  
committed in the vicinity of a school or in the vicinity of a 672



juvenile, trafficking in drugs is a felony of the third degree, 673  
and there is a presumption for a prison term for the offense. 674

(d) Except as otherwise provided in this division, if the 675  
amount of the drug involved equals or exceeds five times the 676  
bulk amount but is less than fifty times the bulk amount, 677  
trafficking in drugs is a felony of the third degree, and there 678  
is a presumption for a prison term for the offense. If the 679  
amount of the drug involved is within that range and if the 680  
offense was committed in the vicinity of a school or in the 681  
vicinity of a juvenile, trafficking in drugs is a felony of the 682  
second degree, and there is a presumption for a prison term for 683  
the offense. 684

(e) Except as otherwise provided in this division, if the 685  
amount of the drug involved equals or exceeds fifty times the 686  
bulk amount, trafficking in drugs is a felony of the second 687  
degree, and the court shall impose as a mandatory prison term a 688  
second degree felony mandatory prison term. If the amount of the 689  
drug involved equals or exceeds fifty times the bulk amount and 690  
if the offense was committed in the vicinity of a school or in 691  
the vicinity of a juvenile, trafficking in drugs is a felony of 692  
the first degree, and the court shall impose as a mandatory 693  
prison term a first degree felony mandatory prison term. 694

(3) If the drug involved in the violation is marihuana or 695  
a compound, mixture, preparation, or substance containing 696  
marihuana other than hashish, whoever violates division (A) of 697  
this section is guilty of trafficking in marihuana. The penalty 698  
for the offense shall be determined as follows: 699

(a) Except as otherwise provided in division (C) (3) (b), 700  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 701  
marihuana is a felony of the fifth degree, and division (B) of 702

section 2929.13 of the Revised Code applies in determining 703  
whether to impose a prison term on the offender. 704

(b) Except as otherwise provided in division (C) (3) (c), 705  
(d), (e), (f), (g), or (h) of this section, if the offense was 706  
committed in the vicinity of a school or in the vicinity of a 707  
juvenile, trafficking in marihuana is a felony of the fourth 708  
degree, and division (B) of section 2929.13 of the Revised Code 709  
applies in determining whether to impose a prison term on the 710  
offender. 711

(c) Except as otherwise provided in this division, if the 712  
amount of the drug involved equals or exceeds two hundred grams 713  
but is less than one thousand grams, trafficking in marihuana is 714  
a felony of the fourth degree, and division (B) of section 715  
2929.13 of the Revised Code applies in determining whether to 716  
impose a prison term on the offender. If the amount of the drug 717  
involved is within that range and if the offense was committed 718  
in the vicinity of a school or in the vicinity of a juvenile, 719  
trafficking in marihuana is a felony of the third degree, and 720  
division (C) of section 2929.13 of the Revised Code applies in 721  
determining whether to impose a prison term on the offender. 722

(d) Except as otherwise provided in this division, if the 723  
amount of the drug involved equals or exceeds one thousand grams 724  
but is less than five thousand grams, trafficking in marihuana 725  
is a felony of the third degree, and division (C) of section 726  
2929.13 of the Revised Code applies in determining whether to 727  
impose a prison term on the offender. If the amount of the drug 728  
involved is within that range and if the offense was committed 729  
in the vicinity of a school or in the vicinity of a juvenile, 730  
trafficking in marihuana is a felony of the second degree, and 731  
there is a presumption that a prison term shall be imposed for 732

the offense. 733

(e) Except as otherwise provided in this division, if the 734  
amount of the drug involved equals or exceeds five thousand 735  
grams but is less than twenty thousand grams, trafficking in 736  
marihuana is a felony of the third degree, and there is a 737  
presumption that a prison term shall be imposed for the offense. 738  
If the amount of the drug involved is within that range and if 739  
the offense was committed in the vicinity of a school or in the 740  
vicinity of a juvenile, trafficking in marihuana is a felony of 741  
the second degree, and there is a presumption that a prison term 742  
shall be imposed for the offense. 743

(f) Except as otherwise provided in this division, if the 744  
amount of the drug involved equals or exceeds twenty thousand 745  
grams but is less than forty thousand grams, trafficking in 746  
marihuana is a felony of the second degree, and the court shall 747  
impose as a mandatory prison term a second degree felony 748  
mandatory prison term of five, six, seven, or eight years. If 749  
the amount of the drug involved is within that range and if the 750  
offense was committed in the vicinity of a school or in the 751  
vicinity of a juvenile, trafficking in marihuana is a felony of 752  
the first degree, and the court shall impose as a mandatory 753  
prison term a maximum first degree felony mandatory prison term. 754

(g) Except as otherwise provided in this division, if the 755  
amount of the drug involved equals or exceeds forty thousand 756  
grams, trafficking in marihuana is a felony of the second 757  
degree, and the court shall impose as a mandatory prison term a 758  
maximum second degree felony mandatory prison term. If the 759  
amount of the drug involved equals or exceeds forty thousand 760  
grams and if the offense was committed in the vicinity of a 761  
school or in the vicinity of a juvenile, trafficking in 762

marihuana is a felony of the first degree, and the court shall 763  
impose as a mandatory prison term a maximum first degree felony 764  
mandatory prison term. 765

(h) Except as otherwise provided in this division, if the 766  
offense involves a gift of twenty grams or less of marihuana, 767  
trafficking in marihuana is a minor misdemeanor upon a first 768  
offense and a misdemeanor of the third degree upon a subsequent 769  
offense. If the offense involves a gift of twenty grams or less 770  
of marihuana and if the offense was committed in the vicinity of 771  
a school or in the vicinity of a juvenile, trafficking in 772  
marihuana is a misdemeanor of the third degree. 773

(4) If the drug involved in the violation is cocaine or a 774  
compound, mixture, preparation, or substance containing cocaine, 775  
whoever violates division (A) of this section is guilty of 776  
trafficking in cocaine. The penalty for the offense shall be 777  
determined as follows: 778

(a) Except as otherwise provided in division (C) (4) (b), 779  
(c), (d), (e), (f), or (g) of this section, trafficking in 780  
cocaine is a felony of the fifth degree, and division (B) of 781  
section 2929.13 of the Revised Code applies in determining 782  
whether to impose a prison term on the offender. 783

(b) Except as otherwise provided in division (C) (4) (c), 784  
(d), (e), (f), or (g) of this section, if the offense was 785  
committed in the vicinity of a school ~~or~~, in the vicinity of a 786  
juvenile, or in the vicinity of a substance addiction services 787  
provider or a recovering addict, trafficking in cocaine is a 788  
felony of the fourth degree, and division (C) of section 2929.13 789  
of the Revised Code applies in determining whether to impose a 790  
prison term on the offender. 791

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

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but

is less than twenty-seven grams of cocaine, trafficking in 823  
cocaine is a felony of the second degree, and the court shall 824  
impose as a mandatory prison term a second degree felony 825  
mandatory prison term. If the amount of the drug involved is 826  
within that range and if the offense was committed in the 827  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 828  
the vicinity of a substance addiction services provider or a 829  
recovering addict, trafficking in cocaine is a felony of the 830  
first degree, and the court shall impose as a mandatory prison 831  
term a first degree felony mandatory prison term. 832

(f) If the amount of the drug involved equals or exceeds 833  
twenty-seven grams but is less than one hundred grams of cocaine 834  
and regardless of whether the offense was committed in the 835  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 836  
the vicinity of a substance addiction services provider or a 837  
recovering addict, trafficking in cocaine is a felony of the 838  
first degree, and the court shall impose as a mandatory prison 839  
term a first degree felony mandatory prison term. 840

(g) If the amount of the drug involved equals or exceeds 841  
one hundred grams of cocaine and regardless of whether the 842  
offense was committed in the vicinity of a school ~~or~~, in the 843  
vicinity of a juvenile, or in the vicinity of a substance 844  
addiction services provider or a recovering addict, trafficking 845  
in cocaine is a felony of the first degree, the offender is a 846  
major drug offender, and the court shall impose as a mandatory 847  
prison term a maximum first degree felony mandatory prison term. 848

(5) If the drug involved in the violation is L.S.D. or a 849  
compound, mixture, preparation, or substance containing L.S.D., 850  
whoever violates division (A) of this section is guilty of 851  
trafficking in L.S.D. The penalty for the offense shall be 852

determined as follows: 853

(a) Except as otherwise provided in division (C) (5) (b), 854  
(c), (d), (e), (f), or (g) of this section, trafficking in 855  
L.S.D. is a felony of the fifth degree, and division (B) of 856  
section 2929.13 of the Revised Code applies in determining 857  
whether to impose a prison term on the offender. 858

(b) Except as otherwise provided in division (C) (5) (c), 859  
(d), (e), (f), or (g) of this section, if the offense was 860  
committed in the vicinity of a school ~~or~~, in the vicinity of a 861  
juvenile, or in the vicinity of a substance addiction services 862  
provider or a recovering addict, trafficking in L.S.D. is a 863  
felony of the fourth degree, and division (C) of section 2929.13 864  
of the Revised Code applies in determining whether to impose a 865  
prison term on the offender. 866

(c) Except as otherwise provided in this division, if the 867  
amount of the drug involved equals or exceeds ten unit doses but 868  
is less than fifty unit doses of L.S.D. in a solid form or 869  
equals or exceeds one gram but is less than five grams of L.S.D. 870  
in a liquid concentrate, liquid extract, or liquid distillate 871  
form, trafficking in L.S.D. is a felony of the fourth degree, 872  
and division (B) of section 2929.13 of the Revised Code applies 873  
in determining whether to impose a prison term for the offense. 874  
If the amount of the drug involved is within that range and if 875  
the offense was committed in the vicinity of a school ~~or~~, in the 876  
vicinity of a juvenile, or in the vicinity of a substance 877  
addiction services provider or a recovering addict, trafficking 878  
in L.S.D. is a felony of the third degree, and there is a 879  
presumption for a prison term for the offense. 880

(d) Except as otherwise provided in this division, if the 881  
amount of the drug involved equals or exceeds fifty unit doses 882

but is less than two hundred fifty unit doses of L.S.D. in a 883  
solid form or equals or exceeds five grams but is less than 884  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 885  
extract, or liquid distillate form, trafficking in L.S.D. is a 886  
felony of the third degree, and, except as otherwise provided in 887  
this division, there is a presumption for a prison term for the 888  
offense. If trafficking in L.S.D. is a felony of the third 889  
degree under this division and if the offender two or more times 890  
previously has been convicted of or pleaded guilty to a felony 891  
drug abuse offense, the court shall impose as a mandatory prison 892  
term one of the prison terms prescribed for a felony of the 893  
third degree. If the amount of the drug involved is within that 894  
range and if the offense was committed in the vicinity of a 895  
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 896  
a substance addiction services provider or a recovering addict, 897  
trafficking in L.S.D. is a felony of the second degree, and the 898  
court shall impose as a mandatory prison term a second degree 899  
felony mandatory prison term. 900

(e) Except as otherwise provided in this division, if the 901  
amount of the drug involved equals or exceeds two hundred fifty 902  
unit doses but is less than one thousand unit doses of L.S.D. in 903  
a solid form or equals or exceeds twenty-five grams but is less 904  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 905  
extract, or liquid distillate form, trafficking in L.S.D. is a 906  
felony of the second degree, and the court shall impose as a 907  
mandatory prison term a second degree felony mandatory prison 908  
term. If the amount of the drug involved is within that range 909  
and if the offense was committed in the vicinity of a school ~~or,~~ 910  
in the vicinity of a juvenile, or in the vicinity of a substance 911  
addiction services provider or a recovering addict, trafficking 912  
in L.S.D. is a felony of the first degree, and the court shall 913



impose as a mandatory prison term a first degree felony 914  
mandatory prison term. 915

(f) If the amount of the drug involved equals or exceeds 916  
one thousand unit doses but is less than five thousand unit 917  
doses of L.S.D. in a solid form or equals or exceeds one hundred 918  
grams but is less than five hundred grams of L.S.D. in a liquid 919  
concentrate, liquid extract, or liquid distillate form and 920  
regardless of whether the offense was committed in the vicinity 921  
of a school ~~or,~~ in the vicinity of a juvenile, or in the 922  
vicinity of a substance addiction services provider or a 923  
recovering addict, trafficking in L.S.D. is a felony of the 924  
first degree, and the court shall impose as a mandatory prison 925  
term a first degree felony mandatory prison term. 926

(g) If the amount of the drug involved equals or exceeds 927  
five thousand unit doses of L.S.D. in a solid form or equals or 928  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 929  
liquid extract, or liquid distillate form and regardless of 930  
whether the offense was committed in the vicinity of a school 931  
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 932  
substance addiction services provider or a recovering addict, 933  
trafficking in L.S.D. is a felony of the first degree, the 934  
offender is a major drug offender, and the court shall impose as 935  
a mandatory prison term a maximum first degree felony mandatory 936  
prison term. 937

(6) If the drug involved in the violation is heroin or a 938  
compound, mixture, preparation, or substance containing heroin, 939  
whoever violates division (A) of this section is guilty of 940  
trafficking in heroin. The penalty for the offense shall be 941  
determined as follows: 942

(a) Except as otherwise provided in division (C) (6) (b), 943

(c), (d), (e), (f), or (g) of this section, trafficking in 944  
heroin is a felony of the fifth degree, and division (B) of 945  
section 2929.13 of the Revised Code applies in determining 946  
whether to impose a prison term on the offender. 947

(b) Except as otherwise provided in division (C) (6) (c), 948  
(d), (e), (f), or (g) of this section, if the offense was 949  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 950  
juvenile, or in the vicinity of a substance addiction services 951  
provider or a recovering addict, trafficking in heroin is a 952  
felony of the fourth degree, and division (C) of section 2929.13 953  
of the Revised Code applies in determining whether to impose a 954  
prison term on the offender. 955

(c) Except as otherwise provided in this division, if the 956  
amount of the drug involved equals or exceeds ten unit doses but 957  
is less than fifty unit doses or equals or exceeds one gram but 958  
is less than five grams, trafficking in heroin is a felony of 959  
the fourth degree, and division (B) of section 2929.13 of the 960  
Revised Code applies in determining whether to impose a prison 961  
term for the offense. If the amount of the drug involved is 962  
within that range and if the offense was committed in the 963  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 964  
the vicinity of a substance addiction services provider or a 965  
recovering addict, trafficking in heroin is a felony of the 966  
third degree, and there is a presumption for a prison term for 967  
the offense. 968

(d) Except as otherwise provided in this division, if the 969  
amount of the drug involved equals or exceeds fifty unit doses 970  
but is less than one hundred unit doses or equals or exceeds 971  
five grams but is less than ten grams, trafficking in heroin is 972  
a felony of the third degree, and there is a presumption for a 973

prison term for the offense. If the amount of the drug involved 974  
is within that range and if the offense was committed in the 975  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 976  
the vicinity of a substance addiction services provider or a 977  
recovering addict, trafficking in heroin is a felony of the 978  
second degree, and there is a presumption for a prison term for 979  
the offense. 980

(e) Except as otherwise provided in this division, if the 981  
amount of the drug involved equals or exceeds one hundred unit 982  
doses but is less than five hundred unit doses or equals or 983  
exceeds ten grams but is less than fifty grams, trafficking in 984  
heroin is a felony of the second degree, and the court shall 985  
impose as a mandatory prison term a second degree felony 986  
mandatory prison term. If the amount of the drug involved is 987  
within that range and if the offense was committed in the 988  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 989  
the vicinity of a substance addiction services provider or a 990  
recovering addict, trafficking in heroin is a felony of the 991  
first degree, and the court shall impose as a mandatory prison 992  
term a first degree felony mandatory prison term. 993

(f) If the amount of the drug involved equals or exceeds 994  
five hundred unit doses but is less than one thousand unit doses 995  
or equals or exceeds fifty grams but is less than one hundred 996  
grams and regardless of whether the offense was committed in the 997  
vicinity of a school~~or,~~ in the vicinity of a juvenile, or in 998  
the vicinity of a substance addiction services provider or a 999  
recovering addict, trafficking in heroin is a felony of the 1000  
first degree, and the court shall impose as a mandatory prison 1001  
term a first degree felony mandatory prison term. 1002

(g) If the amount of the drug involved equals or exceeds 1003

one thousand unit doses or equals or exceeds one hundred grams 1004  
and regardless of whether the offense was committed in the 1005  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1006  
the vicinity of a substance addiction services provider or a 1007  
recovering addict, trafficking in heroin is a felony of the 1008  
first degree, the offender is a major drug offender, and the 1009  
court shall impose as a mandatory prison term a maximum first 1010  
degree felony mandatory prison term. 1011

(7) If the drug involved in the violation is hashish or a 1012  
compound, mixture, preparation, or substance containing hashish, 1013  
whoever violates division (A) of this section is guilty of 1014  
trafficking in hashish. The penalty for the offense shall be 1015  
determined as follows: 1016

(a) Except as otherwise provided in division (C) (7) (b), 1017  
(c), (d), (e), (f), or (g) of this section, trafficking in 1018  
hashish is a felony of the fifth degree, and division (B) of 1019  
section 2929.13 of the Revised Code applies in determining 1020  
whether to impose a prison term on the offender. 1021

(b) Except as otherwise provided in division (C) (7) (c), 1022  
(d), (e), (f), or (g) of this section, if the offense was 1023  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1024  
juvenile, or in the vicinity of a substance addiction services 1025  
provider or a recovering addict, trafficking in hashish is a 1026  
felony of the fourth degree, and division (B) of section 2929.13 1027  
of the Revised Code applies in determining whether to impose a 1028  
prison term on the offender. 1029

(c) Except as otherwise provided in this division, if the 1030  
amount of the drug involved equals or exceeds ten grams but is 1031  
less than fifty grams of hashish in a solid form or equals or 1032  
exceeds two grams but is less than ten grams of hashish in a 1033

liquid concentrate, liquid extract, or liquid distillate form, 1034  
trafficking in hashish is a felony of the fourth degree, and 1035  
division (B) of section 2929.13 of the Revised Code applies in 1036  
determining whether to impose a prison term on the offender. If 1037  
the amount of the drug involved is within that range and if the 1038  
offense was committed in the vicinity of a school~~or~~, in the 1039  
vicinity of a juvenile, or in the vicinity of a substance 1040  
addiction services provider or a recovering addict, trafficking 1041  
in hashish is a felony of the third degree, and division (C) of 1042  
section 2929.13 of the Revised Code applies in determining 1043  
whether to impose a prison term on the offender. 1044

(d) Except as otherwise provided in this division, if the 1045  
amount of the drug involved equals or exceeds fifty grams but is 1046  
less than two hundred fifty grams of hashish in a solid form or 1047  
equals or exceeds ten grams but is less than fifty grams of 1048  
hashish in a liquid concentrate, liquid extract, or liquid 1049  
distillate form, trafficking in hashish is a felony of the third 1050  
degree, and division (C) of section 2929.13 of the Revised Code 1051  
applies in determining whether to impose a prison term on the 1052  
offender. If the amount of the drug involved is within that 1053  
range and if the offense was committed in the vicinity of a 1054  
school~~or~~, in the vicinity of a juvenile, or in the vicinity of 1055  
a substance addiction services provider or a recovering addict, 1056  
trafficking in hashish is a felony of the second degree, and 1057  
there is a presumption that a prison term shall be imposed for 1058  
the offense. 1059

(e) Except as otherwise provided in this division, if the 1060  
amount of the drug involved equals or exceeds two hundred fifty 1061  
grams but is less than one thousand grams of hashish in a solid 1062  
form or equals or exceeds fifty grams but is less than two 1063  
hundred grams of hashish in a liquid concentrate, liquid 1064

extract, or liquid distillate form, trafficking in hashish is a 1065  
felony of the third degree, and there is a presumption that a 1066  
prison term shall be imposed for the offense. If the amount of 1067  
the drug involved is within that range and if the offense was 1068  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1069  
juvenile, or in the vicinity of a substance addiction services 1070  
provider or a recovering addict, trafficking in hashish is a 1071  
felony of the second degree, and there is a presumption that a 1072  
prison term shall be imposed for the offense. 1073

(f) Except as otherwise provided in this division, if the 1074  
amount of the drug involved equals or exceeds one thousand grams 1075  
but is less than two thousand grams of hashish in a solid form 1076  
or equals or exceeds two hundred grams but is less than four 1077  
hundred grams of hashish in a liquid concentrate, liquid 1078  
extract, or liquid distillate form, trafficking in hashish is a 1079  
felony of the second degree, and the court shall impose as a 1080  
mandatory prison term a second degree felony mandatory prison 1081  
term of five, six, seven, or eight years. If the amount of the 1082  
drug involved is within that range and if the offense was 1083  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1084  
juvenile, or in the vicinity of a substance addiction services 1085  
provider or a recovering addict, trafficking in hashish is a 1086  
felony of the first degree, and the court shall impose as a 1087  
mandatory prison term a maximum first degree felony mandatory 1088  
prison term. 1089

(g) Except as otherwise provided in this division, if the 1090  
amount of the drug involved equals or exceeds two thousand grams 1091  
of hashish in a solid form or equals or exceeds four hundred 1092  
grams of hashish in a liquid concentrate, liquid extract, or 1093  
liquid distillate form, trafficking in hashish is a felony of 1094  
the second degree, and the court shall impose as a mandatory 1095

prison term a maximum second degree felony mandatory prison 1096  
term. If the amount of the drug involved equals or exceeds two 1097  
thousand grams of hashish in a solid form or equals or exceeds 1098  
four hundred grams of hashish in a liquid concentrate, liquid 1099  
extract, or liquid distillate form and if the offense was 1100  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1101  
juvenile, or in the vicinity of a substance addiction services 1102  
provider or a recovering addict, trafficking in hashish is a 1103  
felony of the first degree, and the court shall impose as a 1104  
mandatory prison term a maximum first degree felony mandatory 1105  
prison term. 1106

(8) If the drug involved in the violation is a controlled 1107  
substance analog or compound, mixture, preparation, or substance 1108  
that contains a controlled substance analog, whoever violates 1109  
division (A) of this section is guilty of trafficking in a 1110  
controlled substance analog. The penalty for the offense shall 1111  
be determined as follows: 1112

(a) Except as otherwise provided in division (C) (8) (b), 1113  
(c), (d), (e), (f), or (g) of this section, trafficking in a 1114  
controlled substance analog is a felony of the fifth degree, and 1115  
division (C) of section 2929.13 of the Revised Code applies in 1116  
determining whether to impose a prison term on the offender. 1117

(b) Except as otherwise provided in division (C) (8) (c), 1118  
(d), (e), (f), or (g) of this section, if the offense was 1119  
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1120  
juvenile, or in the vicinity of a substance addiction services 1121  
provider or a recovering addict, trafficking in a controlled 1122  
substance analog is a felony of the fourth degree, and division 1123  
(C) of section 2929.13 of the Revised Code applies in 1124  
determining whether to impose a prison term on the offender. 1125

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

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

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. 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 or a 1157  
recovering addict, trafficking in a controlled substance analog 1158  
is a felony of the first degree, and the court shall impose as a 1159  
mandatory prison term a first degree felony mandatory prison 1160  
term. 1161

(f) If the amount of the drug involved equals or exceeds 1162  
forty grams but is less than fifty grams and regardless of 1163  
whether the offense was committed in the vicinity of a school 1164  
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 1165  
substance addiction services provider or a recovering addict, 1166  
trafficking in a controlled substance analog is a felony of the 1167  
first degree, and the court shall impose as a mandatory prison 1168  
term a first degree felony mandatory prison term. 1169

(g) If the amount of the drug involved equals or exceeds 1170  
fifty grams and regardless of whether the offense was committed 1171  
in the vicinity of a school ~~or,~~ in the vicinity of a juvenile, 1172  
or in the vicinity of a substance addiction services provider or 1173  
a recovering addict, trafficking in a controlled substance 1174  
analog is a felony of the first degree, the offender is a major 1175  
drug offender, and the court shall impose as a mandatory prison 1176  
term a maximum first degree felony mandatory prison term. 1177

(9) If the drug involved in the violation is a fentanyl- 1178  
related compound or a compound, mixture, preparation, or 1179  
substance containing a fentanyl-related compound and division 1180  
(C) (10) (a) of this section does not apply to the drug involved, 1181  
whoever violates division (A) of this section is guilty of 1182  
trafficking in a fentanyl-related compound. The penalty for the 1183  
offense shall be determined as follows: 1184

(a) Except as otherwise provided in division (C) (9) (b), 1185  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1186

a fentanyl-related compound is a felony of the fifth degree, and 1187  
division (B) of section 2929.13 of the Revised Code applies in 1188  
determining whether to impose a prison term on the offender. 1189

(b) Except as otherwise provided in division (C) (9) (c), 1190  
(d), (e), (f), (g), or (h) of this section, if the offense was 1191  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1192  
juvenile, or in the vicinity of a substance addiction services 1193  
provider or a recovering addict, trafficking in a fentanyl- 1194  
related compound is a felony of the fourth degree, and division 1195  
(C) of section 2929.13 of the Revised Code applies in 1196  
determining whether to impose a prison term on the offender. 1197

(c) Except as otherwise provided in this division, if the 1198  
amount of the drug involved equals or exceeds ten unit doses but 1199  
is less than fifty unit doses or equals or exceeds one gram but 1200  
is less than five grams, trafficking in a fentanyl-related 1201  
compound is a felony of the fourth degree, and division (B) of 1202  
section 2929.13 of the Revised Code applies in determining 1203  
whether to impose a prison term for the offense. If the amount 1204  
of the drug involved is within that range and if the offense was 1205  
committed in the vicinity of a school ~~or~~, in the vicinity of a 1206  
juvenile, or in the vicinity of a substance addiction services 1207  
provider or a recovering addict, trafficking in a fentanyl- 1208  
related compound is a felony of the third degree, and there is a 1209  
presumption for a prison term for the offense. 1210

(d) Except as otherwise provided in this division, if the 1211  
amount of the drug involved equals or exceeds fifty unit doses 1212  
but is less than one hundred unit doses or equals or exceeds 1213  
five grams but is less than ten grams, trafficking in a 1214  
fentanyl-related compound is a felony of the third degree, and 1215  
there is a presumption for a prison term for the offense. If the 1216

amount of the drug involved is within that range and if the 1217  
offense was committed in the vicinity of a school ~~or,~~ in the 1218  
vicinity of a juvenile, or in the vicinity of a substance 1219  
addiction services provider or a recovering addict, trafficking 1220  
in a fentanyl-related compound is a felony of the second degree, 1221  
and there is a presumption for a prison term for the offense. 1222

(e) Except as otherwise provided in this division, if the 1223  
amount of the drug involved equals or exceeds one hundred unit 1224  
doses but is less than two hundred unit doses or equals or 1225  
exceeds ten grams but is less than twenty grams, trafficking in 1226  
a fentanyl-related compound is a felony of the second degree, 1227  
and the court shall impose as a mandatory prison term one of the 1228  
prison terms prescribed for a felony of the second degree. If 1229  
the amount of the drug involved is within that range and if the 1230  
offense was committed in the vicinity of a school ~~or,~~ in the 1231  
vicinity of a juvenile, or in the vicinity of a substance 1232  
addiction services provider or a recovering addict, trafficking 1233  
in a fentanyl-related compound is a felony of the first degree, 1234  
and the court shall impose as a mandatory prison term one of the 1235  
prison terms prescribed for a felony of the first degree. 1236

(f) If the amount of the drug involved equals or exceeds 1237  
two hundred unit doses but is less than five hundred unit doses 1238  
or equals or exceeds twenty grams but is less than fifty grams 1239  
and regardless of whether the offense was committed in the 1240  
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1241  
the vicinity of a substance addiction services provider or a 1242  
recovering addict, trafficking in a fentanyl-related compound is 1243  
a felony of the first degree, and the court shall impose as a 1244  
mandatory prison term one of the prison terms prescribed for a 1245  
felony of the first degree. 1246

(g) If the amount of the drug involved equals or exceeds 1247  
five hundred unit doses but is less than one thousand unit doses 1248  
or equals or exceeds fifty grams but is less than one hundred 1249  
grams and regardless of whether the offense was committed in the 1250  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1251  
the vicinity of a substance addiction services provider or a 1252  
recovering addict, trafficking in a fentanyl-related compound is 1253  
a felony of the first degree, and the court shall impose as a 1254  
mandatory prison term the maximum prison term prescribed for a 1255  
felony of the first degree. 1256

(h) If the amount of the drug involved equals or exceeds 1257  
one thousand unit doses or equals or exceeds one hundred grams 1258  
and regardless of whether the offense was committed in the 1259  
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1260  
the vicinity of a substance addiction services provider or a 1261  
recovering addict, trafficking in a fentanyl-related compound is 1262  
a felony of the first degree, the offender is a major drug 1263  
offender, and the court shall impose as a mandatory prison term 1264  
the maximum prison term prescribed for a felony of the first 1265  
degree. 1266

(10) If the drug involved in the violation is a compound, 1267  
mixture, preparation, or substance that is a combination of a 1268  
fentanyl-related compound and marihuana, one of the following 1269  
applies: 1270

(a) Except as otherwise provided in division (C) (10) (b) of 1271  
this section, the offender is guilty of trafficking in marihuana 1272  
and shall be punished under division (C) (3) of this section. The 1273  
offender is not guilty of trafficking in a fentanyl-related 1274  
compound and shall not be charged with, convicted of, or 1275  
punished under division (C) (9) of this section for trafficking 1276

in a fentanyl-related compound. 1277

(b) If the offender knows or has reason to know that the 1278  
compound, mixture, preparation, or substance that is the drug 1279  
involved contains a fentanyl-related compound, the offender is 1280  
guilty of trafficking in a fentanyl-related compound and shall 1281  
be punished under division (C) (9) of this section. 1282

(D) In addition to any prison term authorized or required 1283  
by division (C) of this section and sections 2929.13 and 2929.14 1284  
of the Revised Code, and in addition to any other sanction 1285  
imposed for the offense under this section or sections 2929.11 1286  
to 2929.18 of the Revised Code, the court that sentences an 1287  
offender who is convicted of or pleads guilty to a violation of 1288  
division (A) of this section may suspend the driver's or 1289  
commercial driver's license or permit of the offender in 1290  
accordance with division (G) of this section. However, if the 1291  
offender pleaded guilty to or was convicted of a violation of 1292  
section 4511.19 of the Revised Code or a substantially similar 1293  
municipal ordinance or the law of another state or the United 1294  
States arising out of the same set of circumstances as the 1295  
violation, the court shall suspend the offender's driver's or 1296  
commercial driver's license or permit in accordance with 1297  
division (G) of this section. If applicable, the court also 1298  
shall do the following: 1299

(1) If the violation of division (A) of this section is a 1300  
felony of the first, second, or third degree, the court shall 1301  
impose upon the offender the mandatory fine specified for the 1302  
offense under division (B) (1) of section 2929.18 of the Revised 1303  
Code unless, as specified in that division, the court determines 1304  
that the offender is indigent. Except as otherwise provided in 1305  
division (H) (1) of this section, a mandatory fine or any other 1306

fine imposed for a violation of this section is subject to 1307  
division (F) of this section. If a person is charged with a 1308  
violation of this section that is a felony of the first, second, 1309  
or third degree, posts bail, and forfeits the bail, the clerk of 1310  
the court shall pay the forfeited bail pursuant to divisions (D) 1311  
(1) and (F) of this section, as if the forfeited bail was a fine 1312  
imposed for a violation of this section. If any amount of the 1313  
forfeited bail remains after that payment and if a fine is 1314  
imposed under division (H) (1) of this section, the clerk of the 1315  
court shall pay the remaining amount of the forfeited bail 1316  
pursuant to divisions (H) (2) and (3) of this section, as if that 1317  
remaining amount was a fine imposed under division (H) (1) of 1318  
this section. 1319

(2) If the offender is a professionally licensed person, 1320  
the court immediately shall comply with section 2925.38 of the 1321  
Revised Code. 1322

(E) When a person is charged with the sale of or offer to 1323  
sell a bulk amount or a multiple of a bulk amount of a 1324  
controlled substance, the jury, or the court trying the accused, 1325  
shall determine the amount of the controlled substance involved 1326  
at the time of the offense and, if a guilty verdict is returned, 1327  
shall return the findings as part of the verdict. In any such 1328  
case, it is unnecessary to find and return the exact amount of 1329  
the controlled substance involved, and it is sufficient if the 1330  
finding and return is to the effect that the amount of the 1331  
controlled substance involved is the requisite amount, or that 1332  
the amount of the controlled substance involved is less than the 1333  
requisite amount. 1334

(F) (1) Notwithstanding any contrary provision of section 1335  
3719.21 of the Revised Code and except as provided in division 1336

(H) of this section, the clerk of the court shall pay any 1337  
mandatory fine imposed pursuant to division (D)(1) of this 1338  
section and any fine other than a mandatory fine that is imposed 1339  
for a violation of this section pursuant to division (A) or (B) 1340  
(5) of section 2929.18 of the Revised Code to the county, 1341  
township, municipal corporation, park district, as created 1342  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1343  
state law enforcement agencies in this state that primarily were 1344  
responsible for or involved in making the arrest of, and in 1345  
prosecuting, the offender. However, the clerk shall not pay a 1346  
mandatory fine so imposed to a law enforcement agency unless the 1347  
agency has adopted a written internal control policy under 1348  
division (F)(2) of this section that addresses the use of the 1349  
fine moneys that it receives. Each agency shall use the 1350  
mandatory fines so paid to subsidize the agency's law 1351  
enforcement efforts that pertain to drug offenses, in accordance 1352  
with the written internal control policy adopted by the 1353  
recipient agency under division (F)(2) of this section. 1354

(2) Prior to receiving any fine moneys under division (F) 1355  
(1) of this section or division (B) of section 2925.42 of the 1356  
Revised Code, a law enforcement agency shall adopt a written 1357  
internal control policy that addresses the agency's use and 1358  
disposition of all fine moneys so received and that provides for 1359  
the keeping of detailed financial records of the receipts of 1360  
those fine moneys, the general types of expenditures made out of 1361  
those fine moneys, and the specific amount of each general type 1362  
of expenditure. The policy shall not provide for or permit the 1363  
identification of any specific expenditure that is made in an 1364  
ongoing investigation. All financial records of the receipts of 1365  
those fine moneys, the general types of expenditures made out of 1366  
those fine moneys, and the specific amount of each general type 1367

of expenditure by an agency are public records open for 1368  
inspection under section 149.43 of the Revised Code. 1369  
Additionally, a written internal control policy adopted under 1370  
this division is such a public record, and the agency that 1371  
adopted it shall comply with it. 1372

(3) As used in division (F) of this section: 1373

(a) "Law enforcement agencies" includes, but is not 1374  
limited to, the state board of pharmacy and the office of a 1375  
prosecutor. 1376

(b) "Prosecutor" has the same meaning as in section 1377  
2935.01 of the Revised Code. 1378

(G) (1) If the sentencing court suspends the offender's 1379  
driver's or commercial driver's license or permit under division 1380  
(D) of this section or any other provision of this chapter, the 1381  
court shall suspend the license, by order, for not more than 1382  
five years. If an offender's driver's or commercial driver's 1383  
license or permit is suspended pursuant to this division, the 1384  
offender, at any time after the expiration of two years from the 1385  
day on which the offender's sentence was imposed or from the day 1386  
on which the offender finally was released from a prison term 1387  
under the sentence, whichever is later, may file a motion with 1388  
the sentencing court requesting termination of the suspension; 1389  
upon the filing of such a motion and the court's finding of good 1390  
cause for the termination, the court may terminate the 1391  
suspension. 1392

(2) Any offender who received a mandatory suspension of 1393  
the offender's driver's or commercial driver's license or permit 1394  
under this section prior to September 13, 2016, may file a 1395  
motion with the sentencing court requesting the termination of 1396



the suspension. However, an offender who pleaded guilty to or 1397  
was convicted of a violation of section 4511.19 of the Revised 1398  
Code or a substantially similar municipal ordinance or law of 1399  
another state or the United States that arose out of the same 1400  
set of circumstances as the violation for which the offender's 1401  
license or permit was suspended under this section shall not 1402  
file such a motion. 1403

Upon the filing of a motion under division (G) (2) of this 1404  
section, the sentencing court, in its discretion, may terminate 1405  
the suspension. 1406

(H) (1) In addition to any prison term authorized or 1407  
required by division (C) of this section and sections 2929.13 1408  
and 2929.14 of the Revised Code, in addition to any other 1409  
penalty or sanction imposed for the offense under this section 1410  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1411  
addition to the forfeiture of property in connection with the 1412  
offense as prescribed in Chapter 2981. of the Revised Code, the 1413  
court that sentences an offender who is convicted of or pleads 1414  
guilty to a violation of division (A) of this section may impose 1415  
upon the offender an additional fine specified for the offense 1416  
in division (B) (4) of section 2929.18 of the Revised Code. A 1417  
fine imposed under division (H) (1) of this section is not 1418  
subject to division (F) of this section and shall be used solely 1419  
for the support of one or more eligible community addiction 1420  
services providers in accordance with divisions (H) (2) and (3) 1421  
of this section. 1422

(2) The court that imposes a fine under division (H) (1) of 1423  
this section shall specify in the judgment that imposes the fine 1424  
one or more eligible community addiction services providers for 1425  
the support of which the fine money is to be used. No community 1426

addiction services provider shall receive or use money paid or 1427  
collected in satisfaction of a fine imposed under division (H) 1428  
(1) of this section unless the services provider is specified in 1429  
the judgment that imposes the fine. No community addiction 1430  
services provider shall be specified in the judgment unless the 1431  
services provider is an eligible community addiction services 1432  
provider and, except as otherwise provided in division (H) (2) of 1433  
this section, unless the services provider is located in the 1434  
county in which the court that imposes the fine is located or in 1435  
a county that is immediately contiguous to the county in which 1436  
that court is located. If no eligible community addiction 1437  
services provider is located in any of those counties, the 1438  
judgment may specify an eligible community addiction services 1439  
provider that is located anywhere within this state. 1440

(3) Notwithstanding any contrary provision of section 1441  
3719.21 of the Revised Code, the clerk of the court shall pay 1442  
any fine imposed under division (H) (1) of this section to the 1443  
eligible community addiction services provider specified 1444  
pursuant to division (H) (2) of this section in the judgment. The 1445  
eligible community addiction services provider that receives the 1446  
fine moneys shall use the moneys only for the alcohol and drug 1447  
addiction services identified in the application for 1448  
certification of services under section 5119.36 of the Revised 1449  
Code or in the application for a license under section 5119.37 1450  
of the Revised Code filed with the department of mental health 1451  
and addiction services by the community addiction services 1452  
provider specified in the judgment. 1453

(4) Each community addiction services provider that 1454  
receives in a calendar year any fine moneys under division (H) 1455  
(3) of this section shall file an annual report covering that 1456  
calendar year with the court of common pleas and the board of 1457

county commissioners of the county in which the services 1458  
provider is located, with the court of common pleas and the 1459  
board of county commissioners of each county from which the 1460  
services provider received the moneys if that county is 1461  
different from the county in which the services provider is 1462  
located, and with the attorney general. The community addiction 1463  
services provider shall file the report no later than the first 1464  
day of March in the calendar year following the calendar year in 1465  
which the services provider received the fine moneys. The report 1466  
shall include statistics on the number of persons served by the 1467  
community addiction services provider, identify the types of 1468  
alcohol and drug addiction services provided to those persons, 1469  
and include a specific accounting of the purposes for which the 1470  
fine moneys received were used. No information contained in the 1471  
report shall identify, or enable a person to determine the 1472  
identity of, any person served by the community addiction 1473  
services provider. Each report received by a court of common 1474  
pleas, a board of county commissioners, or the attorney general 1475  
is a public record open for inspection under section 149.43 of 1476  
the Revised Code. 1477

(5) As used in divisions (H) (1) to (5) of this section: 1478

(a) "Community addiction services provider" and "alcohol 1479  
and drug addiction services" have the same meanings as in 1480  
section 5119.01 of the Revised Code. 1481

(b) "Eligible community addiction services provider" means 1482  
a community addiction services provider, including a community 1483  
addiction services provider that operates an opioid treatment 1484  
program licensed under section 5119.37 of the Revised Code. 1485

(I) As used in this section, "drug" includes any substance 1486  
that is represented to be a drug. 1487

(J) It is an affirmative defense to a charge of 1488  
trafficking in a controlled substance analog under division (C) 1489  
(8) of this section that the person charged with violating that 1490  
offense sold or offered to sell, or prepared for shipment, 1491  
shipped, transported, delivered, prepared for distribution, or 1492  
distributed one of the following items that are excluded from 1493  
the meaning of "controlled substance analog" under section 1494  
3719.01 of the Revised Code: 1495

(1) A controlled substance; 1496

(2) Any substance for which there is an approved new drug 1497  
application; 1498

(3) With respect to a particular person, any substance if 1499  
an exemption is in effect for investigational use for that 1500  
person pursuant to federal law to the extent that conduct with 1501  
respect to that substance is pursuant to that exemption. 1502

**Section 2.** That existing sections 2925.01 and 2925.03 of 1503  
the Revised Code are hereby repealed. 1504

**Section 3.** This act shall be known as the Relapse 1505  
Reduction Act. 1506

**Section 4.** The General Assembly, applying the principle 1507  
stated in division (B) of section 1.52 of the Revised Code that 1508  
amendments are to be harmonized if reasonably capable of 1509  
simultaneous operation, finds that the following sections, 1510  
presented in this act as composites of the sections as amended 1511  
by the acts indicated, are the resulting versions of the 1512  
sections in effect prior to the effective date of the sections 1513  
as presented in this act: 1514

Section 2925.01 of the Revised Code as amended by both 1515  
H.B. 341 and H.B. 442 of the 133rd General Assembly. 1516

Section 2925.03 of the Revised Code as amended by H.B.	1517
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General	1518
Assembly.	1519