

As Passed by the Senate

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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**

A BILL

To amend sections 2925.01 and 2925.03 and to enact 1
section 2925.15 of the Revised Code to enhance 2
penalties for certain drug trafficking offenses 3
committed in the vicinity of a substance 4
addiction services provider or a recovering 5
addict, to prohibit defrauding an alcohol, drug, 6
or urine screening test, and to name the act's 7
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 2925.15 of the Revised Code be enacted to read as 10
follows: 11

Sec. 2925.01. As used in this chapter: 12

(A) "Administer," "controlled substance," "controlled 13
substance analog," "dispense," "distribute," "hypodermic," 14
"manufacturer," "official written order," "person," 15
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 16

"schedule III," "schedule IV," "schedule V," and "wholesaler" 17
have the same meanings as in section 3719.01 of the Revised 18
Code. 19

(B) "Drug dependent person" and "drug of abuse" have the 20
same meanings as in section 3719.011 of the Revised Code. 21

(C) "Drug," "dangerous drug," "licensed health 22
professional authorized to prescribe drugs," and "prescription" 23
have the same meanings as in section 4729.01 of the Revised 24
Code. 25

(D) "Bulk amount" of a controlled substance means any of 26
the following: 27

(1) For any compound, mixture, preparation, or substance 28
included in schedule I, schedule II, or schedule III, with the 29
exception of any controlled substance analog, marihuana, 30
cocaine, L.S.D., heroin, any fentanyl-related compound, and 31
hashish and except as provided in division (D) (2), (5), or (6) 32
of this section, whichever of the following is applicable: 33

(a) An amount equal to or exceeding ten grams or twenty- 34
five unit doses of a compound, mixture, preparation, or 35
substance that is or contains any amount of a schedule I opiate 36
or opium derivative; 37

(b) An amount equal to or exceeding ten grams of a 38
compound, mixture, preparation, or substance that is or contains 39
any amount of raw or gum opium; 40

(c) An amount equal to or exceeding thirty grams or ten 41
unit doses of a compound, mixture, preparation, or substance 42
that is or contains any amount of a schedule I hallucinogen 43
other than tetrahydrocannabinol or lysergic acid amide, or a 44
schedule I stimulant or depressant; 45

(d) An amount equal to or exceeding twenty grams or five 46
times the maximum daily dose in the usual dose range specified 47
in a standard pharmaceutical reference manual of a compound, 48
mixture, preparation, or substance that is or contains any 49
amount of a schedule II opiate or opium derivative; 50

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

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

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

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

an anabolic steroid or a schedule III opiate or opium 76
derivative; 77

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

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

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

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

(E) "Unit dose" means an amount or unit of a compound, 103
mixture, or preparation containing a controlled substance that 104

is separately identifiable and in a form that indicates that it 105
is the amount or unit by which the controlled substance is 106
separately administered to or taken by an individual. 107

(F) "Cultivate" includes planting, watering, fertilizing, 108
or tilling. 109

(G) "Drug abuse offense" means any of the following: 110

(1) A violation of division (A) of section 2913.02 that 111
constitutes theft of drugs, or a violation of section 2925.02, 112
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 113
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 114
or 2925.37 of the Revised Code; 115

(2) A violation of an existing or former law of this or 116
any other state or of the United States that is substantially 117
equivalent to any section listed in division (G)(1) of this 118
section; 119

(3) An offense under an existing or former law of this or 120
any other state, or of the United States, of which planting, 121
cultivating, harvesting, processing, making, manufacturing, 122
producing, shipping, transporting, delivering, acquiring, 123
possessing, storing, distributing, dispensing, selling, inducing 124
another to use, administering to another, using, or otherwise 125
dealing with a controlled substance is an element; 126

(4) A conspiracy to commit, attempt to commit, or 127
complicity in committing or attempting to commit any offense 128
under division (G)(1), (2), or (3) of this section. 129

(H) "Felony drug abuse offense" means any drug abuse 130
offense that would constitute a felony under the laws of this 131
state, any other state, or the United States. 132

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

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

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

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

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

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

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

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

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

(P) An offense is "committed in the vicinity of a school" 188
if the offender commits the offense on school premises, in a 189
school building, or within one thousand feet of the boundaries 190
of any school premises, regardless of whether the offender knows 191
the offense is being committed on school premises, in a school 192
building, or within one thousand feet of the boundaries of any 193
school premises. 194

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

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

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

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

criminal offense is committed.	218
(S) "School building" means any building in which any of	219
the instruction, extracurricular activities, or training	220
provided by a school is conducted, whether or not any	221
instruction, extracurricular activities, or training provided by	222
the school is being conducted in the school building at the time	223
a criminal offense is committed.	224
(T) "Disciplinary counsel" means the disciplinary counsel	225
appointed by the board of commissioners on grievances and	226
discipline of the supreme court under the Rules for the	227
Government of the Bar of Ohio.	228
(U) "Certified grievance committee" means a duly	229
constituted and organized committee of the Ohio state bar	230
association or of one or more local bar associations of the	231
state of Ohio that complies with the criteria set forth in Rule	232
V, section 6 of the Rules for the Government of the Bar of Ohio.	233
(V) "Professional license" means any license, permit,	234
certificate, registration, qualification, admission, temporary	235
license, temporary permit, temporary certificate, or temporary	236
registration that is described in divisions (W)(1) to (37) of	237
this section and that qualifies a person as a professionally	238
licensed person.	239
(W) "Professionally licensed person" means any of the	240
following:	241
(1) A person who has received a certificate or temporary	242
certificate as a certified public accountant or who has	243
registered as a public accountant under Chapter 4701. of the	244
Revised Code and who holds an Ohio permit issued under that	245
chapter;	246

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	247 248 249
(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	250 251 252
(4) A person licensed under Chapter 4707. of the Revised Code;	253 254
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	255 256 257
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	258 259 260
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	261 262 263 264 265 266 267 268 269 270 271
(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	272 273 274 275

teacher's certificate under Chapter 4715. of the Revised Code;	276
(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;	277 278 279 280 281
(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;	282 283 284 285
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	286 287 288
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	289 290
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	291 292
(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;	293 294 295 296
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	297 298 299 300 301
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	302 303

(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;	304 305 306 307 308
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	309 310
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	311 312 313
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	314 315
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	316 317
(22) A person registered as a registered environmental health specialist under Chapter 4736. of the Revised Code;	318 319
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	320 321
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	322 323
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	324 325
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	326 327 328 329
(27) A person who has been issued a hearing aid dealer's	330

or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	331 332
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	333 334 335
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	336 337
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	338 339 340
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	341 342 343
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	344 345 346 347 348 349
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	350 351
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	352 353 354
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	355 356
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	357 358

(37) A person who has been admitted to the bar by order of 359
the supreme court in compliance with its prescribed and 360
published rules. 361

(X) "Cocaine" means any of the following: 362

(1) A cocaine salt, isomer, or derivative, a salt of a 363
cocaine isomer or derivative, or the base form of cocaine; 364

(2) Coca leaves or a salt, compound, derivative, or 365
preparation of coca leaves, including ecgonine, a salt, isomer, 366
or derivative of ecgonine, or a salt of an isomer or derivative 367
of ecgonine; 368

(3) A salt, compound, derivative, or preparation of a 369
substance identified in division (X) (1) or (2) of this section 370
that is chemically equivalent to or identical with any of those 371
substances, except that the substances shall not include 372
decocainized coca leaves or extraction of coca leaves if the 373
extractions do not contain cocaine or ecgonine. 374

(Y) "L.S.D." means lysergic acid diethylamide. 375

(Z) "Hashish" means a resin or a preparation of a resin to 376
which both of the following apply: 377

(1) It is contained in or derived from any part of the 378
plant of the genus cannabis, whether in solid form or in a 379
liquid concentrate, liquid extract, or liquid distillate form. 380

(2) It has a delta-9 tetrahydrocannabinol concentration of 381
more than three-tenths per cent. 382

"Hashish" does not include a hemp byproduct in the 383
possession of a licensed hemp processor under Chapter 928. of 384
the Revised Code, provided that the hemp byproduct is being 385
produced, stored, and disposed of in accordance with rules 386

adopted under section 928.03 of the Revised Code.	387
(AA) "Marihuana" has the same meaning as in section	388
3719.01 of the Revised Code, except that it does not include	389
hashish.	390
(BB) An offense is "committed in the vicinity of a	391
juvenile" if the offender commits the offense within one hundred	392
feet of a juvenile or within the view of a juvenile, regardless	393
of whether the offender knows the age of the juvenile, whether	394
the offender knows the offense is being committed within one	395
hundred feet of or within view of the juvenile, or whether the	396
juvenile actually views the commission of the offense.	397
(CC) "Presumption for a prison term" or "presumption that	398
a prison term shall be imposed" means a presumption, as	399
described in division (D) of section 2929.13 of the Revised	400
Code, that a prison term is a necessary sanction for a felony in	401
order to comply with the purposes and principles of sentencing	402
under section 2929.11 of the Revised Code.	403
(DD) "Major drug offender" has the same meaning as in	404
section 2929.01 of the Revised Code.	405
(EE) "Minor drug possession offense" means either of the	406
following:	407
(1) A violation of section 2925.11 of the Revised Code as	408
it existed prior to July 1, 1996;	409
(2) A violation of section 2925.11 of the Revised Code as	410
it exists on and after July 1, 1996, that is a misdemeanor or a	411
felony of the fifth degree.	412
(FF) "Mandatory prison term" has the same meaning as in	413
section 2929.01 of the Revised Code.	414

(GG) "Adulterate" means to cause a drug to be adulterated	415
as described in section 3715.63 of the Revised Code.	416
(HH) "Public premises" means any hotel, restaurant,	417
tavern, store, arena, hall, or other place of public	418
accommodation, business, amusement, or resort.	419
(II) "Methamphetamine" means methamphetamine, any salt,	420
isomer, or salt of an isomer of methamphetamine, or any	421
compound, mixture, preparation, or substance containing	422
methamphetamine or any salt, isomer, or salt of an isomer of	423
methamphetamine.	424
(JJ) "Deception" has the same meaning as in section	425
2913.01 of the Revised Code.	426
(KK) "Fentanyl-related compound" means any of the	427
following:	428
(1) Fentanyl;	429
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-	430
phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-	431
phenylethyl)-4-(N-propanilido) piperidine);	432
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-	433
thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	434
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-	435
piperidinyl] -N-phenylpropanamide);	436
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-	437
hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-	438
phenylpropanamide);	439
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-	440
piperidyl]-N- phenylpropanamide);	441

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 442
443
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide; 444
445
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 446
447
- (10) Alfentanil; 448
- (11) Carfentanil; 449
- (12) Remifentanil; 450
- (13) Sufentanil; 451
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 452
453
- (15) Any compound that meets all of the following fentanyl 454
pharmacophore requirements to bind at the mu receptor, as 455
identified by a report from an established forensic laboratory, 456
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 457
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 458
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 459
fluorofentanyl: 460
- (a) A chemical scaffold consisting of both of the 461
following: 462
- (i) A five, six, or seven member ring structure containing 463
a nitrogen, whether or not further substituted; 464
- (ii) An attached nitrogen to the ring, whether or not that 465
nitrogen is enclosed in a ring structure, including an attached 466
aromatic ring or other lipophilic group to that nitrogen. 467
- (b) A polar functional group attached to the chemical 468

scaffold, including but not limited to a hydroxyl, ketone, 469
amide, or ester; 470

(c) An alkyl or aryl substitution off the ring nitrogen of 471
the chemical scaffold; and 472

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

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

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

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

(OO) "Maximum second degree felony mandatory prison term" 497

means the maximum definite prison term prescribed in division 498
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 499
the second degree, except that if the violation for which 500
sentence is being imposed is committed on or after March 22, 501
2019, it means the longest minimum prison term prescribed in 502
division (A) (2) (a) of that section for a felony of the second 503
degree. 504

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

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

(1) The offender commits the offense on the premises of a 510
substance addiction services provider's facility, including a 511
facility licensed prior to June 29, 2019, under section 5119.391 512
of the Revised Code to provide methadone treatment or an opioid 513
treatment program licensed on or after that date under section 514
5119.37 of the Revised Code, or within five hundred feet of the 515
premises of a substance addiction services provider's facility 516
and the offender knows or should know that the offense is being 517
committed within the vicinity of the substance addiction 518
services provider's facility. 519

(2) The offender sells, offers to sell, delivers, or 520
distributes the controlled substance or controlled substance 521
analog to a person who is receiving treatment at the time of the 522
commission of the offense, or received treatment within thirty 523
days prior to the commission of the offense, from a substance 524
addiction services provider and the offender knows that the 525
person is receiving or received that treatment. 526

(RR) "Substance addiction services provider" means an 527
agency, association, corporation or other legal entity, 528
individual, or program that provides one or more of the 529
following at a facility: 530

(1) Either alcohol addiction services, or drug addiction 531
services, or both such services that are certified by the 532
director of mental health and addiction services under section 533
5119.36 of the Revised Code; 534

(2) Recovery supports that are related to either alcohol 535
addiction services, or drug addiction services, or both such 536
services and paid for with federal, state, or local funds 537
administered by the department of mental health and addiction 538
services or a board of alcohol, drug addiction, and mental 539
health services. 540

(SS) "Premises of a substance addiction services 541
provider's facility" means the parcel of real property on which 542
any substance addiction service provider's facility is situated. 543

(TT) "Alcohol and drug addiction services" has the same 544
meaning as in section 5119.01 of the Revised Code. 545

Sec. 2925.03. (A) No person shall knowingly do any of the 546
following: 547

(1) Sell or offer to sell a controlled substance or a 548
controlled substance analog; 549

(2) Prepare for shipment, ship, transport, deliver, 550
prepare for distribution, or distribute a controlled substance 551
or a controlled substance analog, when the offender knows or has 552
reasonable cause to believe that the controlled substance or a 553
controlled substance analog is intended for sale or resale by 554
the offender or another person. 555

(B) This section does not apply to any of the following:	556
(1) Manufacturers, licensed health professionals	557
authorized to prescribe drugs, pharmacists, owners of	558
pharmacies, and other persons whose conduct is in accordance	559
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	560
4741. of the Revised Code;	561
(2) If the offense involves an anabolic steroid, any	562
person who is conducting or participating in a research project	563
involving the use of an anabolic steroid if the project has been	564
approved by the United States food and drug administration;	565
(3) Any person who sells, offers for sale, prescribes,	566
dispenses, or administers for livestock or other nonhuman	567
species an anabolic steroid that is expressly intended for	568
administration through implants to livestock or other nonhuman	569
species and approved for that purpose under the "Federal Food,	570
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	571
as amended, and is sold, offered for sale, prescribed,	572
dispensed, or administered for that purpose in accordance with	573
that act.	574
(C) Whoever violates division (A) of this section is	575
guilty of one of the following:	576
(1) If the drug involved in the violation is any compound,	577
mixture, preparation, or substance included in schedule I or	578
schedule II, with the exception of marihuana, cocaine, L.S.D.,	579
heroin, any fentanyl-related compound, hashish, and any	580
controlled substance analog, whoever violates division (A) of	581
this section is guilty of aggravated trafficking in drugs. The	582
penalty for the offense shall be determined as follows:	583
(a) Except as otherwise provided in division (C) (1) (b),	584

(c), (d), (e), or (f) of this section, aggravated trafficking in 585
drugs is a felony of the fourth degree, and division (C) of 586
section 2929.13 of the Revised Code applies in determining 587
whether to impose a prison term on the offender. 588

(b) Except as otherwise provided in division (C) (1) (c), 589
(d), (e), or (f) of this section, if the offense was committed 590
in the vicinity of a school ~~or~~, in the vicinity of a juvenile, 591
or in the vicinity of a substance addiction services provider or 592
a recovering addict, aggravated trafficking in drugs is a felony 593
of the third degree, and division (C) of section 2929.13 of the 594
Revised Code applies in determining whether to impose a prison 595
term on the offender. 596

(c) Except as otherwise provided in this division, if the 597
amount of the drug involved equals or exceeds the bulk amount 598
but is less than five times the bulk amount, aggravated 599
trafficking in drugs is a felony of the third degree, and, 600
except as otherwise provided in this division, there is a 601
presumption for a prison term for the offense. If aggravated 602
trafficking in drugs is a felony of the third degree under this 603
division and if the offender two or more times previously has 604
been convicted of or pleaded guilty to a felony drug abuse 605
offense, the court shall impose as a mandatory prison term one 606
of the prison terms prescribed for a felony of the third degree. 607
If the amount of the drug involved is within that range and if 608
the offense was committed in the vicinity of a school ~~or~~, in the 609
vicinity of a juvenile, or in the vicinity of a substance 610
addiction services provider or a recovering addict, aggravated 611
trafficking in drugs is a felony of the second degree, and the 612
court shall impose as a mandatory prison term a second degree 613
felony mandatory prison term. 614

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs 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 recovering addict, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(e) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount and regardless of whether 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, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether 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, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(2) If the drug involved in the violation is any compound, 646
mixture, preparation, or substance included in schedule III, IV, 647
or V, whoever violates division (A) of this section is guilty of 648
trafficking in drugs. The penalty for the offense shall be 649
determined as follows: 650

(a) Except as otherwise provided in division (C) (2) (b), 651
(c), (d), or (e) of this section, trafficking in drugs is a 652
felony of the fifth degree, and division (B) of section 2929.13 653
of the Revised Code applies in determining whether to impose a 654
prison term on the offender. 655

(b) Except as otherwise provided in division (C) (2) (c), 656
(d), or (e) of this section, if the offense was committed in the 657
vicinity of a school or in the vicinity of a juvenile, 658
trafficking in drugs is a felony of the fourth degree, and 659
division (C) of section 2929.13 of the Revised Code applies in 660
determining whether to impose a prison term on the offender. 661

(c) Except as otherwise provided in this division, if the 662
amount of the drug involved equals or exceeds the bulk amount 663
but is less than five times the bulk amount, trafficking in 664
drugs is a felony of the fourth degree, and division (B) of 665
section 2929.13 of the Revised Code applies in determining 666
whether to impose a prison term for the offense. If the amount 667
of the drug involved is within that range and if the offense was 668
committed in the vicinity of a school or in the vicinity of a 669
juvenile, trafficking in drugs is a felony of the third degree, 670
and there is a presumption for a prison term for the offense. 671

(d) Except as otherwise provided in this division, if the 672
amount of the drug involved equals or exceeds five times the 673
bulk amount but is less than fifty times the bulk amount, 674
trafficking in drugs is a felony of the third degree, and there 675

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, trafficking in drugs 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 fifty times the bulk amount, trafficking in drugs 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 equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

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

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

(b) Except as otherwise provided in division (C) (3) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth

degree, and division (B) of section 2929.13 of the Revised Code 706
applies in determining whether to impose a prison term on the 707
offender. 708

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

(d) Except as otherwise provided in this division, if the 720
amount of the drug involved equals or exceeds one thousand grams 721
but is less than five thousand grams, trafficking in marihuana 722
is a felony of the third degree, and division (C) of section 723
2929.13 of the Revised Code applies in determining whether to 724
impose a prison term on the offender. If the amount of the drug 725
involved is within that range and if the offense was committed 726
in the vicinity of a school or in the vicinity of a juvenile, 727
trafficking in marihuana is a felony of the second degree, and 728
there is a presumption that a prison term shall be imposed for 729
the offense. 730

(e) Except as otherwise provided in this division, if the 731
amount of the drug involved equals or exceeds five thousand 732
grams but is less than twenty thousand grams, trafficking in 733
marihuana is a felony of the third degree, and there is a 734
presumption that a prison term shall be imposed for the offense. 735

If the amount of the drug involved is within that range and if 736
the offense was committed in the vicinity of a school or in the 737
vicinity of a juvenile, trafficking in marihuana is a felony of 738
the second degree, and there is a presumption that a prison term 739
shall be imposed for the offense. 740

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

(g) Except as otherwise provided in this division, if the 752
amount of the drug involved equals or exceeds forty thousand 753
grams, trafficking in marihuana is a felony of the second 754
degree, and the court shall impose as a mandatory prison term a 755
maximum second degree felony mandatory prison term. If the 756
amount of the drug involved equals or exceeds forty thousand 757
grams and if the offense was committed in the vicinity of a 758
school or in the vicinity of a juvenile, trafficking in 759
marihuana is a felony of the first degree, and the court shall 760
impose as a mandatory prison term a maximum first degree felony 761
mandatory prison term. 762

(h) Except as otherwise provided in this division, if the 763
offense involves a gift of twenty grams or less of marihuana, 764
trafficking in marihuana is a minor misdemeanor upon a first 765

offense and a misdemeanor of the third degree upon a subsequent 766
offense. If the offense involves a gift of twenty grams or less 767
of marihuana and if the offense was committed in the vicinity of 768
a school or in the vicinity of a juvenile, trafficking in 769
marihuana is a misdemeanor of the third degree. 770

(4) If the drug involved in the violation is cocaine or a 771
compound, mixture, preparation, or substance containing cocaine, 772
whoever violates division (A) of this section is guilty of 773
trafficking in cocaine. The penalty for the offense shall be 774
determined as follows: 775

(a) Except as otherwise provided in division (C) (4) (b), 776
(c), (d), (e), (f), or (g) of this section, trafficking in 777
cocaine is a felony of the fifth degree, and division (B) of 778
section 2929.13 of the Revised Code applies in determining 779
whether to impose a prison term on the offender. 780

(b) Except as otherwise provided in division (C) (4) (c), 781
(d), (e), (f), or (g) of this section, if the offense was 782
committed in the vicinity of a school ~~or~~, in the vicinity of a 783
juvenile, or in the vicinity of a substance addiction services 784
provider or a recovering addict, trafficking in cocaine is a 785
felony of the fourth degree, and division (C) of section 2929.13 786
of the Revised Code applies in determining whether to impose a 787
prison term on the offender. 788

(c) Except as otherwise provided in this division, if the 789
amount of the drug involved equals or exceeds five grams but is 790
less than ten grams of cocaine, trafficking in cocaine is a 791
felony of the fourth degree, and division (B) of section 2929.13 792
of the Revised Code applies in determining whether to impose a 793
prison term for the offense. If the amount of the drug involved 794
is within that range and if the offense was committed in the 795

vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 796
the vicinity of a substance addiction services provider or a 797
recovering addict, trafficking in cocaine is a felony of the 798
third degree, and there is a presumption for a prison term for 799
the offense. 800

(d) Except as otherwise provided in this division, if the 801
amount of the drug involved equals or exceeds ten grams but is 802
less than twenty grams of cocaine, trafficking in cocaine is a 803
felony of the third degree, and, except as otherwise provided in 804
this division, there is a presumption for a prison term for the 805
offense. If trafficking in cocaine is a felony of the third 806
degree under this division and if the offender two or more times 807
previously has been convicted of or pleaded guilty to a felony 808
drug abuse offense, the court shall impose as a mandatory prison 809
term one of the prison terms prescribed for a felony of the 810
third degree. If the amount of the drug involved is within that 811
range and if the offense was committed in the vicinity of a 812
school-~~or,~~ in the vicinity of a juvenile, or in the vicinity of 813
a substance addiction services provider or a recovering addict, 814
trafficking in cocaine is a felony of the second degree, and the 815
court shall impose as a mandatory prison term a second degree 816
felony mandatory prison term. 817

(e) Except as otherwise provided in this division, if the 818
amount of the drug involved equals or exceeds twenty grams but 819
is less than twenty-seven grams of cocaine, trafficking in 820
cocaine is a felony of the second degree, and the court shall 821
impose as a mandatory prison term a second degree felony 822
mandatory prison term. If the amount of the drug involved is 823
within that range and if the offense was committed in the 824
vicinity of a school-~~or,~~ in the vicinity of a juvenile, or in 825
the vicinity of a substance addiction services provider or a 826

recovering addict, trafficking in cocaine is a felony of the 827
first degree, and the court shall impose as a mandatory prison 828
term a first degree felony mandatory prison term. 829

(f) If the amount of the drug involved equals or exceeds 830
twenty-seven grams but is less than one hundred grams of cocaine 831
and regardless of whether the offense was committed in the 832
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 833
the vicinity of a substance addiction services provider or a 834
recovering addict, trafficking in cocaine is a felony of the 835
first degree, and the court shall impose as a mandatory prison 836
term a first degree felony mandatory prison term. 837

(g) If the amount of the drug involved equals or exceeds 838
one hundred grams of cocaine and regardless of whether the 839
offense was committed in the vicinity of a school ~~or~~, in the 840
vicinity of a juvenile, or in the vicinity of a substance 841
addiction services provider or a recovering addict, trafficking 842
in cocaine is a felony of the first degree, the offender is a 843
major drug offender, and the court shall impose as a mandatory 844
prison term a maximum first degree felony mandatory prison term. 845

(5) If the drug involved in the violation is L.S.D. or a 846
compound, mixture, preparation, or substance containing L.S.D., 847
whoever violates division (A) of this section is guilty of 848
trafficking in L.S.D. The penalty for the offense shall be 849
determined as follows: 850

(a) Except as otherwise provided in division (C) (5) (b), 851
(c), (d), (e), (f), or (g) of this section, trafficking in 852
L.S.D. is a felony of the fifth degree, and division (B) of 853
section 2929.13 of the Revised Code applies in determining 854
whether to impose a prison term on the offender. 855

(b) Except as otherwise provided in division (C) (5) (c), 856
(d), (e), (f), or (g) of this section, if the offense was 857
committed in the vicinity of a school ~~or~~, in the vicinity of a 858
juvenile, or in the vicinity of a substance addiction services 859
provider or a recovering addict, trafficking in L.S.D. is a 860
felony of the fourth degree, and division (C) of section 2929.13 861
of the Revised Code applies in determining whether to impose a 862
prison term on the offender. 863

(c) Except as otherwise provided in this division, if the 864
amount of the drug involved equals or exceeds ten unit doses but 865
is less than fifty unit doses of L.S.D. in a solid form or 866
equals or exceeds one gram but is less than five grams of L.S.D. 867
in a liquid concentrate, liquid extract, or liquid distillate 868
form, trafficking in L.S.D. is a felony of the fourth degree, 869
and division (B) of section 2929.13 of the Revised Code applies 870
in determining whether to impose a prison term for the offense. 871
If the amount of the drug involved is within that range and if 872
the offense was committed in the vicinity of a school ~~or~~, in the 873
vicinity of a juvenile, or in the vicinity of a substance 874
addiction services provider or a recovering addict, trafficking 875
in L.S.D. is a felony of the third degree, and there is a 876
presumption for a prison term for the offense. 877

(d) Except as otherwise provided in this division, if the 878
amount of the drug involved equals or exceeds fifty unit doses 879
but is less than two hundred fifty unit doses of L.S.D. in a 880
solid form or equals or exceeds five grams but is less than 881
twenty-five grams of L.S.D. in a liquid concentrate, liquid 882
extract, or liquid distillate form, trafficking in L.S.D. is a 883
felony of the third degree, and, except as otherwise provided in 884
this division, there is a presumption for a prison term for the 885
offense. If trafficking in L.S.D. is a felony of the third 886

degree under this division and if the offender two or more times 887
previously has been convicted of or pleaded guilty to a felony 888
drug abuse offense, the court shall impose as a mandatory prison 889
term one of the prison terms prescribed for a felony of the 890
third degree. If the amount of the drug involved is within that 891
range and if the offense was committed in the vicinity of a 892
school ~~or,~~ in the vicinity of a juvenile, or in the vicinity of 893
a substance addiction services provider or a recovering addict, 894
trafficking in L.S.D. is a felony of the second degree, and the 895
court shall impose as a mandatory prison term a second degree 896
felony mandatory prison term. 897

(e) Except as otherwise provided in this division, if the 898
amount of the drug involved equals or exceeds two hundred fifty 899
unit doses but is less than one thousand unit doses of L.S.D. in 900
a solid form or equals or exceeds twenty-five grams but is less 901
than one hundred grams of L.S.D. in a liquid concentrate, liquid 902
extract, or liquid distillate form, trafficking in L.S.D. is a 903
felony of the second degree, and the court shall impose as a 904
mandatory prison term a second degree felony mandatory prison 905
term. If the amount of the drug involved is within that range 906
and if the offense was committed in the vicinity of a school ~~or,~~ 907
in the vicinity of a juvenile, or in the vicinity of a substance 908
addiction services provider or a recovering addict, trafficking 909
in L.S.D. is a felony of the first degree, and the court shall 910
impose as a mandatory prison term a first degree felony 911
mandatory prison term. 912

(f) If the amount of the drug involved equals or exceeds 913
one thousand unit doses but is less than five thousand unit 914
doses of L.S.D. in a solid form or equals or exceeds one hundred 915
grams but is less than five hundred grams of L.S.D. in a liquid 916
concentrate, liquid extract, or liquid distillate form and 917

regardless of whether the offense was committed in the vicinity 918
of a school ~~or,~~ in the vicinity of a juvenile, or in the 919
vicinity of a substance addiction services provider or a 920
recovering addict, trafficking in L.S.D. is a felony of the 921
first degree, and the court shall impose as a mandatory prison 922
term a first degree felony mandatory prison term. 923

(g) If the amount of the drug involved equals or exceeds 924
five thousand unit doses of L.S.D. in a solid form or equals or 925
exceeds five hundred grams of L.S.D. in a liquid concentrate, 926
liquid extract, or liquid distillate form and regardless of 927
whether the offense was committed in the vicinity of a school 928
 ~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 929
substance addiction services provider or a recovering addict, 930
trafficking in L.S.D. is a felony of the first degree, the 931
offender is a major drug offender, and the court shall impose as 932
a mandatory prison term a maximum first degree felony mandatory 933
prison term. 934

(6) If the drug involved in the violation is heroin or a 935
compound, mixture, preparation, or substance containing heroin, 936
whoever violates division (A) of this section is guilty of 937
trafficking in heroin. The penalty for the offense shall be 938
determined as follows: 939

(a) Except as otherwise provided in division (C) (6) (b), 940
(c), (d), (e), (f), or (g) of this section, trafficking in 941
heroin is a felony of the fifth degree, and division (B) of 942
section 2929.13 of the Revised Code applies in determining 943
whether to impose a prison term on the offender. 944

(b) Except as otherwise provided in division (C) (6) (c), 945
(d), (e), (f), or (g) of this section, if the offense was 946
committed in the vicinity of a school ~~or,~~ in the vicinity of a 947

juvenile, or in the vicinity of a substance addiction services 948
provider or a recovering addict, trafficking in heroin is a 949
felony of the fourth degree, and division (C) of section 2929.13 950
of the Revised Code applies in determining whether to impose a 951
prison term on the offender. 952

(c) Except as otherwise provided in this division, if the 953
amount of the drug involved equals or exceeds ten unit doses but 954
is less than fifty unit doses or equals or exceeds one gram but 955
is less than five grams, trafficking in heroin is a felony of 956
the fourth degree, and division (B) of section 2929.13 of the 957
Revised Code applies in determining whether to impose a prison 958
term for the offense. If the amount of the drug involved is 959
within that range and if the offense was committed in the 960
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 961
the vicinity of a substance addiction services provider or a 962
recovering addict, trafficking in heroin is a felony of the 963
third degree, and there is a presumption for a prison term for 964
the offense. 965

(d) Except as otherwise provided in this division, if the 966
amount of the drug involved equals or exceeds fifty unit doses 967
but is less than one hundred unit doses or equals or exceeds 968
five grams but is less than ten grams, trafficking in heroin is 969
a felony of the third degree, and there is a presumption for a 970
prison term for the offense. If the amount of the drug involved 971
is within that range and if the offense was committed in the 972
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 973
the vicinity of a substance addiction services provider or a 974
recovering addict, trafficking in heroin is a felony of the 975
second degree, and there is a presumption for a prison term for 976
the offense. 977

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term 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 recovering addict, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether 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 heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether 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 heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

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

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking

in hashish is a felony of the third degree, and division (C) of 1039
section 2929.13 of the Revised Code applies in determining 1040
whether to impose a prison term on the offender. 1041

(d) Except as otherwise provided in this division, if the 1042
amount of the drug involved equals or exceeds fifty grams but is 1043
less than two hundred fifty grams of hashish in a solid form or 1044
equals or exceeds ten grams but is less than fifty grams of 1045
hashish in a liquid concentrate, liquid extract, or liquid 1046
distillate form, trafficking in hashish is a felony of the third 1047
degree, and division (C) of section 2929.13 of the Revised Code 1048
applies in determining whether to impose a prison term on the 1049
offender. If the amount of the drug involved is within that 1050
range and if the offense was committed in the vicinity of a 1051
school ~~or~~, in the vicinity of a juvenile, or in the vicinity of 1052
a substance addiction services provider or a recovering addict, 1053
trafficking in hashish is a felony of the second degree, and 1054
there is a presumption that a prison term shall be imposed for 1055
the offense. 1056

(e) Except as otherwise provided in this division, if the 1057
amount of the drug involved equals or exceeds two hundred fifty 1058
grams but is less than one thousand grams of hashish in a solid 1059
form or equals or exceeds fifty grams but is less than two 1060
hundred grams of hashish in a liquid concentrate, liquid 1061
extract, or liquid distillate form, trafficking in hashish is a 1062
felony of the third degree, and there is a presumption that a 1063
prison term shall be imposed for the offense. If the amount of 1064
the drug involved is within that range and if the offense was 1065
committed in the vicinity of a school ~~or~~, in the vicinity of a 1066
juvenile, or in the vicinity of a substance addiction services 1067
provider or a recovering addict, trafficking in hashish is a 1068
felony of the second degree, and there is a presumption that a 1069

prison term shall be imposed for the offense. 1070

(f) Except as otherwise provided in this division, if the 1071
amount of the drug involved equals or exceeds one thousand grams 1072
but is less than two thousand grams of hashish in a solid form 1073
or equals or exceeds two hundred grams but is less than four 1074
hundred grams of hashish in a liquid concentrate, liquid 1075
extract, or liquid distillate form, trafficking in hashish is a 1076
felony of the second degree, and the court shall impose as a 1077
mandatory prison term a second degree felony mandatory prison 1078
term of five, six, seven, or eight years. If the amount of the 1079
drug involved is within that range and if the offense was 1080
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1081
juvenile, or in the vicinity of a substance addiction services 1082
provider or a recovering addict, trafficking in hashish is a 1083
felony of the first degree, and the court shall impose as a 1084
mandatory prison term a maximum first degree felony mandatory 1085
prison term. 1086

(g) Except as otherwise provided in this division, if the 1087
amount of the drug involved equals or exceeds two thousand grams 1088
of hashish in a solid form or equals or exceeds four hundred 1089
grams of hashish in a liquid concentrate, liquid extract, or 1090
liquid distillate form, trafficking in hashish is a felony of 1091
the second degree, and the court shall impose as a mandatory 1092
prison term a maximum second degree felony mandatory prison 1093
term. If the amount of the drug involved equals or exceeds two 1094
thousand grams of hashish in a solid form or equals or exceeds 1095
four hundred grams of hashish in a liquid concentrate, liquid 1096
extract, or liquid distillate form and if the offense was 1097
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1098
juvenile, or in the vicinity of a substance addiction services 1099
provider or a recovering addict, trafficking in hashish is a 1100

felony of the first degree, and the court shall impose as a 1101
mandatory prison term a maximum first degree felony mandatory 1102
prison term. 1103

(8) If the drug involved in the violation is a controlled 1104
substance analog or compound, mixture, preparation, or substance 1105
that contains a controlled substance analog, whoever violates 1106
division (A) of this section is guilty of trafficking in a 1107
controlled substance analog. The penalty for the offense shall 1108
be determined as follows: 1109

(a) Except as otherwise provided in division (C) (8) (b), 1110
(c), (d), (e), (f), or (g) of this section, trafficking in a 1111
controlled substance analog is a felony of the fifth degree, and 1112
division (C) of section 2929.13 of the Revised Code applies in 1113
determining whether to impose a prison term on the offender. 1114

(b) Except as otherwise provided in division (C) (8) (c), 1115
(d), (e), (f), or (g) of this section, if the offense was 1116
committed in the vicinity of a school ~~or~~, in the vicinity of a 1117
juvenile, or in the vicinity of a substance addiction services 1118
provider or a recovering addict, trafficking in a controlled 1119
substance analog is a felony of the fourth degree, and division 1120
(C) of section 2929.13 of the Revised Code applies in 1121
determining whether to impose a prison term on the offender. 1122

(c) Except as otherwise provided in this division, if the 1123
amount of the drug involved equals or exceeds ten grams but is 1124
less than twenty grams, trafficking in a controlled substance 1125
analog is a felony of the fourth degree, and division (B) of 1126
section 2929.13 of the Revised Code applies in determining 1127
whether to impose a prison term for the offense. If the amount 1128
of the drug involved is within that range and if the offense was 1129
committed in the vicinity of a school ~~or~~, in the vicinity of a 1130

juvenile, or in the vicinity of a substance addiction services 1131
provider or a recovering addict, trafficking in a controlled 1132
substance analog is a felony of the third degree, and there is a 1133
presumption for a prison term for the offense. 1134

(d) Except as otherwise provided in this division, if the 1135
amount of the drug involved equals or exceeds twenty grams but 1136
is less than thirty grams, trafficking in a controlled substance 1137
analog is a felony of the third degree, and there is a 1138
presumption for a prison term for the offense. If the amount of 1139
the drug involved is within that range and if the offense was 1140
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1141
juvenile, or in the vicinity of a substance addiction services 1142
provider or a recovering addict, trafficking in a controlled 1143
substance analog is a felony of the second degree, and there is 1144
a presumption for a prison term for the offense. 1145

(e) Except as otherwise provided in this division, if the 1146
amount of the drug involved equals or exceeds thirty grams but 1147
is less than forty grams, trafficking in a controlled substance 1148
analog is a felony of the second degree, and the court shall 1149
impose as a mandatory prison term a second degree felony 1150
mandatory prison term. If the amount of the drug involved is 1151
within that range and if the offense was committed in the 1152
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1153
the vicinity of a substance addiction services provider or a 1154
recovering addict, trafficking in a controlled substance analog 1155
is a felony of the first degree, and the court shall impose as a 1156
mandatory prison term a first degree felony mandatory prison 1157
term. 1158

(f) If the amount of the drug involved equals or exceeds 1159
forty grams but is less than fifty grams and regardless of 1160

whether the offense was committed in the vicinity of a school 1161
~~or,~~ in the vicinity of a juvenile, or in the vicinity of a 1162
substance addiction services provider or a recovering addict, 1163
trafficking in a controlled substance analog is a felony of the 1164
first degree, and the court shall impose as a mandatory prison 1165
term a first degree felony mandatory prison term. 1166

(g) If the amount of the drug involved equals or exceeds 1167
fifty grams and regardless of whether the offense was committed 1168
in the vicinity of a school~~or,~~ in the vicinity of a juvenile, 1169
or in the vicinity of a substance addiction services provider or 1170
a recovering addict, trafficking in a controlled substance 1171
analog is a felony of the first degree, the offender is a major 1172
drug offender, and the court shall impose as a mandatory prison 1173
term a maximum first degree felony mandatory prison term. 1174

(9) If the drug involved in the violation is a fentanyl- 1175
related compound or a compound, mixture, preparation, or 1176
substance containing a fentanyl-related compound and division 1177
(C)(10)(a) of this section does not apply to the drug involved, 1178
whoever violates division (A) of this section is guilty of 1179
trafficking in a fentanyl-related compound. The penalty for the 1180
offense shall be determined as follows: 1181

(a) Except as otherwise provided in division (C)(9)(b), 1182
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1183
a fentanyl-related compound is a felony of the fifth degree, and 1184
division (B) of section 2929.13 of the Revised Code applies in 1185
determining whether to impose a prison term on the offender. 1186

(b) Except as otherwise provided in division (C)(9)(c), 1187
(d), (e), (f), (g), or (h) of this section, if the offense was 1188
committed in the vicinity of a school~~or,~~ in the vicinity of a 1189
juvenile, or in the vicinity of a substance addiction services 1190

provider or a recovering addict, trafficking in a fentanyl- 1191
related compound is a felony of the fourth degree, and division 1192
(C) of section 2929.13 of the Revised Code applies in 1193
determining whether to impose a prison term on the offender. 1194

(c) Except as otherwise provided in this division, if the 1195
amount of the drug involved equals or exceeds ten unit doses but 1196
is less than fifty unit doses or equals or exceeds one gram but 1197
is less than five grams, trafficking in a fentanyl-related 1198
compound is a felony of the fourth degree, and division (B) of 1199
section 2929.13 of the Revised Code applies in determining 1200
whether to impose a prison term for the offense. If the amount 1201
of the drug involved is within that range and if the offense was 1202
committed in the vicinity of a school ~~or,~~ in the vicinity of a 1203
juvenile, or in the vicinity of a substance addiction services 1204
provider or a recovering addict, trafficking in a fentanyl- 1205
related compound is a felony of the third degree, and there is a 1206
presumption for a prison term for the offense. 1207

(d) Except as otherwise provided in this division, if the 1208
amount of the drug involved equals or exceeds fifty unit doses 1209
but is less than one hundred unit doses or equals or exceeds 1210
five grams but is less than ten grams, trafficking in a 1211
fentanyl-related compound is a felony of the third degree, and 1212
there is a presumption for a prison term for the offense. If the 1213
amount of the drug involved is within that range and if the 1214
offense was committed in the vicinity of a school ~~or,~~ in the 1215
vicinity of a juvenile, or in the vicinity of a substance 1216
addiction services provider or a recovering addict, trafficking 1217
in a fentanyl-related compound is a felony of the second degree, 1218
and there is a presumption for a prison term for the offense. 1219

(e) Except as otherwise provided in this division, if the 1220

amount of the drug involved equals or exceeds one hundred unit 1221
doses but is less than two hundred unit doses or equals or 1222
exceeds ten grams but is less than twenty grams, trafficking in 1223
a fentanyl-related compound is a felony of the second degree, 1224
and the court shall impose as a mandatory prison term one of the 1225
prison terms prescribed for a felony of the second degree. If 1226
the amount of the drug involved is within that range and if the 1227
offense was committed in the vicinity of a school ~~or,~~ in the 1228
vicinity of a juvenile, or in the vicinity of a substance 1229
addiction services provider or a recovering addict, trafficking 1230
in a fentanyl-related compound is a felony of the first degree, 1231
and the court shall impose as a mandatory prison term one of the 1232
prison terms prescribed for a felony of the first degree. 1233

(f) If the amount of the drug involved equals or exceeds 1234
two hundred unit doses but is less than five hundred unit doses 1235
or equals or exceeds twenty grams but is less than fifty grams 1236
and regardless of whether the offense was committed in the 1237
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1238
the vicinity of a substance addiction services provider or a 1239
recovering addict, trafficking in a fentanyl-related compound is 1240
a felony of the first degree, and the court shall impose as a 1241
mandatory prison term one of the prison terms prescribed for a 1242
felony of the first degree. 1243

(g) If the amount of the drug involved equals or exceeds 1244
five hundred unit doses but is less than one thousand unit doses 1245
or equals or exceeds fifty grams but is less than one hundred 1246
grams and regardless of whether the offense was committed in the 1247
vicinity of a school ~~or,~~ in the vicinity of a juvenile, or in 1248
the vicinity of a substance addiction services provider or a 1249
recovering addict, trafficking in a fentanyl-related compound is 1250
a felony of the first degree, and the court shall impose as a 1251

mandatory prison term the maximum prison term prescribed for a 1252
felony of the first degree. 1253

(h) If the amount of the drug involved equals or exceeds 1254
one thousand unit doses or equals or exceeds one hundred grams 1255
and regardless of whether the offense was committed in the 1256
vicinity of a school ~~or~~, in the vicinity of a juvenile, or in 1257
the vicinity of a substance addiction services provider or a 1258
recovering addict, trafficking in a fentanyl-related compound is 1259
a felony of the first degree, the offender is a major drug 1260
offender, and the court shall impose as a mandatory prison term 1261
the maximum prison term prescribed for a felony of the first 1262
degree. 1263

(10) If the drug involved in the violation is a compound, 1264
mixture, preparation, or substance that is a combination of a 1265
fentanyl-related compound and marihuana, one of the following 1266
applies: 1267

(a) Except as otherwise provided in division (C) (10) (b) of 1268
this section, the offender is guilty of trafficking in marihuana 1269
and shall be punished under division (C) (3) of this section. The 1270
offender is not guilty of trafficking in a fentanyl-related 1271
compound and shall not be charged with, convicted of, or 1272
punished under division (C) (9) of this section for trafficking 1273
in a fentanyl-related compound. 1274

(b) If the offender knows or has reason to know that the 1275
compound, mixture, preparation, or substance that is the drug 1276
involved contains a fentanyl-related compound, the offender is 1277
guilty of trafficking in a fentanyl-related compound and shall 1278
be punished under division (C) (9) of this section. 1279

(D) In addition to any prison term authorized or required 1280

by division (C) of this section and sections 2929.13 and 2929.14 1281
of the Revised Code, and in addition to any other sanction 1282
imposed for the offense under this section or sections 2929.11 1283
to 2929.18 of the Revised Code, the court that sentences an 1284
offender who is convicted of or pleads guilty to a violation of 1285
division (A) of this section may suspend the driver's or 1286
commercial driver's license or permit of the offender in 1287
accordance with division (G) of this section. However, if the 1288
offender pleaded guilty to or was convicted of a violation of 1289
section 4511.19 of the Revised Code or a substantially similar 1290
municipal ordinance or the law of another state or the United 1291
States arising out of the same set of circumstances as the 1292
violation, the court shall suspend the offender's driver's or 1293
commercial driver's license or permit in accordance with 1294
division (G) of this section. If applicable, the court also 1295
shall do the following: 1296

(1) If the violation of division (A) of this section is a 1297
felony of the first, second, or third degree, the court shall 1298
impose upon the offender the mandatory fine specified for the 1299
offense under division (B)(1) of section 2929.18 of the Revised 1300
Code unless, as specified in that division, the court determines 1301
that the offender is indigent. Except as otherwise provided in 1302
division (H)(1) of this section, a mandatory fine or any other 1303
fine imposed for a violation of this section is subject to 1304
division (F) of this section. If a person is charged with a 1305
violation of this section that is a felony of the first, second, 1306
or third degree, posts bail, and forfeits the bail, the clerk of 1307
the court shall pay the forfeited bail pursuant to divisions (D) 1308
(1) and (F) of this section, as if the forfeited bail was a fine 1309
imposed for a violation of this section. If any amount of the 1310
forfeited bail remains after that payment and if a fine is 1311

imposed under division (H) (1) of this section, the clerk of the 1312
court shall pay the remaining amount of the forfeited bail 1313
pursuant to divisions (H) (2) and (3) of this section, as if that 1314
remaining amount was a fine imposed under division (H) (1) of 1315
this section. 1316

(2) If the offender is a professionally licensed person, 1317
the court immediately shall comply with section 2925.38 of the 1318
Revised Code. 1319

(E) When a person is charged with the sale of or offer to 1320
sell a bulk amount or a multiple of a bulk amount of a 1321
controlled substance, the jury, or the court trying the accused, 1322
shall determine the amount of the controlled substance involved 1323
at the time of the offense and, if a guilty verdict is returned, 1324
shall return the findings as part of the verdict. In any such 1325
case, it is unnecessary to find and return the exact amount of 1326
the controlled substance involved, and it is sufficient if the 1327
finding and return is to the effect that the amount of the 1328
controlled substance involved is the requisite amount, or that 1329
the amount of the controlled substance involved is less than the 1330
requisite amount. 1331

(F) (1) Notwithstanding any contrary provision of section 1332
3719.21 of the Revised Code and except as provided in division 1333
(H) of this section, the clerk of the court shall pay any 1334
mandatory fine imposed pursuant to division (D) (1) of this 1335
section and any fine other than a mandatory fine that is imposed 1336
for a violation of this section pursuant to division (A) or (B) 1337
(5) of section 2929.18 of the Revised Code to the county, 1338
township, municipal corporation, park district, as created 1339
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1340
state law enforcement agencies in this state that primarily were 1341

responsible for or involved in making the arrest of, and in 1342
prosecuting, the offender. However, the clerk shall not pay a 1343
mandatory fine so imposed to a law enforcement agency unless the 1344
agency has adopted a written internal control policy under 1345
division (F) (2) of this section that addresses the use of the 1346
fine moneys that it receives. Each agency shall use the 1347
mandatory fines so paid to subsidize the agency's law 1348
enforcement efforts that pertain to drug offenses, in accordance 1349
with the written internal control policy adopted by the 1350
recipient agency under division (F) (2) of this section. 1351

(2) Prior to receiving any fine moneys under division (F) 1352
(1) of this section or division (B) of section 2925.42 of the 1353
Revised Code, a law enforcement agency shall adopt a written 1354
internal control policy that addresses the agency's use and 1355
disposition of all fine moneys so received and that provides for 1356
the keeping of detailed financial records of the receipts of 1357
those fine moneys, the general types of expenditures made out of 1358
those fine moneys, and the specific amount of each general type 1359
of expenditure. The policy shall not provide for or permit the 1360
identification of any specific expenditure that is made in an 1361
ongoing investigation. All financial records of the receipts of 1362
those fine moneys, the general types of expenditures made out of 1363
those fine moneys, and the specific amount of each general type 1364
of expenditure by an agency are public records open for 1365
inspection under section 149.43 of the Revised Code. 1366
Additionally, a written internal control policy adopted under 1367
this division is such a public record, and the agency that 1368
adopted it shall comply with it. 1369

(3) As used in division (F) of this section: 1370

(a) "Law enforcement agencies" includes, but is not 1371

limited to, the state board of pharmacy and the office of a 1372
prosecutor. 1373

(b) "Prosecutor" has the same meaning as in section 1374
2935.01 of the Revised Code. 1375

(G) (1) If the sentencing court suspends the offender's 1376
driver's or commercial driver's license or permit under division 1377
(D) of this section or any other provision of this chapter, the 1378
court shall suspend the license, by order, for not more than 1379
five years. If an offender's driver's or commercial driver's 1380
license or permit is suspended pursuant to this division, the 1381
offender, at any time after the expiration of two years from the 1382
day on which the offender's sentence was imposed or from the day 1383
on which the offender finally was released from a prison term 1384
under the sentence, whichever is later, may file a motion with 1385
the sentencing court requesting termination of the suspension; 1386
upon the filing of such a motion and the court's finding of good 1387
cause for the termination, the court may terminate the 1388
suspension. 1389

(2) Any offender who received a mandatory suspension of 1390
the offender's driver's or commercial driver's license or permit 1391
under this section prior to September 13, 2016, may file a 1392
motion with the sentencing court requesting the termination of 1393
the suspension. However, an offender who pleaded guilty to or 1394
was convicted of a violation of section 4511.19 of the Revised 1395
Code or a substantially similar municipal ordinance or law of 1396
another state or the United States that arose out of the same 1397
set of circumstances as the violation for which the offender's 1398
license or permit was suspended under this section shall not 1399
file such a motion. 1400

Upon the filing of a motion under division (G) (2) of this 1401

section, the sentencing court, in its discretion, may terminate 1402
the suspension. 1403

(H) (1) In addition to any prison term authorized or 1404
required by division (C) of this section and sections 2929.13 1405
and 2929.14 of the Revised Code, in addition to any other 1406
penalty or sanction imposed for the offense under this section 1407
or sections 2929.11 to 2929.18 of the Revised Code, and in 1408
addition to the forfeiture of property in connection with the 1409
offense as prescribed in Chapter 2981. of the Revised Code, the 1410
court that sentences an offender who is convicted of or pleads 1411
guilty to a violation of division (A) of this section may impose 1412
upon the offender an additional fine specified for the offense 1413
in division (B) (4) of section 2929.18 of the Revised Code. A 1414
fine imposed under division (H) (1) of this section is not 1415
subject to division (F) of this section and shall be used solely 1416
for the support of one or more eligible community addiction 1417
services providers in accordance with divisions (H) (2) and (3) 1418
of this section. 1419

(2) The court that imposes a fine under division (H) (1) of 1420
this section shall specify in the judgment that imposes the fine 1421
one or more eligible community addiction services providers for 1422
the support of which the fine money is to be used. No community 1423
addiction services provider shall receive or use money paid or 1424
collected in satisfaction of a fine imposed under division (H) 1425
(1) of this section unless the services provider is specified in 1426
the judgment that imposes the fine. No community addiction 1427
services provider shall be specified in the judgment unless the 1428
services provider is an eligible community addiction services 1429
provider and, except as otherwise provided in division (H) (2) of 1430
this section, unless the services provider is located in the 1431
county in which the court that imposes the fine is located or in 1432

a county that is immediately contiguous to the county in which 1433
that court is located. If no eligible community addiction 1434
services provider is located in any of those counties, the 1435
judgment may specify an eligible community addiction services 1436
provider that is located anywhere within this state. 1437

(3) Notwithstanding any contrary provision of section 1438
3719.21 of the Revised Code, the clerk of the court shall pay 1439
any fine imposed under division (H) (1) of this section to the 1440
eligible community addiction services provider specified 1441
pursuant to division (H) (2) of this section in the judgment. The 1442
eligible community addiction services provider that receives the 1443
fine moneys shall use the moneys only for the alcohol and drug 1444
addiction services identified in the application for 1445
certification of services under section 5119.36 of the Revised 1446
Code or in the application for a license under section 5119.37 1447
of the Revised Code filed with the department of mental health 1448
and addiction services by the community addiction services 1449
provider specified in the judgment. 1450

(4) Each community addiction services provider that 1451
receives in a calendar year any fine moneys under division (H) 1452
(3) of this section shall file an annual report covering that 1453
calendar year with the court of common pleas and the board of 1454
county commissioners of the county in which the services 1455
provider is located, with the court of common pleas and the 1456
board of county commissioners of each county from which the 1457
services provider received the moneys if that county is 1458
different from the county in which the services provider is 1459
located, and with the attorney general. The community addiction 1460
services provider shall file the report no later than the first 1461
day of March in the calendar year following the calendar year in 1462
which the services provider received the fine moneys. The report 1463

shall include statistics on the number of persons served by the 1464
community addiction services provider, identify the types of 1465
alcohol and drug addiction services provided to those persons, 1466
and include a specific accounting of the purposes for which the 1467
fine moneys received were used. No information contained in the 1468
report shall identify, or enable a person to determine the 1469
identity of, any person served by the community addiction 1470
services provider. Each report received by a court of common 1471
pleas, a board of county commissioners, or the attorney general 1472
is a public record open for inspection under section 149.43 of 1473
the Revised Code. 1474

(5) As used in divisions (H) (1) to (5) of this section: 1475

(a) "Community addiction services provider" and "alcohol 1476
and drug addiction services" have the same meanings as in 1477
section 5119.01 of the Revised Code. 1478

(b) "Eligible community addiction services provider" means 1479
a community addiction services provider, including a community 1480
addiction services provider that operates an opioid treatment 1481
program licensed under section 5119.37 of the Revised Code. 1482

(I) As used in this section, "drug" includes any substance 1483
that is represented to be a drug. 1484

(J) It is an affirmative defense to a charge of 1485
trafficking in a controlled substance analog under division (C) 1486
(8) of this section that the person charged with violating that 1487
offense sold or offered to sell, or prepared for shipment, 1488
shipped, transported, delivered, prepared for distribution, or 1489
distributed one of the following items that are excluded from 1490
the meaning of "controlled substance analog" under section 1491
3719.01 of the Revised Code: 1492

(1) A controlled substance;	1493
(2) Any substance for which there is an approved new drug application;	1494 1495
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	1496 1497 1498 1499
<u>Sec. 2925.15.</u> (A) As used in this section:	1500
<u>(1) "Synthetic urine" means any substance that is designed to simulate the composition, chemical properties, physical appearance, or physical properties of human urine.</u>	1501 1502 1503
<u>(2) "Urine additive" means any substance that is designed to be added to human urine to mask the presence of alcohol or drugs in the urine.</u>	1504 1505 1506
<u>(3) "Bulk manufacturer of synthetic urine" means a business that manufactures or causes the manufacture of at least fifteen thousand gallons of synthetic urine on an annual basis.</u>	1507 1508 1509
<u>(B) (1) No person shall knowingly manufacture, market, sell, distribute, or possess synthetic urine knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the synthetic urine to defraud an alcohol, drug, or urine screening test.</u>	1510 1511 1512 1513 1514
<u>(2) No person shall knowingly manufacture, market, sell, distribute, or possess a urine additive knowing or having reasonable cause to believe that it is more likely than not that any other person will attempt to use the urine additive to defraud an alcohol, drug, or urine screening test.</u>	1515 1516 1517 1518 1519
<u>(3) No person shall knowingly use synthetic urine or a</u>	1520

urine additive to defraud an alcohol, drug, or urine screening 1521
test. 1522

(4) No person shall knowingly use the person's urine to 1523
defraud an alcohol, drug, or urine screening test if the 1524
person's urine was expelled or withdrawn before collection of 1525
the urine specimen for the test. 1526

(5) No person shall knowingly use the urine of another 1527
person to defraud an alcohol, drug, or urine screening test. 1528

(6) No person shall knowingly do either of the following: 1529

(a) Sell or distribute the person's urine knowing or 1530
having reasonable cause to believe that it is more likely than 1531
not that any other person will attempt to use the urine to 1532
defraud an alcohol, drug, or urine screening test. 1533

(b) Sell or distribute the urine of another person knowing 1534
or having reasonable cause to believe that it is more likely 1535
than not that any other person will attempt to use the urine to 1536
defraud an alcohol, drug, or urine screening test. 1537

(C) This section does not apply if the manufacture, 1538
marketing, sale, distribution, use, or possession of the urine 1539
or urine additive is solely for a bona fide medical, scientific, 1540
educational, or law enforcement purpose. 1541

(D)(1) Whoever violates division (B) of this section is 1542
guilty of defrauding an alcohol, drug, or urine screening test. 1543

(2) Except as provided in division (D)(3) of this section, 1544
a violation of division (B) of this section is a misdemeanor of 1545
the second degree on a first offense and a misdemeanor of the 1546
first degree on each subsequent offense. 1547

(3) A violation of division (B)(3), (4), or (5) of this 1548

section is a felony of the third degree if the offense was 1549
committed by defrauding an alcohol, drug, or urine screening 1550
test administered as a condition of community control. 1551

(E) Except as prohibited by law, no person who collects 1552
urine specimens for alcohol, drug, or urine screening tests who 1553
knows that a person has used synthetic urine, a urine additive, 1554
or another person's urine to defraud an alcohol, drug, or urine 1555
screening test in violation of division (B) (3) or (5) of this 1556
section shall fail to report that knowledge to law enforcement 1557
authorities. 1558

(F) For purposes of this section it is rebuttably presumed 1559
that a bulk manufacturer of synthetic urine who manufactures, 1560
markets, sells, or distributes synthetic urine does not know or 1561
have reasonable cause to believe that any other person might use 1562
the synthetic urine for an illegal purpose or to defraud an 1563
alcohol, drug, or urine screening test in violation of division 1564
(B) (1) of this section. 1565

(G) Notwithstanding section 1.51 of the Revised Code, the 1566
prosecution of a person for a violation of division (B) of this 1567
section does not preclude prosecution of that person under 1568
section 2921.12 or 2921.31 of the Revised Code. An act that can 1569
be prosecuted under this section or section 2921.12 or 2921.31 1570
of the Revised Code may be prosecuted under this section, 1571
section 2921.12 or 2921.31 of the Revised Code, or this section 1572
and section 2921.12 or 2921.31 of the Revised Code. However, if 1573
the charges are based on the same conduct and involve the same 1574
victim, the indictment or information may contain counts for all 1575
such offenses, but the person may be convicted of only one. 1576

Section 2. That existing sections 2925.01 and 2925.03 of 1577
the Revised Code are hereby repealed. 1578

Section 3. This act shall be known as the Relapse	1579
Reduction Act.	1580
Section 4. The General Assembly, applying the principle	1581
stated in division (B) of section 1.52 of the Revised Code that	1582
amendments are to be harmonized if reasonably capable of	1583
simultaneous operation, finds that the following sections,	1584
presented in this act as composites of the sections as amended	1585
by the acts indicated, are the resulting versions of the	1586
sections in effect prior to the effective date of the sections	1587
as presented in this act:	1588
Section 2925.01 of the Revised Code as amended by both	1589
H.B. 341 and H.B. 442 of the 133rd General Assembly.	1590
Section 2925.03 of the Revised Code as amended by H.B.	1591
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General	1592
Assembly.	1593