

**As Reported by the Senate Judiciary Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

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

**Senator Gavarone**

**Cosponsors: Senators Manning, Fedor**

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**A BILL**

To amend sections 2925.01 and 2925.03 and to enact 1  
section 2925.15 of the Revised Code to enhance 2  
penalties for certain drug trafficking offenses 3  
committed in the vicinity of a substance 4  
addiction services provider 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 same meanings as in section 3719.011 of the Revised Code.	20 21
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	22 23 24 25
(D) "Bulk amount" of a controlled substance means any of the following:	26 27
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable:	28 29 30 31 32 33
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	34 35 36 37
(b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;	38 39 40
(c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a schedule I stimulant or depressant;	41 42 43 44 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 times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;	78 79 80 81 82
(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;	83 84 85 86
(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;	87 88 89 90
(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.	91 92 93 94 95 96 97 98 99 100 101 102
(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it	103 104 105

is the amount or unit by which the controlled substance is 106  
separately administered to or taken by an individual. 107

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

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

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

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

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

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

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

(I) "Harmful intoxicant" does not include beer or 133

intoxicating liquor but means any of the following:	134
(1) Any compound, mixture, preparation, or substance the	135
gas, fumes, or vapor of which when inhaled can induce	136
intoxication, excitement, giddiness, irrational behavior,	137
depression, stupefaction, paralysis, unconsciousness,	138
asphyxiation, or other harmful physiological effects, and	139
includes, but is not limited to, any of the following:	140
(a) Any volatile organic solvent, plastic cement, model	141
cement, fingernail polish remover, lacquer thinner, cleaning	142
fluid, gasoline, or other preparation containing a volatile	143
organic solvent;	144
(b) Any aerosol propellant;	145
(c) Any fluorocarbon refrigerant;	146
(d) Any anesthetic gas.	147
(2) Gamma Butyrolactone;	148
(3) 1,4 Butanediol.	149
(J) "Manufacture" means to plant, cultivate, harvest,	150
process, make, prepare, or otherwise engage in any part of the	151
production of a drug, by propagation, extraction, chemical	152
synthesis, or compounding, or any combination of the same, and	153
includes packaging, repackaging, labeling, and other activities	154
incident to production.	155
(K) "Possess" or "possession" means having control over a	156
thing or substance, but may not be inferred solely from mere	157
access to the thing or substance through ownership or occupation	158
of the premises upon which the thing or substance is found.	159
(L) "Sample drug" means a drug or pharmaceutical	160

preparation that would be hazardous to health or safety if used 161  
without the supervision of a licensed health professional 162  
authorized to prescribe drugs, or a drug of abuse, and that, at 163  
one time, had been placed in a container plainly marked as a 164  
sample by a manufacturer. 165

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

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

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

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

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

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

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

(P) An offense is "committed in the vicinity of a school" 188

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

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

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

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

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



(S) "School building" means any building in which any of 219  
the instruction, extracurricular activities, or training 220  
provided by a school is conducted, whether or not any 221  
instruction, extracurricular activities, or training provided by 222  
the school is being conducted in the school building at the time 223  
a criminal offense is committed. 224

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

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

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

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

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

(2) A person who holds a certificate of qualification to 247

practice architecture issued or renewed and registered under	248
Chapter 4703. of the Revised Code;	249
(3) A person who is registered as a landscape architect	250
under Chapter 4703. of the Revised Code or who holds a permit as	251
a landscape architect issued under that chapter;	252
(4) A person licensed under Chapter 4707. of the Revised	253
Code;	254
(5) A person who has been issued a certificate of	255
registration as a registered barber under Chapter 4709. of the	256
Revised Code;	257
(6) A person licensed and regulated to engage in the	258
business of a debt pooling company by a legislative authority,	259
under authority of Chapter 4710. of the Revised Code;	260
(7) A person who has been issued a cosmetologist's	261
license, hair designer's license, manicurist's license,	262
esthetician's license, natural hair stylist's license, advanced	263
cosmetologist's license, advanced hair designer's license,	264
advanced manicurist's license, advanced esthetician's license,	265
advanced natural hair stylist's license, cosmetology	266
instructor's license, hair design instructor's license,	267
manicurist instructor's license, esthetics instructor's license,	268
natural hair style instructor's license, independent	269
contractor's license, or tanning facility permit under Chapter	270
4713. of the Revised Code;	271
(8) A person who has been issued a license to practice	272
dentistry, a general anesthesia permit, a conscious sedation	273
permit, a limited resident's license, a limited teaching	274
license, a dental hygienist's license, or a dental hygienist's	275
teacher's certificate under Chapter 4715. of the Revised Code;	276

(9) A person who has been issued an embalmer's license, a 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	304

medicine and surgery, osteopathic medicine and surgery, or	305
podiatric medicine and surgery under Chapter 4731. of the	306
Revised Code or has been issued a certificate to practice a	307
limited branch of medicine under that chapter;	308
(18) A person licensed as a psychologist or school	309
psychologist under Chapter 4732. of the Revised Code;	310
(19) A person registered to practice the profession of	311
engineering or surveying under Chapter 4733. of the Revised	312
Code;	313
(20) A person who has been issued a license to practice	314
chiropractic under Chapter 4734. of the Revised Code;	315
(21) A person licensed to act as a real estate broker or	316
real estate salesperson under Chapter 4735. of the Revised Code;	317
(22) A person registered as a registered environmental	318
health specialist under Chapter 4736. of the Revised Code;	319
(23) A person licensed to operate or maintain a junkyard	320
under Chapter 4737. of the Revised Code;	321
(24) A person who has been issued a motor vehicle salvage	322
dealer's license under Chapter 4738. of the Revised Code;	323
(25) A person who has been licensed to act as a steam	324
engineer under Chapter 4739. of the Revised Code;	325
(26) A person who has been issued a license or temporary	326
permit to practice veterinary medicine or any of its branches,	327
or who is registered as a graduate animal technician under	328
Chapter 4741. of the Revised Code;	329
(27) A person who has been issued a hearing aid dealer's	330
or fitter's license or trainee permit under Chapter 4747. of the	331

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

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

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

(1) A cocaine salt, isomer, or derivative, a salt of a 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 prosecutor. 1372  
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
<b><u>Sec. 2925.15.</u></b> (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

<b>Section 3.</b> This act shall be known as the Relapse	1579
Reduction Act.	1580
<b>Section 4.</b> 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